CITY OF DAHLONEGA
Council Work Session Agenda
December 16, 2024, 4:00 PM

Gary McCullough Council Chambers, Dahlonega City Hall

In compliance with the Americans with Disabilities Act, those requiring accommodation for Council meetings should notify the City Clerk's Office at least 24 hours prior to the meeting at 706-864-6133.

Vision – Dahlonega will be the most welcoming, thriving, and inspiring community in North Georgia

Mission Statement - Dahlonega, a City of Excellence, will provide quality services through ethical leadership and fiscal stability, in full partnership with the people who choose to live, work, and visit. Through this commitment, we respect and uphold our rural Appalachian setting to honor our thriving community of historical significance, academic excellence, and military renown.

OPEN MEETING

APPROVAL OF AGENDA

BOARD & COMMITTEES

1. Cemetery Committee - November 2024
   Mark Buchanan, City Engineer
2. Downtown Development Authority/Main Street Program - November 2024
   Ariel Alexander, Downtown Development Director

DEPARTMENT REPORTS AVAILABLE AT: https://dahlonega.gov/category/department-reports/

3. Community Development - November 2024
   Allison Martin, City Manager
4. City of Dahlonega Police Department - November 2024.
   George Albert, Chief of Police.
5. Public Works—November 2024
   Mark Buchanan, PW Director/City Engineer
6. Water & Wastewater Treatment Department Report November 2024
   John Jarrard, Water/Wastewater Treatment Director
7. Finance and Administration Department – November 2024
   Kimberly Stafford, Finance Manager

APPOINTMENT, PROCLAMATION & RECOGNITION : (Vote at Council Meeting)

8. Appointment of Erick Jones to DDA
   JoAnne Taylor, Mayor
   Strategic Priority - Communication
9. Reappointment of Jan Tolbert to Public Housing Authority
   JoAnne Taylor, Mayor
   Strategic Priority - Communication
10. Appointment of Leigh Ann Gaddis to Public Housing Authority

JoAnne Taylor, Mayor
Strategic Priority - Communication

PRESENTATION

ORDINANCES & RESOLUTIONS

11. Resolution 2024-06 A Resolution to add membership in the PTSD fund of GIRMA
Allison Martin, City Manager

AGREEMENTS & CONTRACTS:

12. Morrison Moore Pedestrian Bridge & Sidewalk (PI 0016629) Vendor Selection
Mark Buchanan, City Engineer
Strategic Priority - Infrastructure

13. GIRMA First Responder PTDS Application and Participation Agreement
Allison Martin, City Manager

OTHER ITEMS:

14. HB581 Post Election Discussion
Allison Martin, City Manager
Strategic Priority - Communication

COMMENTS – PLEASE LIMIT TO THREE MINUTES

Clerk Comments
City Manager Comments
City Attorney Comments
City Council Comments
Mayor Comments

ADJOURNMENT

Guideline Principles - The City of Dahlonega will be an open, honest, and responsive city that balances preservation and growth and delivers quality services fairly and equitably by being good stewards of its resources. To ensure the vibrancy of our community, Dahlonega commits to Transparency and Honesty, Dedication and Responsibility, Preservation and Sustainability, Safety and Welfare …for ALL!

Department Report

Report Title: Cemetery Committee—November 2024

Report Highlight: Ghost Tour Permit Renewal

Name and Title: Quataunda Armstrong, Dahlonega Cemetery Committee

Recently Completed:

- The Committee discussed and unanimously agreed that its official position regarding the Dahlonega Ghost Tours is as follows: *The Dahlonega Cemetery Committee does not support the continued permitting of any after-hours tours within Mount Hope or Memorial Park Cemeteries. These activities provide little to no benefit to our cemeteries, the loved ones of those interred, the citizens of Dahlonega or the City in general. The Committee does support a denial of an extension of the existing permit that is soon to expire.*
- Conversations with multiple Greek organizations at UNG regarding upcoming volunteer opportunities.

Underway:

- Discussion of proposed Mount Hope shed to house equipment for volunteers. The City has made a commitment to provide the shed at a suitable location using in-house manpower.
- There are still discussions regarding a decorative barrier around Mt. Hope. City staff is looking into recent budget requests for potential funding for a first phase of an iron & brick (or stone) fence.

Near term:

Department Report

Report Title: Dahlonega Downtown Development Authority/Main Street – November 2024

Report Highlight: Work Plan Items

Name and Title: Ariel Alexander, Downtown Development Director

Organization:

- The DDA/Main Street board is seeking to fill one vacancy for the 2025 calendar year. Recommendations from the Council are appreciated.
- Managed all postings for City of Dahlonega website and social media for the month.
- Wayfinding sign renewal notices are being mailed.
- Planning for annual work session planning meeting in January. Invitations for the Council will be sent soon.
- Attended the first meeting of the economic development partnership group. Topics of interest for the group included business recruitment and housing. We are planning visits to other communities for research.
- Attended Tourism and DALC board meetings.
- Supported the Netflix series film crew as they filmed downtown.

Promotion:

- Supported Christmas committee in executing the Lighting of the Square.
- Executed a Shop Small Saturday campaign on social media for November 30.
- Continuing joint advertising efforts between the Chamber, UNG, and Tourism staff.
- Began creating an American Flag program to cycle out faded flags downtown and provide replacements. Retired flags will be taken to the American Legion.

Economic Vitality:

- Worked with DALC staff to compile data to share with prospective business and property owners.
- Provided Business Welcome Packets and information on financial incentive programs.
- Fielded questions and met with prospective downtown property owners.

Design:

- Met with downtown property owners to develop plans for renovations.

Department Report

Report Title: Finance and Administration Department – November 2024
Report Highlight: Letters mailed to residents regarding service line inventory findings.
Name and Title: Kimberly Stafford, Finance Manager

Recently Completed:

- We are forwarding any returned letters to property owners and/or hand delivering to properties.
- FY24 audit work is underway. Auditors onsite December 2024.
- Zoning map ads were placed. So far, one citizen has come to view the map and ask questions.
- CPL is on-site weekly and conducts meetings with developers and staff.
- Continued meetings with Lumpkin County Water Authority. Draft contract ready for review by authority.

Underway:

- Inventory module discovery for design and implementation.
- Internal audit of assets – 95% complete
- Administration of American Rescue Plan (ARP) grant
- Establish and set up the Employee Portal on new software; implement and train employees on benefits and use.
- Update employee evaluation forms and document procedures for employee review processes and performance development plans.
- Staff are updating forms for standardization.

Near Term:

- Update financial policies.
- Update the purchasing policy to include a vendor preference provision.
- Develop and implement employee meetings to provide appropriate training and update HR forms;
- Review additional finance files in long-term storage to determine what should be destroyed per the retention schedule.
- Audit of Utility Billing address points against MSAG/E911/USPS data.

City Council Agenda Memo

DATE: 12/6/2024
TITLE: Appointment of Erick Jones to DDA
PRESENTED BY: JoAnne Taylor, Mayor
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Appointment of Erick Jones to DDA

HISTORY/PAST ACTION

The council routinely appointments members to the Downtown Development Authority. Wendi Huguley's term expires at the end of the year, and she does not wish to serve another term. Erick Jones applied and is qualified to serve on this board.

FINANCIAL IMPACT

n/a

RECOMMENDATION

The recommendation of DDA staff is to appoint Mr. Jones to the DDA.

SUGGESTED MOTIONS

n/a

ATTACHMENTS

Application and Resume

CITY OF DAHLONEGA

OATH OF OFFICE

I, Erick Jones, solemnly swear that I will support the Constitution of the United States and the State of Georgia, that I will in all respects observe the provisions of the Charter and Ordinances of the City of Dahlonega, and that I will faithfully discharge the duties of the Downtown Development Authority so help me God.

This, the 16th day of December 2024.

Erick Jones
Downtown Development Authority

Attest:

JoAnne Taylor
Mayor, City of Dahlonega

City Council Agenda Memo

DATE: 12/6/2024

TITLE: Reappointment of Jan Tolbert to Public Housing Authority

PRESENTED BY: JoAnne Taylor, Mayor

PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Reappointment of Jan Tolbert to Public Housing Authority

HISTORY/PAST ACTION

The council appointments members to the Public Housing Authority in accordance with HUD guidelines. The Authority must have a resident sit on the board. Jan Tolbert is recommended by the Authority to continue to fill this role for another year.

FINANCIAL IMPACT

n/a

RECOMMENDATION

It is the recommendation of the authority and staff that Jan Tolbert be reappointed to the Public Housing Authority.

SUGGESTED MOTIONS

n/a

ATTACHMENTS

n/a

CITY OF DAHLONEGA

OATH OF OFFICE

I, Jan Tolbert, solemnly swear that I will support the Constitution of the United States and the State of Georgia, that I will in all respects observe the provisions of the Charter and Ordinances of the City of Dahlonega, and that I will faithfully discharge the duties of the Dahlonega Housing Authority BOC so help me God.

This is the 6th day of January of 2025.

____

Jan Tolbert
Dahlonega Housing Authority

Attest:

____

JoAnne Taylor
Mayor, City of Dahlonega

CERTIFICATE OF APPOINTMENT

issued by the City of Dahlonega to

Jan Tolbert

formally documenting appointment to the

Dahlonega Housing Authority BOC

Appointed January 6, 2025

JoAnne Taylor, Mayor

Sarah Waters, Assistant City Clerk

City Council Agenda Memo

DATE: 12/6/2024
TITLE: Appointment of Leigh Ann Gaddis to Public Housing Authority
PRESENTED BY: JoAnne Taylor, Mayor
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Appointment of Leigh Ann Gaddis to Public Housing Authority

HISTORY/PAST ACTION

The council appointments members to the Public Housing Authority in accordance with HUD guidelines. This past year, a member of the authority moved outside the city limits and the position needs to be filled for them to have a quorum. There is one more position to fill and one reappointment in January 2025 to have all seats filled. Leigh Ann Gaddis a local business owner and resident of the city, has been submitted by the authority to fill the seat vacated by Mona Clark.

FINANCIAL IMPACT

n/a

RECOMMENDATION

It is the recommendation of the authority and staff that Leigh Ann Gaddis be appointed to the Public Housing Authority.

SUGGESTED MOTIONS

n/a

ATTACHMENTS

n/a

CITY OF DAHLONEGA

OATH OF OFFICE

I, Leigh Ann Gaddis, solemnly swear that I will support the Constitution of the United States and the State of Georgia, that I will in all respects observe the provisions of the Charter and Ordinances of the City of Dahlonega, and that I will faithfully discharge the duties of the Dahlonega Housing Authority BOC so help me God.

This, the 16th day of December 2024.

____

Leigh Ann Gaddis
Dahlonega Housing Authority

Attest:

____

JoAnne Taylor
Mayor, City of Dahlonega

CERTIFICATE OF APPOINTMENT

issued by the City of Dahlonega to

Leigh Ann Gaddis

formally documenting appointment to the

Dahlonega Housing Authority BOC

Appointed December 16, 2024

JoAnne Taylor, Mayor

Sarah Waters, Assistant City Clerk

City Council Agenda Memo

DATE: 12/6/2024

TITLE: Resolution 2024-06 A Resolution to add membership in the PTSD fund of GIRMA

PRESENTED BY: JoAnne Taylor, Mayor

PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

Resolution 2024-06 A Resolution to add membership in the PTSD fund of GIRMA

HISTORY/PAST ACTION

The Ashley Wilson Act becomes effective January 1, 2025. This act requires all employers of public safety officers, as defined in the legislation, to cover them with state mandated minimum coverage. There are two required coverages: Lump Sum PTDS Diagnosis Benefit and a PTSD Disability Limit. The cost for mandated coverage for Dahlonega is $740/annually. This agenda item is related to the required application packet presented later in the agenda packet.

FINANCIAL IMPACT

This is an unfunded mandate which was not included in our FY25 budget as no estimates were available. This amount will be absorbed in FY25 and included in future budget submissions.

RECOMMENDATION

As the minimum coverage is mandated, there is no option but to approve.

SUGGESTED MOTIONS

n/a

ATTACHMENTS

GIRMA PTSD Resolution

RESOLUTION 2024-06

A RESOLUTION TO ADD MEMBERSHIP IN A FUND OF GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA)

WHEREAS, the Public Entity of the City of Dahlonega, location in Lumpkin County, Georgia ("Public Entity") is a current member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the governing authority of Public Entity is currently a member of a GIRMA Fund and desires to add membership in an additional GIRMA Fund; and

WHEREAS, the governing authority of Public Entity has reviewed the Fund Election Form attached as Appendix A and the Application and Participation Agreement applicable to the Fund and finds that it is in the best interest of its residents for Public Entity to be a member of the Fund indicated on the Fund Election Form;

NOW THEREFORE BE IT RESOLVED by the governing authority of Public Entity:

1. The Mayor of the City of Dahlonega is authorized to act on behalf of Public Entity to elect membership in the Fund identified in the Election Form attached as Appendix A by executing the Application and Participation Agreement for such GIRMA Fund.
2. The Mayor of the City of Dahlonega is designated as Public Entity's representative to GIRMA for purposes of Fund participation.
3. The City of Dahlonega may change its representative by making a written request to Georgia Municipal Association, Inc., the Program Administrator for GIRMA
4. This resolution shall be effective on the date of adoption.

Adopted this 16th day of December 2024 City of Dahlonega

By: ________________________________, _________________

JoAnne Taylor, Mayor

Attest: ________________________________, _________________

Sarah Waters, Assistant City Clerk

City Council Agenda Memo

DATE: 12/6/2024

TITLE: Morrison Moore Pedestrian Bridge & Sidewalk (PI 0016629) Vendor Selection

PRESENTED BY: Mark Buchanan, City Engineer

PRIORITY Strategic Priority - Infrastructure

AGENDA ITEM DESCRIPTION

Staff seeks approval of the award of contract to the selected vendor for the Morrison Moore Pedestrian Bride & Sidewalk Project (PI0016629). At the time of this document preparation, bids were not available. The lowest responsive bidder and the anticipated cost will be presented at the Work Session or as soon as it becomes available.

In addition, staff seeks approval of the Construction Agreement between the Georgia Department of Transportation and the City of Dahlonega. This document formalizes the agreement authorizing the partial funding of the project by GDOT.

HISTORY/PAST ACTION

This project has been in the grant application/award, design and permitting phase since 2018. Staff has worked closely with GDOT representatives and the design team to create fully approved and permitted plans for the establishment of this bid and subsequent contract.

FINANCIAL IMPACT

This project is funded through the Transportation Alternatives Program and requires a 20% local match of which Lumpkin County will also play a role in supporting. This match has been under consideration for multiple years and is budgeted for use in 2025.

RECOMMENDATION

Staff recommends award of the contract to the selected vendor at the rates indicated in the bid. In addition, staff recommends authorization of an additional amount equal to 10% of the contract amount to be held and used if necessary for quantity overruns and unforeseen items.

Also, staff recommends approval of the full execution of the Construction Agreement.

SUGGESTED MOTIONS

"…motion to approve award of the Morrison Moore Pedestrian Bridge & Sidewalk Project (PI0016629) to XXXXXXX in the amount specified in the bid document provided. In addition, staff is authorized to utilize up to 10% of the amount indicated in the bid for other project related needs."

"…motion to approve execution of the Construction Agreement with Georgia Department of Transportation."

ATTACHMENTS

None at this time, however, bid & contract documents and the draft construction agreement will be provided at the 12/16/2024 Work Session along with the GDOT Construction Agreement.

City Council Agenda Memo

DATE: 12/6/2024

TITLE: GIRMA First Responder PTDS Application and Participation Agreement

PRESENTED BY: JoAnne Taylor, Mayor

PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

GIRMA First Responder PTDS Application and Participation Agreement

HISTORY/PAST ACTION

The Ashley Wilson Act becomes effective January 1, 2025. This act requires all employers of public safety officers, as defined in the legislation, to cover them with state mandated minimum coverage. There are two required coverages: Lump Sum PTDS Diagnosis Benefit and a PTSD Disability Limit. The cost for mandated coverage for Dahlonega is $740/annually. This agenda item is related to the required resolution presented earlier in the agenda packet.

FINANCIAL IMPACT

This is an unfunded mandate which was not included in our FY25 budget as no estimates were available. This amount will be absorbed in FY25 and included in future budget submissions.

RECOMMENDATION

As the minimum coverage is mandated, there is no option but to approve.

SUGGESTED MOTIONS

n/a

ATTACHMENTS

GIRMA First Responder PTDS Application and Participation Agreement

GEORGIA INTERLOCAL RISK MANAGEMENT (GIRMA)
FIRST RESPONDER PTSD APPLICATION AND PARTICIPATION AGREEMENT

Employers eligible to participate in GIRMA (hereinafter a "Participating Employer" or "Employer") shall complete this Application and Participation Agreement in order to purchase First Responder PTSD coverage fully insured by MetLife under the GIRMA Fund C Master Policy for a Lump Sum PTSD Diagnosis Benefit, a PTSD Disability (Income Replacement) Benefit, or a Combined Lump Sum PTSD Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit. Once approved by GIRMA's Program Administrator, the Participating Employer will receive a one-page Summary of Benefits identifying the purchased coverage(s) (the "First Responder PTSD Policy") and a link to the Policy Certificate for the purchased coverage(s), so it may make these available to individuals performing service for them as an employed or volunteer "First Responder" as defined below ("First Responders").

Who Does What?

- GIRMA is the Policyholder of a First Responder PTSD Policy insured by MetLife, which provides a Lump Sum Benefit and a Disability (Income Replacement) Benefit. These coverages together are designed to meet the requirements of the Ashley Wilson Act (the "Act"), effective January 1, 2025.
- Georgia Municipal Association, Inc., ("GMA") is the Program Administrator for GIRMA. GMA uses information from the First Responder census data provided by the Participating Employer to bill for the premiums due under the First Responder PTSD Policy and maintains (either directly or through the broker for the First Responder PTSD Policy) Participating Employers' Application and Participation Agreements.
- Participating Employers are responsible for providing census data to GMA's broker that identifies all First Responders (as defined below) performing first responder services for them, classifying the First Responders by statutory definition and as employed or volunteer, and identifying those First Responders who are First Responders for another Public Entity.
- Participating Employers are responsible for submitting complete and accurate census data and paying premiums to GMA, communicating with First Responders about the coverages the Employer provides, providing the Summary of Benefits and link to the applicable Certificate to First Responders, and providing all requested information and documentation requested by GMA's broker to ensure the census is current.
- Participating Employers are responsible for designating an authorized member of human resources staff to receive inquiries from MetLife related to work requirements or work status for disability claims and provide all information requested by MetLife for that purpose.
- To comply with the confidentiality provisions of the Act, GMA and its broker will not inform Participating Employers whether a First Responder has submitted a claim for benefits or received any such benefits.
- Participating Employers are responsible for ensuring that any information in their possession related to claims, and any other information that would reasonably identify an individual as having been diagnosed with PTSD, is used only in accordance with applicable laws and is kept confidential in the same way as mental health information related to an employer sponsored major medical plan or employee assistance program.
- Participating Employers are prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.
- MetLife evaluates claims and pays approved claims under the First Responder PTSD Policy. All claims for benefits must be submitted to MetLife.
- First Responders do not need to inform the Participating Employer that they are making a claim.
- Neither GIRMA nor GMA have any role in claim determination or payment.

Definition of First Responder. A First Responder for the Participating Employer is an individual who meets one or more of the following definitions as a result of services he or she performs for the Participating Employer as an employee or volunteer:

(A) 'Communications officer' as defined in Code Section 37-12-1;
(B) 'Correctional officer' as defined in Code Section 45-1-8;
(C) 'Emergency medical professional' as defined in Code Section 16-10-24.2;
(D) 'Emergency medical technician' as defined in Code Section 16-10-24.2;
(E) 'Firefighter' as defined in Code Section 25-4-2;
(F) 'Highway emergency response operator' as defined in Code Section 45-1-8;
(G) 'Jail officer' as defined in Code Section 45-1-8;
(H) 'Juvenile correctional officer' as defined in Code Section 45-1-8;
(I) 'Peace officer' as defined in Code Section 35-8-2;
(J) 'Probation officer' as defined in Code Section 45-1-8; and
(K) Law enforcement officer with the Department of Natural Resources.

Employer Obligations:

- Employer shall not require any kind of contribution from First Responders for the coverage(s) provided under the First Responder PTSD Policy.
- Employer is solely responsible for identifying all First Responders (as defined above). Any questions about First Responder status should be resolved by contacting legal counsel. Participating Employers that are members of GIRMA's Property and Liability Fund may call the GIRMA HelpLine at 800-721-1998 for free legal advice about whether an individual meets the statutory definition.
- Employer is solely responsible for keeping an accurate list of all First Responders, and providing correct and complete information to GMA's broker.
- Employer shall submit initial First Responder census data to the GMA broker in the form requested, and must update this census data as requested in order to ensure that all First Responders are properly identified and classified.
- The Employer's cost for coverage under the First Responder PTSD Policy will be based on the most recent census data at the time of billing.
- Employer shall provide the Summary of Benefits and a link to the applicable Certificate to all First Responders at no charge, and shall provide a copy of the applicable Policy to First Responders upon request.
- If the Policy is terminated for any reason, Employer shall provide notification of termination to all First Responders.
- Whenever requested to do so by MetLife or GMA, Employer shall provide MetLife or GMA the information requested.

Benefits Exempt from Income Tax:

- MetLife has determined that benefits it will pay under the policy are not subject to state or federal income taxation. Accordingly, MetLife will not report benefits to the IRS or withhold any amounts from benefit payments.
- MetLife will advise benefit recipients that benefits are not subject to federal or state income tax, so MetLife will not withhold taxes or provide a 1099 or W-2 or report benefit payments to the IRS. MetLife will remind benefit recipients that the benefits may offset other benefits received by the recipient or have other tax consequences and encourage them to consult their tax advisor for guidance.
- MetLife will provide a summary of benefits to the benefits recipient upon request.
- Legal counsel to GIRMA has advised GIRMA of the following:

- The Ashley Wilson Act provides that benefits payable pursuant to the Ashley Wilson Act are not subject to Georgia income tax.
  - Benefits payable under the policy to First Responders (as defined in the statute) are not subject to federal income tax because the Ashley Wilson Act is a statute in the nature of a workers' compensation act under Treas. Reg. Section 1.104-1(b) and the MetLife policy bases benefits solely on diagnosis of work-related injuries or sickness as described in the Act.
  - Participating Employers have no tax obligations arising from payment of benefits to their First Responders.
- A copy of the opinion letter is available upon request.

Information Privacy and Security:

- See the attached PTSD Privacy Notice, which will be posted on the website where policy information is published. This Notice explains the privacy requirements of the Ashley Wilson Act and how individually identifiable information is used and shared.
- As a critical illness and disability policy, the PTSD Program is not subject to the federal information privacy and security law that applies to group health plans (HIPAA). However, GMA, the GMA broker, and MetLife protect individually identifiable information and use and share it only in accordance with the privacy provisions of the Ashley Wilson Act and any other applicable privacy laws.
- Participating Employers will provide census data to GMA's broker using a secure portal established by the broker.

Desired Coverage (See Attached Proposal for Estimated Annual Premiums):

Participating Employer is applying for and agreeing to purchase the <u>First Responder PTSD Combined Lump Sum Diagnosis Benefit and PTSD Disability (Income Replacement) Benefit</u> unless the following option is checked.

___First Responder Lump Sum PTSD Diagnosis Benefit Only* *(Alone, this coverage does NOT meet the requirements of the Ashley Wilson Act. Leave BLANK if you want the full coverage.)*

The coverage elected above automatically renews at each anniversary of the effective date, based on then current premiums established by the Program Administrator. Coverage may be terminated in accordance with the GIRMA Bylaws regarding termination of membership in a GIRMA Fund.

On behalf of the City of Dahlonega in Lumpkin County, Georgia, I submit this Application and Participation Agreement and agree to its terms.

Signature: ______________________________ Date: <u>12/16/2024</u>

Print Name: <u>JoAnne Taylor</u> Title: <u>Mayor</u>

Privacy Notice for Georgia First Responders PTSD Program

This Privacy Notice describes the individually identifiable information about First Responders that Program Administrators of the Georgia First Responders PTSD Program collect and how it is used and shared.

PROGRAM ADMINISTRATORS: Certain employees of Georgia Municipal Association ("GMA") and Association County Commissioners of Georgia ("ACCG") provide administrative services for the PTSD Program. The Southeastern Series of Lockton Companies, Inc. serves as broker for the MetLife insurance policy that is offered through the PTSD Program. GMA, ACCG, and Lockton are all Program Administrators of the PTSD Program.

PRIVACY OBLIGATIONS UNDER ASHLEY WILSON ACT: The Ashley Wilson Act contains privacy requirements for information that "could reasonably be used to identify individuals making claims or who have made claims or who have received benefits." These privacy requirements were included because federal privacy law (HIPAA) does not apply to the Program. Program Administrators and MetLife treat this information as "sensitive mental health information" and only use and share the information to operate the Program, prepare aggregated reports, comply with the law, or as authorized by the First Responder.

Communications between First Responders (or their representatives) and Program Administrators or MetLife are confidential and privileged.

The Act ensures that First Responders can get the lump sum benefit in a confidential manner similar to receiving mental health benefits under a group health plan (subject to HIPAA) or under an employee assistance program, and limits interactions with the employer for disability benefits to those allowed for other mental health disability benefits.

- First Responders submit their claims for benefits directly to MetLife and do not need to inform the Employer.
- MetLife will not inform Program Administrators of claims or benefits without the First Responder's express authorization.
- MetLife and Program Administrators will never tell Employers whether a First Responder has made a claim for or received a lump sum benefit (without express authorization).
- For the disability benefit, MetLife will only communicate with a human resources contact at the Employer about work requirements and work status, which will indicate that the First Responder has submitted a claim for disability benefits.
- Due to the nature of the Program, MetLife does not need to and will not provide any reports of benefits to the IRS or the Employer.
- If an Employer learns of a claim or benefits from the First Responder or otherwise,

the Employer is prohibited by law from taking any employment action solely as a result of a First Responder's diagnosis, claims, or benefits.

- Employers are required to treat any information they may learn about claims or benefits confidentially as they would treat mental health information associated with a group health plan or employee assistance program.
- Employers are required to designate an employee who is authorized to securely submit eligibility information about First Responders to the Program Administrators' eligibility portal. This information identifies which employees and volunteers meet the definition of First Responder and does not contain any information about claims or benefits.

PROTECTED INDIVIDUALLY IDENTIFIABLE INFORMATION MAINTAINED BY PROGRAM ADMINISTRATORS; USE AND SHARING

Eligibility Data: A designated representative of each Employer that offers the Program securely submits the following information to the eligibility portal twice a year: **first and last name, social security number, date of birth, type of First Responder (by statutory definition), and employed or volunteer status.** This information is used to ensure proper billing of premiums and is securely shared with MetLife to enable MetLife to validate identity and determine eligibility for benefits when First Responders submit claims. To comply with the Act's privacy requirements, MetLife will NOT check with the Employer to determine eligibility when a claim is made.

Information Provided by First Responder: If a First Responder contacts a Program Administrator with questions about the Program, the Program Administrator may collect individually identifiable information necessary to answer the questions or direct the First Responder to the right resource and otherwise communicate with the First Responder. This information may include name, phone number, email, employer, employment status, and other information shared by the First Responder. This information is used to answer the questions and may be shared with other Program Administrators or MetLife as appropriate for answering the question and for customer service purposes.

Information About First Responder Claims or Receipt of Benefits: <u>Program Administrators do not have access to information about whether a First Responder has submitted a claim for benefits or has received benefits unless the First Responder shares that information with the Program Administrator(s).</u> MetLife is prohibited from sharing individually identifiable information about claims and benefits with the Program Administrators without an express written authorization from the First Responder. However, Program Administrators may learn about claims or benefits from a First Responder or someone acting on behalf of the First Responder. Program Administrators may share this information with other Program Administrators and MetLife as they deem appropriate for the operation of the Program.

Reports that Do Not Include Direct Identifiers: Program Administrators may request reports from MetLife that show use of benefits for purposes of evaluating the Program. These reports will not contain names or other direct identifiers. However, the reports may contain information (such as type of First Responder and geographic location of employer) that could be used with other information to identify individuals. These reports will be used as the Program Administrators deem appropriate for the operation of the Program and may be shared among the Program Administrators and with MetLife. Reports that could reasonably be used to identify an individual shall not be shared except as required by law.

PROTECTION OF INDIVIDUALLY IDENTIFIABLE INFORMATION

The Program Administrators and MetLife have privacy and information security policies and procedures and safeguards designed to ensure that individually identifiable information is protected from unauthorized access, misuse, and destruction. These controls are designed to meet a variety of applicable laws. For more information about MetLife's privacy practices, refer to the MetLife Privacy Notice posted on GFRPTSDInsurance.com.

A RESOLUTION TO ADD MEMBERSHIP IN A FUND OF GEORGIA INTERLOCAL RISK MANAGEMENT AGENCY (GIRMA)

WHEREAS, the Public Entity of the City of Dahlonega, location in Lumpkin County, Georgia ("Public Entity") is a current member of the Georgia Interlocal Risk Management Agency (hereafter GIRMA), an interlocal risk management agency formed pursuant to Chapter 85 of Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, the governing authority of Public Entity is currently a member of a GIRMA Fund and desires to add membership in an additional GIRMA Fund; and

WHEREAS, the governing authority of Public Entity has reviewed the Fund Election Form attached as Appendix A and the Application and Participation Agreement applicable to the Fund and finds that it is in the best interest of its residents for Public Entity to be a member of the Fund indicated on the Fund Election Form;

NOW THEREFORE BE IT RESOLVED by the governing authority of Public Entity:

1. The Mayor of the City of Dahlonega is authorized to act on behalf of Public Entity to elect membership in the Fund identified in the Election Form attached as Appendix A by executing the Application and Participation Agreement for such GIRMA Fund.
2. The Mayor of the City of Dahlonega is designated as Public Entity's representative to GIRMA for purposes of Fund participation.
3. The City of Dahlonega may change its representative by making a written request to Georgia Municipal Association, Inc., the Program Administrator for GIRMA
4. This resolution shall be effective on the date of adoption.

Adopted this 16th day of December 2024 City of Dahlonega

By: ______________________________, ________________

JoAnne Taylor, Mayor

Attest: ______________________________, ________________

Sarah Waters, Assistant City Clerk

APPENDIX A

Georgia Interlocal Risk Management Agency ("GIRMA") Fund C Election Form for Existing GIRMA Members

As stated in Section 6.1 of the Intergovernmental Contract, a GIRMA member must participate in at least one Fund established by the GIRMA Board of Trustees. The Intergovernmental Contract and GIRMA Bylaws apply to all GIRMA members, regardless of the Fund or Funds in which they participate. Terms and conditions specific to a Fund are set forth in the Coverage Description for the Fund.

This election form is for use by current GIRMA Members who wish to join GIRMA Fund C and thereby offer PTSD Benefits to eligible First Responders.

Fund C Application Information: GIRMA established Fund C on September 4, 2024. Fund C will provide fully- insured lump sum benefits and disability benefits for first responders entitled to such benefits under the Ashley Wilson Act. A coverage description for Fund C has been filed with the Georgia Department of Insurance and will be made available to Fund C members after approval of membership in Fund C by Georgia Municipal Association, Inc., the Program Administrator for GIRMA, and the insurance carrier.

To join Fund C, the governing body of the GIRMA Member must adopt a Resolution to Add Membership in a GIRMA Fund and the individual authorized to serve as the Public Entity's primary contact for Fund participation must complete and sign the First Responder PTSD Application and Participation Agreement. Membership in Fund C is effective when the Application is approved by the Program Administrator and the carrier.

GMA - GIRMA Georgia First Responder PTSD Program
Proposal for Coverage

Effective Date: January 1, 2025
Anniversary Date: January 1

Member: City of Dahlonega
Member Number: 0000069
Insurer: Metropolitan Life Insurance Company (MetLife)

There are two coverage components required by House Bill 451 (2024) effective January 1, 2025:
1) Lifetime Critical Illness Lump Sum PTSD Diagnosis Benefit
2) Lifetime Long-Term PTSD Disability Benefit (Income Replacement)

The GMA-GIRMA Critical Illness Lump Sum PTSD Diagnosis Benefit and Long-Term Disability (Income Replacement) coverage components are designed to comply with House Bill 451 when purchased together. However, a city is permitted to purchase only one component if you have existing coverage that complies with the new law.

Estimated annual premiums are based on the Eligible First Responder census data provided by the city. While the premiums below are estimated annual amounts, the city will be billed on a semiannual basis in an amount that reflects the city's updates to the census.

Component 1: Lump Sum PTSD Diagnosis Benefit – All First Responders		
Lifetime Benefit per first responder:	$3,000	**(Mandated Limit)**
Lump Sum PTSD Diagnosis Benefit - Estimated Annual Premium for All First Responders:		**$230.00**

Component 2: PTSD Disability Limit		
Employed First Responders		
Monthly benefit:	60% of pre-disability first responder earnings	
Maximum monthly benefit per first responder:	$5,000	
Estimated Annual Premium for Employed First Responders:		**$510.00**
Volunteer First Responders		
Monthly Benefit per first responder:	$1,500	
Estimated Annual Premium for Volunteer First Responders:		**$0.00**
PTSD Disability Limit – Estimated Annual Premium for All First Responders:		**$510.00**

Estimated Annual Premium for Components 1 & 2: Lump Sum PTSD Diagnosis Benefit and PTSD Disability Benefit	**$740.00**

This proposal is valid for 30 days after proposal is issued or until the effective date, whichever is later.
This overview is not a part of the policy(ies) and does not provide or explain all provisions of the policy(ies).

11/4/2024

Optional Limits for Consideration:

The coverage limits reflected for Lump Sum PTSD ($3,000) and PTSD Disability Benefit (60% of earnings for employees and $1,500/month for volunteers) on Page 1 of the Proposal for Coverage reflect the mandated amounts required by HB 451. However, if your city would like to purchase additional limits above the mandated amounts, the pricing is outlined in the table below. You can select a higher limit for Lump Sum PTSD only, a higher limit for PTSD Disability only, or a higher limit for both coverages. To elect a higher limit, please check the box beside the chosen limit(s).

***If you do NOT want to elect a higher limit, you can disregard this form. If optional limits are not selected, coverage will default to the minimum required limits in HB 451.**

In order to bind coverage for this program (mandated OR optional limits), the executed Application and Participation Agreement as well as the enrollment documents are required.

Lump Sum PTSD Diagnosis Limit	Total Premium Cost at Higher Limit	Check to increase limit
$5,000	$790.00	
$10,000	$920.00	
$15,000	$1,050.00	

PTSD Disability Benefit (Class 2 Volunteers ONLY)	Total Premium Cost at Higher Limit	Check to increase limit
$2,000	$740.00	

This document must be signed and returned to Lockton at gfrptsd@lockton.com for the higher limits to be effective.

City Name: ____

Name of Authorized City Employee:____

Title of Authorized City Employee: ____

Signature of Authorized City Employee: ____

Date: ____

City Council Agenda Memo

DATE: 11/26/2024
TITLE: HB581 Post Election Discussion
PRESENTED BY: Allison Martin, City Manager
PRIORITY Strategic Priority - Communication

AGENDA ITEM DESCRIPTION

HB581 Post Election Discussion

HISTORY/PAST ACTION

On November 5, 2024, voters in Georgia approved HR1022 which authorized the enactment of House Bill 581. House Bill 581 provides a floating homestead exemption for residential homestead properties. The Bill allows local governments, including school boards, to opt out by March 1, 2025. If a local government, or school board, should choose to opt out of HB581, they are required to advertise and hold three public hearings. If a local government does not opt out there is no requirement in the law to have a formal vote to not opt out. A benefit of voting to not opt out is to let the public know the intentions of the local taxing authority. House Bill 581 also includes a provision for local governments that do not opt out of HB581 to hold a referendum to enact a one percent sales tax, known as a FLOST, that would use 100% of the proceeds to roll back property taxes. School boards are not eligible to participate in the FLOST. The council is being asked to consider whether to opt in or opt out of HB581. Should the decision be to opt in, the council is also being asked to agree to a referendum to enact a FLOST which requires the city to execute an IGA with the county detailing the rate of the tax (in 0.05 increments), duration (NTE 5 years) and the distribution of funds between the governing bodies.

FINANCIAL IMPACT

See attached document.

RECOMMENDATION

n/a

SUGGESTED MOTIONS

n/a

ATTACHMENTS

Financial information, referendum information, county information

HB 581 Summary and Guidance

ACCG & GMA Joint Trainings
October 3rd, 2024

Ryan Bowersox
Assistant General Counsel, GMA

Dante Handel
Associate Director of Governmental Affairs, ACCG

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Background: Where Did This Come From?

- Legislature entered 2024 session concerned about rising property value assessments and in turn property tax
- Senate leaders wanted measures to control rapid increases in property assessments
- House leaders looked to expand sales tax options
- Various proposals ultimately resulted in HB 581 (& HR 1022)

HB 581: Overview

Signed into law April 18, 2024 (Act 379).

Contingent upon November Statewide Referendum (HR 1022)

Major Components:

1. Statewide Floating Homestead Exemption (Part 2)
2. New Local Option Sales Tax (Part 3)
3. Property Tax Procedural Changes (Part 1)

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Presentation Outline

- When does this bill take effect?
- Who gets a floating homestead exemption?
- What is a floating homestead exemption?
- What is the procedure to opt out and what is the timeline?
- What is the new sales tax?
- Other sales tax revisions
- Other property tax changes
- Policy considerations for local governments
- Other local government considerations

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When Does this Bill Take Effect?

- HB 581 is contingent upon the passage of the constitutional amendment from HR 1022 on November 5, 2024 which allows local governments the ability to opt out of the floating homestead exemption.
  - A simple majority is required for passage.
  - If the constitutional amendment fails, all of HB 581 is repealed.
  - If the constitutional amendment passes, then the bill takes effect January 1, 2025.

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HB 581
Part 1: Statewide Floating Homestead Exemption

- If approved, HB 581 implements a statewide floating homestead exemption for all local governments:
  - Counties
  - Cities
  - School Boards
- A floating homestead is a special type of homestead exemption designed to offset or reduce increases in taxable value to the property.
  - It is also referred to as a base-year or value offset exemption.
  - Freezes are a type of floating homestead exemption, but do not have an annual inflationary adjustment.

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How Does a Floating Homestead Exemption Work?

- It works by increasing the value of the exemption to offset inflation.
  - For example, if a property had a taxable value of $100,000 and the taxable value increased the following year due to market changes to $110,000, then the exemption ‘floats’ to be worth $10,000 of taxable value so the taxpayer still pays on the original base year value of $100,000.

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How Does HB 581's Floating Homestead Exemption Work?

- The HB 581 floating homestead exemption is unique because the base year value is adjusted and will increase by a rate of inflation determined by the State Revenue Commissioner – likely CPI.
  - If we take the same property with a $100,000 taxable base year value and CPI is 2% the following year, then the base value of $100,000 may be increased by up to 2% to give an adjusted base year value of $102,000. The exemption 'floats' to be worth $8,000 of assessed value so the taxpayer would pay on a taxable value of $102,000 in year 2.

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How Does HB 581's Floating Homestead Exemption Work?

- For homes first receiving this exemption in taxable year 2025, the base year assessed value will be the 2024 assessed value.
- For homes first receiving the exemption in later years, the base year assessed value will be the assessed value for the immediately preceding year.
- Similar to other homestead exemptions, the value will be reset when the home is sold and is adjusted with "substantial property change."
- Homeowners can not transfer exemption to new property.

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How Does HB 581's Floating Homestead Exemption Work?

- The effect of HB 581's homestead exemption:
  - The taxable value of a home may only increase at a rate of inflation each year.
  - Essentially controlling this will control how much the "value" of a home can increase annually.
- Homeowners already granted a homestead will receive this exemption automatically.
- Non-homesteaded property (i.e. Commercial) will continue to be valued at fair market.

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How Does this New Homestead Exemption Impact Existing Homestead Exemptions?

- This new floating homestead exemption is in addition to and not in lieu of all non-floating homestead exemptions. This will not repeal/replace existing homestead exemptions!
  - If there is an existing local floating homestead exemption, the taxpayer will receive whichever of the two exemptions is more beneficial. This is also true if a local floating homestead exemption is added in the future.
  - Existing local exemptions, such as the $2,000 of assessed value, are added after the floating homestead exemption is calculated.

How Can a Local Government “Opt Out” of the Homestead Exemption?

- Any governing authority may elect to opt out of the floating homestead exemption created by HB 581 by following a procedure like the “public notification of tax increase” when a full rollback is not taken.
  - The local government must advertise and conduct three public hearings of intent to opt out and later adopt a resolution.
  - Must file resolution to Secretary of State by March 1, 2025!
  - If procedures are not met, <u>opt out is not effective.</u>

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How Can a Local Government “Opt Out” of the Homestead Exemption?

- This process <u>may not</u> begin until the bill takes effect on January 1, 2025, and must be completed by March 1, 2025.
- A governing authority may not opt-out of the statewide floating homestead exemption after this deadline.
- However, the local delegation may pass a local Act of the General Assembly to implement a local floating homestead exemption at any time.

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How Can a Local Government "Opt Out" of the Homestead Exemption?

- Important to note: The decision to opt out is independent among local governments.
- A county, the cities, and the school board may each decide whether to opt out.
- The decision of whether or not to opt out will not impact the other local government's homestead exemption.
- This may result in homes having different taxable values.

Is the Decision to “Opt Out” or “Stay In” Permanent?

- **Yes**
- No action is needed by the local government to have the homestead exemption apply if it is approved in November.
  - Once the opt out period has passed, currently there is no future method to opt out.
- If a local government opts out, there is no future method to opt in to the HB 581 exemption.
  - Of course, a similar homestead exemption can still be done in traditional manner.

HB 581 Timeline

- November 5, 2024: Statewide Question on Constitutional Amendment
- January 1, 2025: HB 581 takes effect, if approved
- March 1, 2025: Deadline for local governments to “opt out” of homestead exemption

HB 581
Part 2: Sales Tax Revisions and FLOST

- HB 581 makes two major changes to local sales tax:
- Revises the provisions of O.C.G.A. 48-8-6 which limits the percentage of local sales tax a jurisdiction may levy.
- Creates new local option sales tax contingent upon jurisdictions having a base year value homestead exemption.

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Revised Local Sales Tax Limitation

- This legislation revises the existing two percent local sales tax cap; exemptions now include:
  - ESPLOST
  - Up to one percent of the transportation sales taxes, which include:
    - Regional TSPLOST
    - Single-County TSPLOST
    - Transit SPLOST
    - MARTA
  - One of the specialty pennies, including:
    - **The new sales tax for property tax relief created by HB 581**
    - Columbus-Muscogee and Macon-Bibb OLOST
    - Augusta-Richmond Coliseum SPLOST
    - MOST for Atlanta and cities connected to its water system (East Point, College Park, and Hapeville)

What is the New Sales Tax?

- A new sales tax is created for the limited purpose of property tax relief – it may be levied in 0.05 percent increments up to one percent.
- To be eligible to levy the tax, **both the county and all cities within the county that levy a property tax** must have in effect a floating homestead exemption: either the one created by this bill or a local floating homestead exemption.
  - It does not matter if the school boards opt out or not since they are ineligible to share in the proceeds of the tax without a separate constitutional amendment.

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How is the New Sales Tax Implemented?

- The county and city/cities representing at least fifty percent of the municipal population of cities that levy a property tax must enter into an intergovernmental agreement (IGA) calling for the tax.
- The IGA shall specify the rate, duration (not to exceed five years), and the distribution between the county and cities. It will also set the ballot question.

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How is the New Sales Tax Implemented?

- Following the adoption of the IGA, the tax must be approved through local referendum.
- Approval by the voters will be required to levy the sales tax.
- This is a different vote than the one that occurs in November approving the constitutional amendment!

How are Cities Not on the IGA Treated?

- The IGA must also specify a portion of the proceeds that the cities not on the IGA will receive.
- Must not be less than the proportion the absent municipality's population bears to the total population of all cities within the county that levy a property tax.
  - Modelled after LOST absent municipality provisions.

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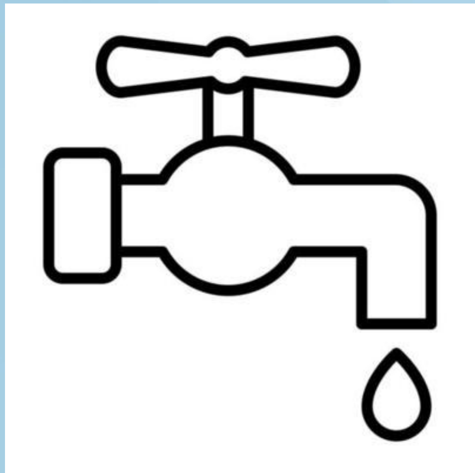
How are MOST Cities Treated?



- Cities levying a MOST (Municipal Option Sales Tax for Water and Sewer Projects) are excluded.
- Will not be considered for eligibility and are not included in these calculations.
- Tax will not be collected within the city and city can not receive the proceeds of this tax.
- Currently Atlanta, East Point, College Park, & Hapeville.

How is the New Tax Collected and Distributed?

- Collection of the tax will begin at the start of the next calendar quarter beginning more than 50 days after that date (as opposed to eighty days for other local sales taxes).
- The Georgia Department of Revenue (DOR) sends the money to the county and the county will be responsible for distributing the money to the cities in accordance with the IGA.

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How Can the Tax Be Renewed?

- The tax can run up to 5 years.
- Prior to the expiration, if the local governments want to renew, it requires:
  - Passage of a local Act calling for the reimposition of the tax.
  - A new IGA between the county and eligible number of cities.
  - A new referendum to approve the tax by the voters.
- Talk to your local delegation!

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How are Funds From the New Sales Tax Used?

- Funds must be used exclusively for property tax relief.
- Each taxpayer's property tax bill shall state the amount by which property tax has been reduced because of the imposition of this tax.
- The roll-back rate shall be reduced annually by the millage equivalent of the net proceeds of this new tax received by the political subdivision during the prior taxable year.
- If any political subdivision is not in compliance with the use of the proceeds from this tax, then the State Revenue Commissioner shall not certify the tax digest of that political subdivision until it comes into compliance.

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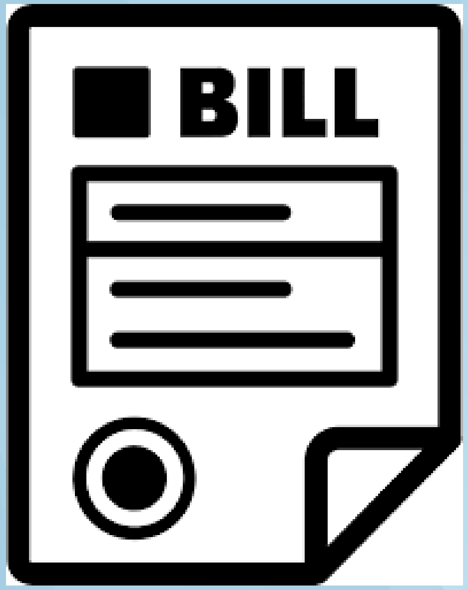
HB 581
Part 3: Procedural Property Tax Changes



- Created an “estimated roll-back rate” which is certified to the tax commissioner/collector by the local governments.
- The estimated roll-back rate is required to be included on the assessment notice, replacing the previous year’s millage rate.
    - Designed to attempt to allow local government to give more accurate estimate of what tax liability will be.

HB 581
Part 3: Procedural Property Tax Changes

- This gives local governments broad flexibility to set this rate wherever they deem appropriate.
  - This does not need to be the same millage rate as the rollback rate for taxpayer bill of rights.
- If the adopted millage rate exceeds the estimated roll-back rate, then a disclaimer is included on the tax bill stating the name of the governing authority that exceeded the estimated roll-back rate and that this will result in an increase of taxes owed.

HB 581
Part 3: Procedural Property Tax Changes

- Removed the provision that the sale price is the maximum allowable fair market value in the next taxable year.
  - This provision caused the Department of Audits and Accounts (DOAA) to change their sales ratio study methodology when it was originally passed in 2010, so this change will improve the sales ratio study and prevent penalties on local governments and their taxpayers.
- This legislation also allows the Board of Assessors to appeal the sales ratio study directly instead of requiring a local government to appeal on their behalf.

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HB 581
Part 3: Procedural Property Tax Changes

- Modifying the three-year lock for appeals so the taxpayer only receives the lock if they receive a value reduction upon appeal.
- Updating the settlement conference statute so that if neither the taxpayer nor their representative participates in good faith, then the taxpayer shall not receive the benefit of the temporary 15 percent reduction in taxes owed and shall not be awarded attorney's fees.
- Requiring that the chief appraiser ensure that every parcel in the county be appraised at least every three years.

Policy Considerations for Local Governments

- As with any other local government choice, this is a policy decision with pros and cons to be considered.
- The floating homestead exemption rewards homeowners, especially those that reside in the community for a long period of time after this legislation takes effect.
- Taxes do not disappear – they only shift: in this instance, the taxes are shifting from homestead properties to all other property types (commercial, agricultural, industrial, residential non-homestead).

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Policy Considerations for Local Governments

- Taxation is a formula: taxable value multiplied by the millage rate gives the property tax revenue to meet local budgets.
  - Since the floating homestead exemption slows the growth in value for residential homestead properties, it will create some upward pressure on the millage rate. The effects of a floating homestead increase over time, so this will have a smaller impact in the early years and a larger impact in the later years.
- Counties and cities may more easily increase the millage rate if needed than schools due to the 20-mill cap, which may only be exceeded after the successful passage of a local referendum.

Other Local Government Considerations

- Each local government (counties, cities, and schools) may independently decide whether to opt out.
- This decision does not impact the homestead exemptions but cities and counties can impact eligibility for the FLOST.
- Every local government has a unique digest mix of property types. Local officials are encouraged to contact their Chief Appraiser for information regarding their specific situation. Some communities will better be able to support a floating homestead exemption than others.

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Other Local Government Considerations

- The referendum is likely to be very popular and citizens may not understand a local government's decision.
- Even if your local government decides to opt out of the HB 581 floating homestead exemption, nothing precludes your local delegation of the General Assembly from passing a local Act putting a local floating homestead to referendum in your jurisdiction.
- If a local government decides to opt out, it may be best practice to explain this decision to the public and the local delegation.

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Other Local Government Considerations

- Many jurisdictions have existing floating homestead exemptions. These typically apply only to M&O millage rates, but not to special service districts (SSDs).
  - The HB 581 floating homestead exemption applies to special service districts in addition to M&O but does not apply to bond millage.
  - If a local government that has a floating homestead exemption already in place does not opt out, then their special service districts will be affected by the new floating homestead exemption.
- A local government may consider opting out to avoid confusion.

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Other Local Government Considerations

- While the decision to opt out of the floating homestead exemption is independent, instituting the new sales tax requires collaboration between the county and cities.
- The county and all cities in the county that levy a property tax must have a base year homestead exemption in place (statewide or through a local Act).
- The county and cities should discuss the option of the sales tax before expiration of the opt out period.
- Know the distribution is determined by the IGA, so this should be discussed early.
- A local Act is required for renewal, so involve your local delegation.

Next Steps….

- Joint ACCG-GMA Webinar Oct. 16th (live and recorded).
    - This will be the same presentation
- Joint Guidance Document/FAQ released today!
    - Document on GMA's Website
    - Link to ACCG HB 581 page:
        - ACCG Advancing Georgia's Counties

Contact Us

Ryan Bowersox
Assistant General Counsel, GMA
rbowersox@gacities.com

Dante Handel
Associate Director of Governmental Affairs, ACCG
Dhandel@accg.org

Advancing Georgia's Counties.

GEORGIA MUNICIPAL ASSOCIATION

191 Peachtree Street NE, Suite 700 • Atlanta, GA 30303

201 Pryor Street, SW • Atlanta, GA 30303

ASSOCIATION COUNTY COMMISSIONERS OF GEORGIA & GEORGIA MUNICIPAL ASSOCIATION

HB 581 (2024): Frequently Asked Questions Document

The Local Opt-out Floating Homestead Exemption
&
Floating Local Option Sales Tax (FLOST)

House Bill 581 was passed by the Georgia General Assembly during the 2024 legislative session and was signed into law by Governor Kemp on April 18, 2024.

HB 581 provides for several significant changes impacting local government revenue. Counties and cities must understand these changes and be prepared to make critical decisions in the coming months that will have lasting impacts. In general, HB 581 has three major components: first, the bill provides for some procedural changes to property tax assessments and appeals; second, the bill provides for a new statewide homestead exemption that applies to local governments unless the local government affirmatively opts out; third, the bill creates a new local option sales tax available to be used for property tax relief.

This document provides frequently asked questions (FAQs) to give an overview of the key provisions of the bill, the statewide homestead exemption and new local option sales tax, and the considerations local governments must have in mind. Appendix A then includes an outline of these key provisions to help guide local decision making.

A. Generally

1. In a nutshell, what is HB 581 (2024) about?

HB 581 contains multiple provisions related to property tax and sales tax. Most relevant to this FAQ, the bill:

a. Grants a statewide homestead exemption that limits the increases in the taxable value of homes to no more than the inflation rate that occurred over the prior year;
b. Allows local governments to elect to opt out of this homestead exemption within their jurisdiction so that it will not apply to their taxable values; and
c. Authorizes most local governments with the new homestead exemption (or equivalent) to levy a new sales tax to be used for property tax relief.

2. Where did this proposal come from and what was the reason?

Entering the 2024 legislative session, many legislators were concerned with the rapid rise in property values across the state, and in turn, the rise in property taxes. The homestead exemption proposal came from the General Assembly and was first introduced in the Senate. The reason was to provide more certainty to homeowners who are concerned about the significant increases to the taxable value of homes in recent years. Under this bill, if the local government does not opt out, then the homeowner knows their value may not increase by more than the rate of inflation, which prevents large jumps and helps them budget.

The sales tax provision (FLOST) came from the House and was originally designed as a flexible new sales tax to act in place of sales tax laws written to apply to only one jurisdiction, such as that for the Coliseum SPLOST for Augusta-Richmond County; however, it changed throughout the legislative process to become a method to reduce millage rates imposed on all properties (homestead and non-homestead).

B. The Homestead Exemption of HB 581

1. What type of homestead exemption does HB 581 provide? Is there a difference between floating, base-year, adjusted base-year, and frozen homestead exemptions?

The core purpose of any base-year, floating, or frozen homestead exemption is to reduce or eliminate the tax impact of increases in the fair market value of a homesteaded property that occur following the purchase of a home. The terms are generally synonymous and used to describe either the practical or technical effect of the exemption. The key difference is whether such an exemption allows for adjustments to the base year value based on a standard rate or the inflation rate.

For a base-year, floating, or frozen homestead exemption ***without*** an adjustment factor, the value of the exemption changes or floats each year to always equal and exempt the full difference between the base-year value of the home and the current value of the home, so that the taxable value of the home never increases (but the millage rate may still increase). These are most often called frozen exemptions because the assessed value of the home is blocked from increasing (and often, from decreasing).

For a base-year, floating, or frozen homestead exemption ***with*** an adjustment factor, the base year and the base year value for a homestead does not change, but the base year value is adjusted annually by a percentage equal to either a set rate or the inflation rate that occurred during the prior year. These are best called adjusted base-year homestead exemptions.

In the case of HB 581, practically speaking, the homestead exemption limits the amount of any increase in the assessed value of homes to no more than the rate of inflation experienced over the prior year—it does not freeze the value. This is best described as an adjusted base-year homestead exemption, because it grants an exemption equal to the difference between the homestead's adjusted base-year value—generally the value for the year prior to the homeowner's application for the exemption plus an inflation factor for each year since the exemption was first granted—and the current year's true value.

It is important to note that most of these homestead exemptions do account for substantial changes in the property. For example, if a homeowner doubles the size of their house, then the base-year value may be increased, regardless of any freeze or limitation, but thereafter, the new base-year value enjoys the benefit of the exemption. Also important to note, these exemptions do not stay with the property nor the property owner when a change in ownership occurs. If an individual sells their home, the taxable value of that home resets to fair market value for the next owner. Similarly, the individual cannot carry the value of the exemption to their new home.

2. How is the value of the HB 581 homestead exemption determined?

The value of the exemption is unique to each individual property and will generally change each year for such properties. The core purpose of a base-year or floating homestead exemption is to reduce or eliminate the impact of increases to the fair market value of a homestead. In the case of HB 581, the homestead exemption prevents rapid increases in the assessed value of homes but does not freeze the value.

HB 581 is considered an adjusted base-year homestead exemption, because it allows the homestead's base-year value to increase annually by up to the inflation rate determined by the State Revenue Commissioner (likely the consumer price index) which occurred during the prior year. The value of the exemption is the difference between the adjusted base-year value and the fair market value. Even if two properties begin with identical base year values, if the fair market value of the properties diverge over time, then the property with the higher fair market value will receive the larger exemption while potentially paying the same in property taxes.

3. If my local government wants to opt out of the HB 581 homestead exemption, how can we do that?

As authorized through a constitutional amendment (HR 1022 (2024)) and outlined in HB 581, the opt-out process is very similar to the "public notification of tax increase" process that is required when a local government does not fully rollback its millage rate. The local government seeking to opt out of the HB 581 homestead exemption must advertise and hold three public hearings of intent to opt out, and then pass a resolution opting out and file it with the Secretary of State. <u>The process may not begin until the effective date of the bill on January 1, 2025, and must be completed by March 1, 2025.</u> Each local government (county, city, school) may independently make the decision whether to opt out; any combination may elect to do nothing or opt out of the HB 581 floating homestead exemption. If a local government opts out, its taxpayers will not receive the benefit of the exemption, and their property will be taxed (absent other exemptions) at the property's fair market value.

4. Should my local government opt out of the homestead exemption if we already have another form of a floating, base-year, or frozen homestead exemption?

There are at least a few things to consider when answering this question for your jurisdiction.

First, how far does your current floating homestead exemption extend? Does it cover all millage rates, including those for special districts? The reason that this is important to answer is that the HB 581 homestead exemption extends to all millage levies except for any bond levies.

Second, does your current homestead exemption incorporate any form of inflationary or automatic increase? The value of the HB 581 homestead exemption for each homeowner is, in effect, reduced annually by the amount of inflation that occurred over the prior year, which allows the taxable value of the homestead to rise over time in-line with inflation. If your jurisdiction has a set rise over time that is expected to exceed the inflation factor in HB 581, then your jurisdiction may want to opt out.

Third, if the homestead exemptions are equivalent, you may want to consider opting out of the HB 581 floating homestead exemption to reduce confusion. Your jurisdiction would still have access to the new sales tax for property tax relief (FLOST) assuming all the conditions to impose the tax are met.

5. Does the HB 581 homestead exemption apply to community improvement districts (CIDs)?

For all practical purposes, the homestead exemptions would not apply to CID's as CID's may only levy taxes on nonresidential property. Ga. Const. Art. IX, Sec. VII, Para. III(c).

6. How does the HB 581 homestead exemption affect tax allocation districts (TADs)?

The homestead exemption could potentially reduce the amount of expected property tax revenue growth within the TAD by limiting the assessed value increase of homestead property over time. This question requires analysis specific to the TAD in question.

7. Can the HB 581 floating homestead exemption be later repealed for my county or city?

If a jurisdiction elects not to opt out of the HB 581 homestead exemption, they will not have an opportunity to opt out in the future and will have the homestead exemption permanently. There may be a method to remove such jurisdictions in the future, but it would require a change to general law or a constitutional amendment done by the legislature.

8. Will the HB 581 homestead exemption affect a homeowner's existing homestead exemptions?

HB 581 does not eliminate any existing homestead exemptions for any jurisdiction, regardless of the type of homestead exemption, but it may override existing floating, base-year, and frozen exemptions, if the HB 581 exemption provides a greater benefit to the taxpayer.

a. If your local government has an existing non-floating homestead exemption, such as an exemption for $5,000 of assessed value, that will be unaffected by HB 581. The floating homestead exemption is calculated first, and then the non-floating exemptions are calculated on the back end. That said, if the existing, non-floating local homestead exemption says that it may not be applied in addition to any other homestead exemption, then it may not be applied.

b. If your local government has an existing base-year homestead exemption, then the taxpayer will receive whichever provides them with the largest benefit in any given year. Your tax assessor's office will be responsible for tracking both floating homestead exemption values in addition to the fair market value.

For example, if there is an existing base-year or floating homestead exemption that does not have inflationary increases, then it would generally provide the larger benefit to the taxpayer. Similarly, if the base-year of a homestead exemption that is comparable to HB 581 pre-dates HB 581's base-year, then the older base year will likely provide the larger benefit.

9. Will it affect the county's ability to impose a FLOST if another city opts out of the homestead exemption granted by HB 581?

Yes, if a city that imposes a property tax opts out, then the county and all cities within the county will be ineligible for the FLOST. If a city that does not levy a property tax opts out, then it would not affect the ability for the county to levy a FLOST. If even one city that opts out does levy a property tax at such time, then the FLOST would not be permitted. Of course, jurisdictions may opt out and not impact eligibility if the jurisdiction has another eligible homestead exemption in place.

10. If the county opts out of the homestead exemption will this impact a municipality's ability to impose a FLOST?

Yes. Similarly, if a county opts out all municipalities in the county will be ineligible for the FLOST unless the county has another eligible homestead exemption in place.

11. If a municipality or a county opts out of the HB 581 homestead exemption will homesteads have multiple assessed values for tax assessment?

Yes, if the homestead exemption applies for some but not all jurisdictions, the taxable value of the property will essentially be different. The fair market value of a property is the same for all taxing jurisdictions where the property is subject to property tax. Homestead exemptions are applied after the fair market value of the home is determined and reduce the taxable value of the home—the taxable value may be different among jurisdictions based on applicable homestead exemptions.

Every county assessor's office is required to maintain a set of books with the fair market value of the property. The assessor's office will be required to maintain two or more sets of values if there are one or more floating homestead exemptions. Each homestead may have a different base-year value across multiple jurisdictions, but this will be tracked by the assessor's office.

12. For a home that has an exemption under HB 581, what happens if the home is substantially improved or is destroyed? How are changes to the home's value that do not result from market forces handled?

Substantial changes to the property are considered when assessing the property. Any substantial change will increase or decrease the adjusted base year value of the home.

Example: The adjusted base year value of a home as of January 1, 2028, was $500k. During 2028, the homeowner doubles the square-footage of her home and adds a swimming pool. As of January 1, 2029, the tax officials for the county determine that the changes to the home increase the value by $200k. The adjusted base year value for the 2029 tax year = $500k (the 2028 ABYV) + $200k (substantial change value) + any applicable inflation factor.

13. If my local government opts out of the floating homestead under HB 581, can we opt in at a later date?

If your local government opts out, there is no future opportunity for the local government to unilaterally opt-in or rejoin the HB 581 exemption.

However ,a local government may still obtain a similar homestead exemption in a traditional manner. The General Assembly may pass a local Act creating an equivalent local floating homestead exemption. This would require 2/3's vote in the General Assembly and a local referendum. The General Assembly may do this against the will of the local government. We encourage you to maintain a dialogue with your local legislators, especially if you intend to opt out.

14. If my local government opts out of the HB 581 floating homestead exemption and our legislative delegation disagrees with that decision, can they take action to mandate the floating homestead exemption on my local government?

If your local government opts out of the HB 581 floating homestead exemption and your legislative delegation disagrees with that decision, your local delegation can pass a local Act to impose a floating homestead exemption within the jurisdiction. HB 581 has not changed the ability of the legislature to create specific homestead exemptions for local governments. This local Act would be subject to 2/3 vote in the General Assembly and approval by the voters in a local referendum. If the referendum is successful, then your local government would be subject to the homestead exemption provided for in the local Act, even though you opted out of the HB 581 exemption.

Note: A local government could elect to opt out of the HB 581 exemption and ask their local delegation to proceed with a more customized version of the homestead exemption.

15. Can the floating homestead exemption be transferred to a new owner of the home?

No, the homestead exemption is not portable or transferable—it is tied both to the property owner and the home. However, in the case of a surviving spouse who was not on the deed at the time of their spouse's death, said surviving spouse may continue the homestead exemption in the same manner as the deceased spouse, provided that the surviving spouse is otherwise eligible for the homestead exemption.

For anyone else that acquires the home as a homestead, the base-year and base-year value will be reset to the year prior to the person's acquisition of the home and to the actual value for the home for such prior year.

16. How much land can be included in a qualified floating homestead exemption?

Georgia state law states that the homestead exemption applies to the homestead and the land immediately surrounding the homestead; there is no specification for acreage. Many local homestead exemptions do limit the total acreage. It is likely up to local interpretation as to what land constitutes the land “immediately surrounding” the homestead. The exemption would not include buildings or structures on the property, which are not part of the homestead dwelling, itself.

17. Does the HB 581 floating homestead exemption apply to special service districts?

Yes, the HB 581 floating homestead exemption applies to all millage rates except for millage rates to retire bonded indebtedness.

Point to consider: If the local government has an existing floating homestead exemption that *does not* apply to special service districts, then you may want to consider opting out, so your special service district millage levies are unaffected.

18. If a homeowner’s assessed value was locked following their appeal to the Board of Equalization in 2022, would that value be used for the 2024 base year for the purposes of the HB 581 exemption?

The homestead’s final assessed value for the base year is the base year value for the purposes of the HB 581 exemption. Code Section 48-5-44.2(a)(3)(A). Accordingly, if the locked assessed value from 2022 is what was lawfully used as the homestead’s final assessed value for 2024, then that taxpayer would have their HB 581 2024 base year assessed value set at that same amount.

19. Will the market value or the adjusted base year value be used when calculating value increases to the tax digest that are factored into the rollback millage rate that cannot be exceeded without advertising a tax increase?

The digest value for rollback purposes utilizes the net taxable digest, which is the value of the digest *after* exemptions are accounted for.

C. The Floating Local Option Sales Tax (FLOST)

1. Generally, what is the FLOST?

The Floating Local Option Sales Tax or FLOST (named for its relation to the floating homestead exemption) is a new sales tax that can be levied up to 1 percent and collected county-wide. Funds are split between the county and cities based upon an intergovernmental agreement (IGA) and used for property tax relief.

2. What are the minimum requirements for a given county or municipality to be eligible to levy a FLOST?

a. The county or municipality must levy a property tax and have a base-year or floating homestead exemption in effect[1];
b. All other municipalities within the county that currently levy a property tax must also have a base-year or floating homestead exemption in effect[2];
c. The county or municipality must have available room under the overall sales tax cap[3];
d. The county and the applicable number of municipalities must enter into an intergovernmental agreement as required under Code Section 48-8-109.31(d)(1)(B);
e. Hold a successful local referendum[4]; and
f. Utilize the proceeds for property tax relief and in accordance with the IGA[5].

3. Who must sign the intergovernmental agreement to authorize the referendum for the FLOST?

The county must reach an intergovernmental agreement with municipalities levying a property tax that represent at least 50% of the total municipal population within the county. This minimum requirement does not preclude more municipalities than those representing 50% of the municipal population from signing the IGA if all parties agree.[6]

Any municipality that does not sign the IGA is treated as an 'absent municipality' and will receive proceeds from the FLOST based upon the size of its population relative to the total municipal population within the county, excluding any municipalities that do not levy a property tax. Municipalities that do not levy a property tax are excluded from the calculations and from sharing in FLOST revenues.[7]

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[1] Code Section 48-8-109.31(d)(1)(A).
[2] Code Section 48-8-109.31(d)(1)(A).
[3] Code Section 48-8-6(a).
[4] Code Section 48-8-109.32.
[5] Code Section 48-8-109.42.
[6] Code Section 48-8-109.31(d)(1)(A).
[7] Code Section 48-8-109.31(d)(2).

4. What must an IGA to levy FLOST include?

a. The rate of the tax: incremental in .05% increments up to a full 1.0%;
b. The duration of the tax: up to 5[8] years;
c. Provisions for calling the referendum for the tax, including the question for the ballot;
d. The distribution schedule[9] apportioning proceeds among:
   i. County
   ii. Municipalities
   iii. Absent Municipalities
e. The IGA is not required to specify how property tax relief is to be applied but may do so.

5. How is the sales tax referendum scheduled?

First, there must be a valid intergovernmental agreement between the county and cities specifying the distribution of the tax. Next, the county may call for the sales tax referendum similar to other sales tax referenda.[10]

6. Is a local referendum necessary to impose the FLOST even if the ballot measure in November is successful?

Yes. It is important to note that the ballot question in November of 2024 proposes a constitutional amendment which enables the homestead exemption. If this amendment is not approved, all of HB 581 (including the FLOST) is repealed. If the constitutional amendment is approved, a subsequent referendum within the county is still required to levy the FLOST. Counties and cities should be mindful that the FLOST must be approved by voters in the county to be levied when making policy decisions concerning the homestead exemption.

7. Does FLOST revenue affect the rollback millage rate that is calculated for the purposes of Code Section 45-5-32.1 (Taxpayer Bill of Rights), which requires the advertising of a property tax increase, if exceeded?

Yes. Unlike LOST, the total amount of FLOST collected in the preceding calendar year must be subtracted from the millage equivalent calculated to provide the jurisdiction with the same net proceeds from the current year's net taxable digest value as those derived from the previous year's millage rate when multiplied by the previous year's net taxable digest value.

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[8] Code Section 48-8-109.32(a).
[9] Code Section 48-8-109.36(2).
[10] Code Section 48-8-109.32.

8. What can the FLOST revenues be used for?

FLOST revenue must be used for property tax relief. Per Code Section 48-8-109.42, FLOST revenues:

- "[S]hall be used exclusively for tax relief and in conjunction with all limitations provided in the intergovernmental agreement authorizing the tax for such political subdivision."
- Additionally:
    - "Each taxpayer's ad valorem tax bill shall clearly state the dollar amount by which the property tax has been reduced as a result of the imposition of the tax imposed under this article"; and
    - "The roll-back rate for the political subdivision, which is calculated under Code Section 48-5-32.1 [Taxpayer Bill of Rights], shall be reduced annually by the millage equivalent of the net proceeds of the tax authorized under this article, which proceeds were received by the political subdivision during the prior taxable year."

9. In what ways may the local government calculate and apply the FLOST property tax relief to the property tax bill?

Outside of the parameters in Code Section 48-8-109.42, jurisdictions have latitude to apply the funds for legal purposes within the special district and as may be provided for in the intergovernmental agreement.

- The tax relief must be applied uniformly across all forms of tangible property within the given taxing jurisdiction for which it applies. For these purposes, taxing jurisdictions for which property tax relief may be granted can be the county, a municipality, or a special district, provided that the application is uniform within the given taxing jurisdiction.
- When the credit or reduction is shown on the taxpayer's property tax bill, it MUST be applied as property tax relief, which would be a reduction in a charge that is assessed and levied upon the value of a property. The credit *cannot* reduce any charge or fee, which is not levied upon the value of the property (ad valorem). If a flat dollar amount is shown on the property tax bill, said dollar amount must be derived from the taxpayer's savings from the reduction in the millage rate or assessed value.
- While not required, the best practice is to include within the required IGA exactly how the proceeds of the FLOST will be applied as property tax relief.

10. What types of communities would benefit most from a FLOST?

Communities that wish to supplant property taxes with sales tax would benefit from FLOST. It is a policy decision that would be expected to shift some of the tax burden imposed on the local government's property owners to those who make purchases within such jurisdiction. Accordingly, communities with sales tax revenues derived disproportionately from those living outside of the local government's jurisdiction would expect to see a net benefit for its property owners by shifting the tax burden to consumers; whereas those communities that have disproportionately few property owners among its many resident consumers would find only a shifting of the tax burden within the jurisdiction.

11. How often does the FLOST have to be voted on?

FLOST may be implemented for up to 5 years at a time, so at least every 5 years. Moreover, all FLOST renewals require a local Act of the General Assembly, so there is no renewal without a local Act and a new IGA, and passage in a local referendum.[11] While there is no requirement of a local Act to initially levy the FLOST any subsequent renewal does require a local Act from the General Assembly.

12. My county doesn't have a LOST. How will this affect my county, city, etc.?

Having a LOST is not a requirement for the FLOST. LOST is the most similar sales tax to the FLOST, but the way property tax relief is calculated under FLOST is more flexible than LOST.

13. Does this bill require the Department of Revenue to provide point-of-sale information?

This bill does not require DOR to provide point of sale information but does require such information to be furnished to DOR by the retail establishments that are required to collect the tax. All sales for FLOST occur countywide (within the special district which is conterminous with the boundaries of the county), except in the case of a county containing a municipality that levies the Water and Sewer Projects Cost Tax (MOST), in which case the FLOST is not collected within the boundaries of the MOST city.

14. Are Water and Sewer Projects Cost Tax (MOST) cities ineligible for a FLOST?

Yes, the cities that levy a MOST tax are ineligible to levy or receive proceeds from FLOST. This means that they are not counted when determining the municipal population in the county levying the LOST, the city levying the MOST cannot share in the proceeds of the FLOST, and the FLOST may not be levied within the municipal boundaries of the city levying the MOST.

Currently, the MOST cities are: Atlanta, East Point, College Park, and Hapeville.

15. If the school board opts out of the floating homestead exemption, can the county and municipalities still levy the FLOST tax?

Yes, if the school board opts out, you can still levy the tax assuming all other requirements are met. Schools generally cannot receive revenues from sales taxes other than those authorized by the Constitution (ESPLOST) and certain existing Local Constitutional Amendments (ELOSTs), so it would require such a constitutional amendment specifically authorizing or requiring that school districts receive a share in the FLOST.

[11] Code Section 48-8-109.33(c)

16. If my jurisdiction opts out of the HB 581 floating homestead exemption and has an existing base-year or floating homestead exemption, but which only applies to the general maintenance and operations (M&O) levy, would my jurisdiction be blocked from participating in the FLOST?

No, not on that basis alone. If your local government has an existing floating or base-year homestead exemption of any kind, you may still qualify for the FLOST, even if you opt out of the HB 581 floating homestead exemption. HB 581 only requires that you have some form of a base-year or floating homestead exemption to participate in FLOST. Such exemption can either be a local floating homestead exemption (predating HB 581 or added after) or the HB 581 floating homestead exemption. Please note that the HB 581 floating homestead exemption will apply to all levies, including special service districts, except for bonded indebtedness.

17. If my county or city decides to opt of the homestead exemption, is it forever ineligible to levy the FLOST?

No. First, your city or county may already have a homestead exemption in place making them eligible for the FLOST. Second, if there is no homestead exemption in place and your county or city opts out, it can once again become eligible to levy the FLOST in the future through a subsequent eligible homestead exemption put in place by a local Act of the General Assembly.

18. What happens if we pass a FLOST and our legislative delegation does not approve the renewal, or the voters do not renew it?

If you pass a FLOST and your legislative delegation does not approve the renewal or the voters do not renew it, then the most likely outcome is an increase in the applicable millage rates. Since FLOST is sales tax being used to offset property tax, if the FLOST expires, the local government will have to cut expenses, raise property taxes, or some combination thereof.

19. If my county has an ELOST, can we utilize the FLOST?

If your county has an ELOST, the availability of FLOST depends on a few factors:

a. Does the exact verbiage of the local constitutional amendment (LCA) limit the distribution of proceeds in the way that FLOST requires? Some of the LCAs are very permissive, and others are very restrictive. Please consult with your local jurisdiction's attorney for a legal opinion.
b. Is the jurisdiction otherwise eligible to levy a FLOST?
c. Does the jurisdiction have sufficient room under its local sales tax cap to levy a FLOST? See Code Section 48-8-6(a).

ELOST Counties: Habersham County; Chattooga County; Catoosa County; Harris County; Pickens County; Walton County; Houston County; Towns County.

Appendix A: HB 581 - Timeline/Decision Tree

1) November 5, 2024: Statewide ballot measure determining approval of constitutional amendment enabling homestead exemption.
   a) If the ballot question is not approved, HB 581 is repealed in its entirety. No further action is needed by local governments. All other property tax changes and the FLOST are repealed as well.
   b) If the ballot question is approved, counties, cities, and school boards may independently determine whether they would like to "opt out" of the homestead exemption and not have the exemption apply to their homeowners.
2) Beginning January 1, 2025 through March 1, 2025, local governments may "opt out" and not have their homeowners receive the HB 581 floating homestead exemption.
   a) If the local government decides not to "opt out" no action is required by the local government and the homestead exemption will go into effect.
      i) The HB 581 homestead exemption does not replace existing locally enacted homestead exemptions.
         (1) If your local government has an existing flat dollar homestead exemption, the 581 exemption will be in addition to that exemption.
         (2) If your local government has an existing base year or adjusted base year exemption, the taxpayer will receive the more beneficial exemption.
   b) If your local government decides to opt out, it must advertise and hold three public hearings of intent to opt out, and then pass a resolution opting out and file it with the Secretary of State by March 1, 2025.
3) If the November 2024 ballot question is approved, your county or city may decide whether to levy a FLOST for property tax relief. You must determine if you are eligible for the FLOST.
   a) If your county/city does not levy a property tax, you are not eligible to levy/participate in the FLOST.
   b) If you levy a property tax:
      i) Your county/city must have a base year or adjusted base year homestead exemption in place.

         *This may either be the homestead exemption provided by HB 581 or an existing base year or adjusted base year homestead exemption created by a local Act.
      ii) The county and every municipality in the county that levies a property tax must also have a base year or adjusted base year homestead exemption in place (HB 581 or existing).

iii) If the county or any city that levies a property tax does not have an eligible homestead exemption in place, the county and all cities within are not eligible for the FLOST.

c) If the eligibility criteria is met:
   i) The county and city or cities representing at least 50% of the municipal population of cities levying a property tax must sign an intergovernmental agreement (IGA) for the levy of the tax. This IGA will set the rate (up to 1%), duration (up to 5 years), distribution of proceeds among the county and cities, and the ballot question to be used.
   ii) The levy of the FLOST must be approved by the voters across the county in a referendum.

d) The FLOST may then be levied for up to 5 years before needing to be renewed. Prior to the expiration of the tax a renewal requires: A local Act by the Georgia General Assembly approving the renewal for the jurisdiction, a subsequent IGA between the eligible county and cities, and a subsequent referendum for the voters to approve the renewal of the tax.

Lumpkin County, Georgia

County Manager

Date: December 3, 2024

Agenda Item: House Bill 581 *(County Manager Alan Ours)*

Item Description: House Bill 581

Facts & Historical Information: On November 5, 2024, voters in Georgia approved HR1022 which authorized the enactment of House Bill 581. House Bill 581 provides a floating homestead exemption for residential homestead properties. The Bill allows local governments, including school boards, to opt out by March 1, 2025. if a local government, or school board, should choose to opt out of HB581, they are required to advertise and hold three public hearings. If a local government does not opt out there is no requirement in the law to have a formal vote to not opt out. A benefit of voting to not opt out is to let the public know the intentions of the local taxing authority. House Bill 581 also includes a provision for local governments that do not opt out of HB581 to hold a referendum to enact a one percent sales tax, known as FLOST, that would use 100% of the proceeds to roll back property taxes. School Board's are not eligible for the FLOST.

The Board is being asked to consider two motions with this agenda item:

The first motion is whether to opt in or out of HB581

The second motion is whether to hold a referendum for the Floating Local Option Sales Tax as authorized by HB581

Potential Courses Of Action:

A. A motion to not opt out of HB581
B. A motion to opt out of HB581 and begin the formal process
C. A motion to not hold a referendum to enact a FLOST
D. A motion to hold a FLOST referendum in 2025 and begin the formal process of calling the referendum

Budget Impact: HB 581 has a potential to decrease revenues

Staff Recommendation: