

Chapter 7

Local Government in Georgia

Chapter Preview


TERMS

county, county seat,
unincorporated area, ordinance,
home rule, regional commission,
municipal corporation,
incorporated, charter,
consolidated government,
special-purpose district,
local independent authority,
revenue bond

PEOPLE

sheriff, tax commissioner, clerk
of the superior court, judge
of the probate court, board of
commissioners





The United States Constitution does not contain the word *city*. Cities certainly existed at the time the Constitution was written—Philadelphia, New York, Charleston, Boston. However, the agreements and compromises necessary to make the Constitution work were based on participation by *state* governments. The new federal model left the matter of subdividing territory into local governing districts entirely up to the states. Georgia’s General Assembly shapes the structure and authorizes the powers of counties and cities by passing local laws. Local governments are, in fact, “creatures of the state.”

In truth, local governments are the most numerous of all governments in the United States. Local governments are also the closest to the people and the most likely to affect people directly. Local governments work with state agencies to administer state programs.

In this chapter, you will examine the three types of local government—counties, cities, and special-purpose governments. You will also learn that local governments sometimes work together to increase efficiency and reduce costs. This intergovernmental cooperation works out well for Georgia’s local governments.

Louisville, the county seat of Jefferson County, was the state capital from 1796 until 1807. The Jefferson County Courthouse, built in 1904, stands on the site of the building that had served as the State Capitol.

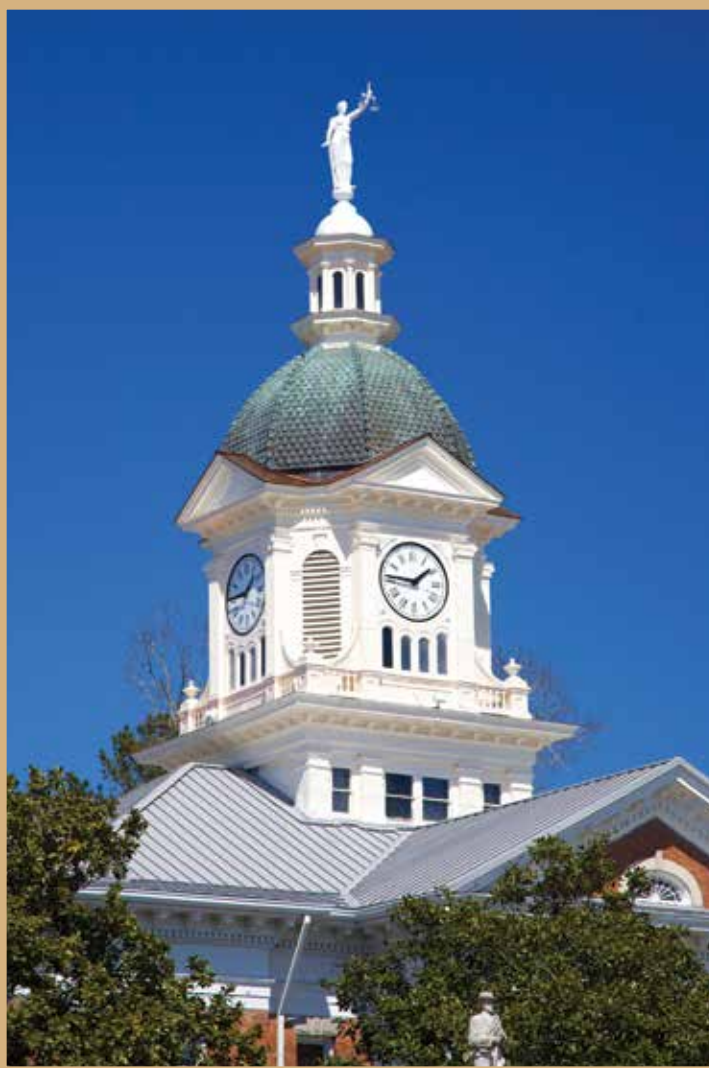
Section 1

County Government

Below: The county courthouse is the seat of government for a county. It often has a tall clock tower that can be seen from all over town. This is the Jenkins County Courthouse in Millen.

As you read, look for

- services provided by counties,
- various county officials,
- terms: **county**, **county seat**, **unincorporated area**, **ordinance**, **home rule**, **regional commission**.



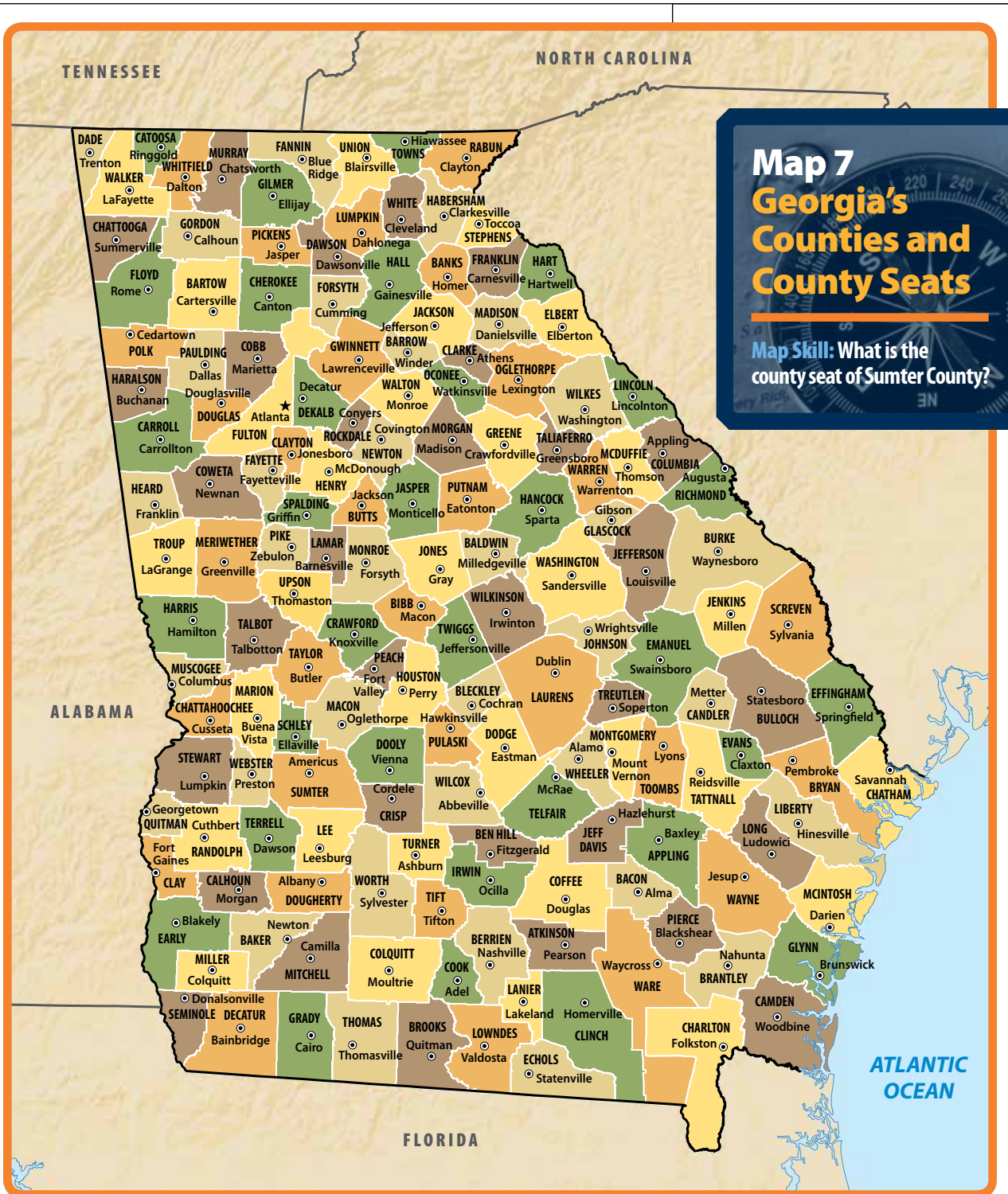
Each state can decide how it wishes to carve up its land and create administrative districts. Georgia, and most other states, chose to call their local districts **counties**. Louisiana selected the term *parish*, and Alaska chose *borough*.

Origin of Georgia's Counties

Georgia's Constitution of 1777 created eight counties: Burke, Camden, Chatham, Effingham, Glynn, Liberty, Richmond, and Wilkes. These counties lay along the coastal areas and the rivers. They served as districts from which members of the newly formed state legislature were elected. There was little else for the counties to do, other than to enforce laws, keep property records, hold court sessions, and probate wills.

The earliest county structures in each county were a courthouse and a jail. The site of the courthouse was important. The courthouse was where people came to pay their taxes, record property deeds, and go to court. Its location was sure to draw people and commerce (shops and offices). The town chosen for the courthouse came to be called the **county seat**. It was also the market center for trading, buying supplies, selling farm products, and for social gatherings and sharing news.

Those who lived in rural communities were glad to see the courthouses built because the



county seats were usually near enough to travel to town and back within the same day. Creating more counties also gave rural Georgians more representation in state government, since each county had a certain number of representatives in the legislature. Today, Georgia has 159 counties. This is the maximum number set by the Constitution of 1983. Only Texas, with its 254 counties and larger land area, has more counties than does Georgia.



Top: Fire protection is an important service provided by counties. These members of the Gwinnett County Fire Department have just put out a house fire. **Above:** Every county has a roads department to provide maintenance and repairs for county roads.

County Services

Counties serve as agents of the state in each local area. Because Georgia is a large state, the state relies upon its county governments to provide the connection with Georgia's executive and legislative centers in Atlanta. What does it mean to be an "agent of the state"? County officials carry out basic state services and enforce state policies within the boundaries of the county. Here are some examples:

- A county registrar conducts Georgia's elections and voter registration.
- Georgia's state courts and probate courts are set up on a county jurisdiction basis.
- Georgia's public assistance (welfare) programs for children, the disabled, and the elderly are administered through county offices.
- County roads are built and maintained as part of Georgia's highway system.
- County tax commissioners collect Georgia's motor vehicle taxes and issue state car tags.
- County officials maintain property records.
- County health departments carry out disease-prevention measures (vaccines, flu shots).

Every citizen of Georgia lives in a county, but not all of them live in a city. An **unincorporated area** is an area of the county that is not included in any city boundary. Unincorporated areas may be rural areas, farmland, wetlands, mountains—or they may be populated with neighborhoods and shopping districts surrounding the nearby city. Residents of unincorporated areas look to county government to provide basic services.

In addition to the county services listed on page 142, counties are allowed to provide some basic services that a city government normally provides. The Georgia Constitution of 1983 gave county governments the authority to provide such municipal services as

- police and fire protection,
- public health facilities and services (hospitals, emergency rescue, ambulance service),
- animal control,
- sewage and stormwater collection and disposal,
- garbage collection and disposal,
- residential or local artery (a through road) road construction,
- water utilities,
- parks and recreation areas,
- libraries,
- public transportation (buses, rapid rail),
- terminal and dock facilities and parking.

County Officials

When it began creating counties, the Georgia constitution established several positions to be filled by elected officials. Like state officials, these positions are called “constitutional officers” because they are specifically listed in the constitution. The county constitutional officers are sheriff, judge of the probate court, clerk of the superior court, and tax commissioner. The constitution also lists a tax receiver and a tax collector, but these offices are combined with that of the tax commissioner in most counties.

County constitutional officers are elected for four-year terms. The departments for the constitutional officers depend upon funding from the county commission. However, they have some independence in carrying out their duties because they are separately elected officials whose job description is set by the General Assembly, not local governments.

In Georgia, the *sheriff* is designated as the “peace officer” of the county—the officer responsible for preserving the peace and carrying out the orders of the county courts. Sheriff’s department duties include operating the county jail, delivering subpoenas (orders to appear in court), enforcing county **ordinances** (local laws), patrolling the county, responding to emergencies, and enforcing traffic laws in cooperation with the Georgia State Patrol. Some counties have a county police department. County police may carry out some law enforcement duties, but they do not replace the sheriff.



Above: The Georgia Constitution of 1983 permitted counties to have a police force. Pictured are two members of the DeKalb County Police K9 unit.

Something Extra!

In 1931, Georgia had 161 counties. The following year, Campbell County and Milton County were made part of Fulton County, bringing the total down to 159.



Above: Georgia State Patrol is a division of the Georgia Department of Public Safety. GSP troopers investigate traffic crashes and enforce traffic and criminal laws on the state's roads.

Something Extra!

Harris County was the first county to have a board of commissioners. It was formed in 1869.

The office of the *tax commissioner* receives all tax returns and maintains the county's tax records. The tax commissioner also collects and pays tax funds (mainly property taxes and motor vehicle registration fees) to the state and local governments.

The *clerk of the superior court* is the primary record keeper for the county. The clerk maintains all the court records and supervises the registration of property transactions.

The *judge of the probate court* oversees matters concerning property deeds, marriage licenses, guardianships, and wills. The judge of the probate court also administers public oaths of office.

In 1868, the state began creating the position of *county commissioner*.

Today, every county has at least one commissioner. Most have a *board of commissioners*, which has from three to nine members. A few smaller counties operate with only one commissioner.

The board of commissioners has the power to establish county policies, adopt county ordinances, establish the county budget, establish tax rates, and provide services for the citizens of the county. Sometimes, a county administrator, appointed by the board of commissioners, serves as the chief administrative officer. The county administrator manages the day-to-day operations of the county and implements county policies.

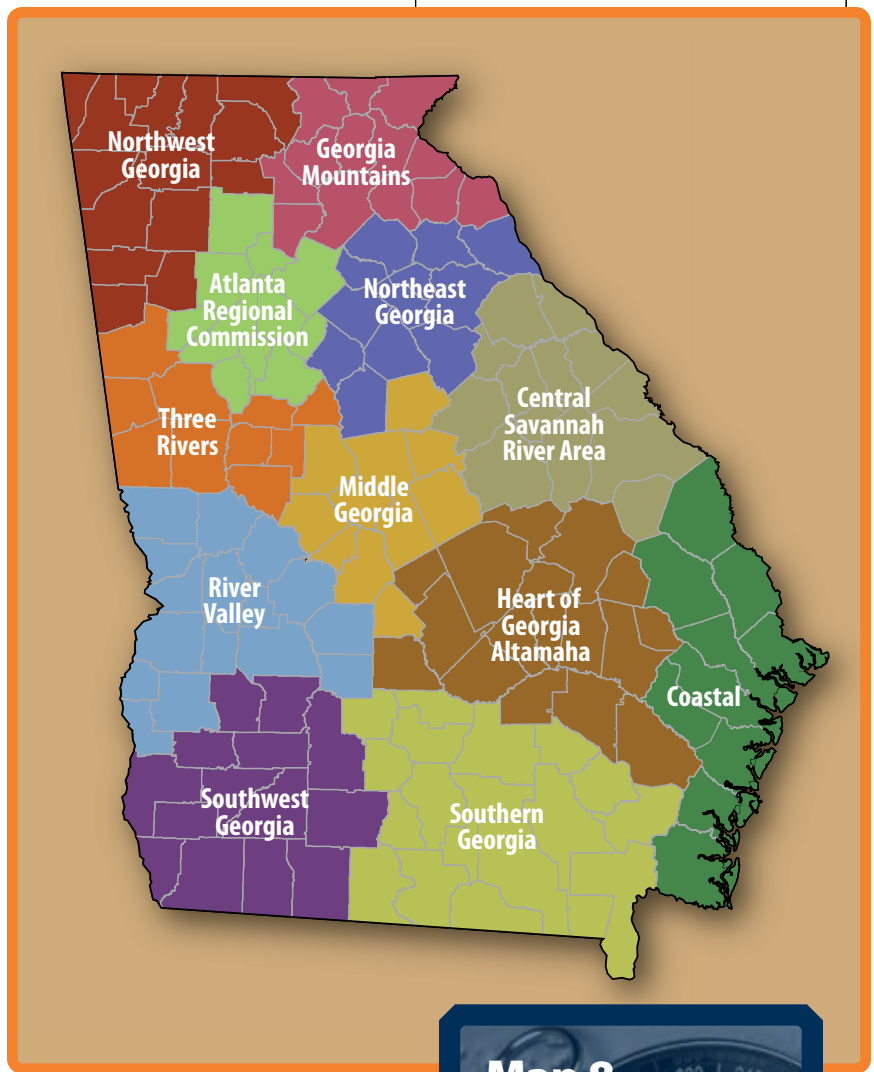
Local governments—both counties and cities—have the power to provide services for their residents as long as those services do not violate state and federal law. This is known as **home rule**. Generally, this means local self-government. However, the state can require the county to provide certain services and restrict it from handling other services. For example, county commissioners cannot dictate court rules or interfere with the operation of the public school system.

Regional Commissions

The Georgia Department of Community Affairs (DCA) was created to help local governments. DCA provides technical and research assistance, and it is the state's key agency in housing finance and development, comprehensive planning, and solid waste reduction.

Even closer to home are Georgia's twelve **regional commissions**. Ranging in size from 10 to 18 counties, the regional commissions help local governments with services that they may not be able to staff themselves. For example, the regional commission may help a county draw up land use plans for its future growth, write grants to finance historic preservation (restoring older buildings that are significant in a community's history), and provide expertise in the use of geographical information systems (GIS).

It is often more practical for counties to work together and operate regional facilities that serve a wide geographical area, rather than undertake the expense individually. Examples are a regional hospital, a regional library, or a regional vocational-technical college. A single rural county may not be able to afford these facilities, but it can share the costs with other counties.



Map 8 Regional Commissions

Map Skill: In which regional commission do you live?

Reviewing the Section

1. Define: county, unincorporated area, ordinance.
2. What is the maximum number of counties allowed in Georgia by the constitution?
3. Why might the number of county commissioners vary from county to county?

Of Special Interest

Your Local Library

Are you having trouble getting started on the research for your term paper or school project? Maybe you want to check out the latest bestseller that everyone is talking about. If so, your local public library has the resources and staff to help you.

Local public libraries offer free educational programs for children, young people, families, and senior citizens. There you can find everything from children's story time and summer vacation reading programs to workshops on computer skills.

As a Georgia resident, you are entitled to free library membership at any PINES participating library. (PINES stands for *Public Information Network for Electronic Services*.) PINES is the lending network for 282 public libraries throughout Georgia. Georgians with a PINES library card have access to materials beyond what is available on their local library shelves. Selections from a shared collection of more than 10 million books, CDs, videos, and DVDs can be delivered to your local library for you to borrow free of charge.

The University System of Georgia and the Georgia Public Library Service provide local public libraries and their patrons access to GALILEO (*Georgia Learning Library On-line*). GALILEO is the state's virtual library, providing online access to encyclopedias, scholarly journals, periodicals, databases, and government publications. You can access GALILEO at any public library facility.

The Georgia Public Library Service also administers a statewide network of high-speed Internet connections to public libraries in the state. Another feature offered by many local libraries is a collection of electronic books—both audio and visual. Library card holders are granted access to NetLibrary and



Above: The Tifton-Tift County Public Library is part of the PINES system, and offers its patrons access to GALILEO.

Georgia Destination Download (GADD). From these sites, you can download eBooks and eAudiobooks to your own electronic device and read or listen to them at your leisure.

Public libraries in Georgia are local units that have been created by agreements among city and county governments. The Georgia Public Library Service was established by state law to give assistance and coordinate grants and funding to the 63 public library systems in the state. About 83 percent of the funding for public libraries in Georgia comes from local revenue sources and 17 percent comes from the state. The Georgia Public Library Service now comes under the oversight of the University System of Georgia.

Section 2

City Government and Special-Purpose Districts

As you read, look for

- services provided by municipal government,
- forms of municipal government,
- reason for special-purpose districts,
- terms: **municipal corporation, incorporated, charter, consolidated government, special-purpose district, local independent authority, revenue bond.**

Something Extra!

In 2010, there were 537 municipalities in Georgia.

Georgia's first cities—Savannah, then Augusta

and communities along the coast—were originally needed as military outposts. As tensions with the Spanish in Florida eased, there was no longer a need for the settlements to be primary military fortifications. Instead, they became hubs for river commerce as well as rest and supply stops for stagecoach travel.

City is a term we like to use, but the correct legal term is **municipal corporation** or municipality. A city is a municipality that has been **incorporated** (created) by the Georgia legislature. Unlike counties, cities are formed at the request of the people who live in a particular geographic area. They formally petition (ask) the legislature for a charter to become incorporated. A **charter** is a written document that gives a municipality the authority to exist and function. Like a constitution, the charter is a city's fundamental law.

There are certain conditions that must be met before a town can call itself a city. The area wanting to be incorporated as a city (a) must have at least 200 residents; and (b) at least 60 percent of its area must be divided into *tracts* (parcels of land) for residential, commercial, industrial, institutional, governmental, or recreational purposes.



Above: The golden dome of the Savannah City Hall is a landmark of Georgia's oldest city. Today, Savannah is Georgia's fourth-largest city, after Atlanta, Columbus, and Augusta.



Above: Perhaps the most important service that municipalities provide is a water supply.

Municipal Services

Since 1995, state law has required that municipal corporations—new and existing ones—provide certain basic services. Legislation has defined the number and types of these services. To keep its charter active, a municipality must provide at least *three* of the following services, either directly or by contracting it out to other governments or private companies:

- law enforcement
- fire protection/fire safety
- road and street maintenance or construction
- solid waste management
- water supply and/or distribution
- wastewater management
- stormwater collection and disposal
- electric or gas utility service
- code enforcement (building, housing, electrical, and so on)
- planning and zoning
- recreational facilities

In addition, the municipality must hold regular public meetings, and it must conduct regular municipal elections as provided by law.

Municipal Government

In Georgia, cities have adopted one of the following forms of government: (a) strong mayor–council form, (b) weak mayor–council form, or (c) council-manager form.

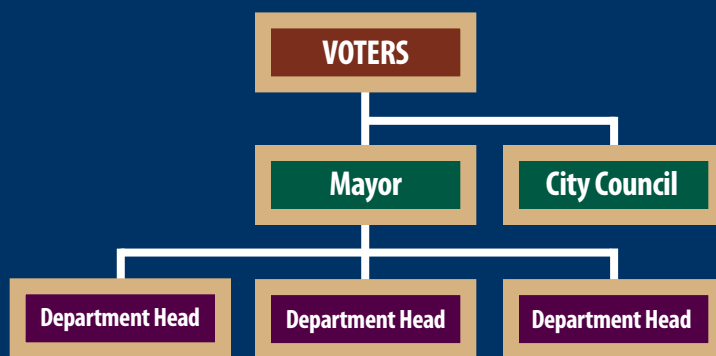
Strong Mayor–Council Form

In the strong mayor-council form, the elected mayor is the city’s chief executive officer and is responsible for seeing that the city’s laws are carried out and its city departments do their jobs. Because of this strong leadership role, the mayor can appoint department heads and other city staff, prepare the city’s budget, and implement it once it is approved by the city council.

In some cities, the mayor can veto ordinances passed by the city council. In cities with a large population, the mayor may appoint a professional city administrator to carry out the day-to-day operations of the city.

Georgia cities usually hold their municipal elections in odd-numbered years. The elected city council sets policies by enacting ordinances and resolutions (informal statements of opinion). Although the mayor can veto city council ac-

Figure 14
Strong Mayor–Council Form



tions, the city’s charter may allow the council to override the mayor’s veto. Atlanta and Macon have a strong mayor-council form of government.

Weak Mayor–Council Form

Under the weak mayor–council form of government, the elected city council has more power than the mayor. Not only does the council enact ordinances and set policy, it also shares the job of carrying out laws through its system of committees. The council takes the lead in developing the city budget.

Under this form, the mayor’s role is primarily ceremonial. The mayor presides over council meetings and can recommend legislative action. In some cities, the mayor may not have the authority to veto actions of the city council. The mayor may have some authority to appoint department heads, but they must be confirmed by the city council. In some cases, the mayor cannot dismiss (fire) department heads. Smyrna has a weak mayor-council form of government.

Council-Manager Form

In the council-manager form of government, the city’s residents elect a city council that enacts city ordinances and sets the city’s policies. The council hires a professional manager who is responsible for the city’s day-to-day operations. The city manager is usually a professional public administrator. The city manager can hire and fire department heads and develop the city’s annual budget.

The mayor of a council-manager government may be elected citywide or selected by the city council from among its members. He or she is usually a member of the city council and can preside over its meetings. However, as a council member, the mayor does not have the authority to veto the council’s legislation. Valdosta and Savannah have a council-manager form of government.

Figure 15
Weak Mayor–Council Form

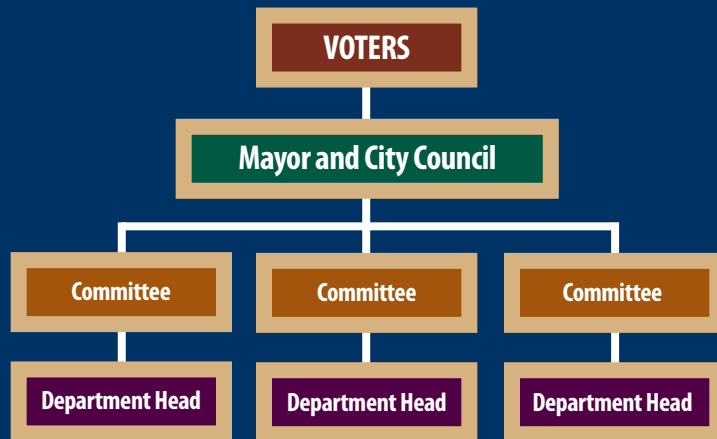
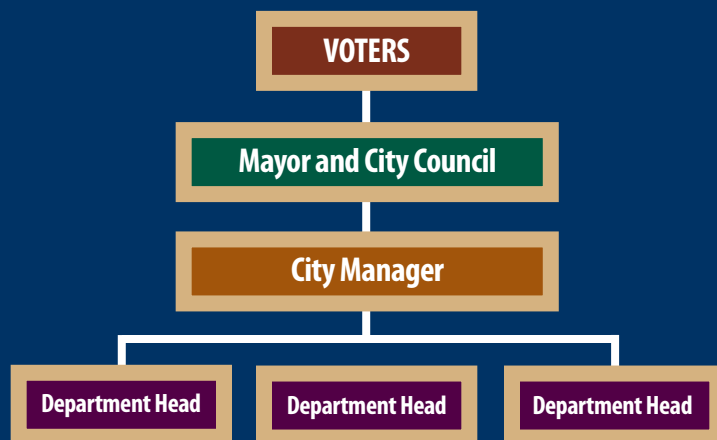


Figure 16
Council–Manager Form





Above: The Athens City Hall, built in 1904, stands on the highest point in town. In 1990, Athens-Clarke County became the second consolidated government in Georgia and the twenty-eighth in the nation, after three previous attempts had failed to win the approval of voters.

City-County Governments

As mentioned earlier, cities and counties sometimes work together to provide services to residents. This often happens when a county becomes more urban and residents want the services normally found in a city. A **consolidated government** is one that has formally merged its county operations and governance with one or more of the cities in the county. Consolidated governments reduce costs by eliminating duplicated services. Combining law enforcement personnel, fire protection, solid waste (garbage) collection, land use planning, and zoning functions are examples.

Of the 3,141 counties in the United States, only 40 of them have consolidated governments. Georgia has 7 of the 40. The first consolidated government was Columbus-Muscogee County in 1970. That was followed by Athens-Clarke County (1990), Augusta-Richmond County (1995), Cusseta-Chattahoochee County (2003), Georgetown-Quitman County (2007), Preston-Weston-Webster County (2008), and Statenville-Echols County (2008). Other counties have shown an interest in consolidation, and they are studying what services can be combined. Residents in the city and the county have the opportunity to vote yes or no on consolidation in a referendum held for this purpose.

Special-Purpose Districts

There are a number of special-purpose governments in Georgia. As a middle-school student, you come in contact with the third form of local government every day—special-purpose districts. Your public school is part

of a special district known as a school district. A **special-purpose district** is a “mini-government” that is set up for a particular purpose or a particular service area. Most such districts govern themselves.

School districts are the most common form of special-purpose districts. Georgia has 159 county school systems and 21 independent city school systems. They are governed by locally elected boards of education. Within the guidelines set by state law, local school systems can establish starting and stopping times for the school day, spell out standards of behavior and punishment, determine dress codes, and schedule students’ time during the school day. The maintenance and operation of public schools are funded through taxes on property within the county.

The Georgia legislature can also establish **local independent authorities**, which are special-purpose governments that generate their own financing through revenue bonds. **Revenue bonds** are long-term loans that are repaid by the revenue received from fees for the use of the facilities or services provided by the authority.

Another type of special-purpose district is the central business improvement district (CBID). These governments are established to redevelop or improve a central business district. The CBID imposes property taxes on the commercial landowners in the district and uses the revenue to make improvements such as street lighting and parking or landscaping that will attract new business to the area.

These are examples of the types of special-purpose districts:

- Augusta Housing Authority
- Cherokee Recreation and Parks Authority
- Coweta County Water and Sewage Authority
- Glynn-Brunswick Memorial Hospital Authority
- Jackson County Airport Authority
- Lawrenceville Downtown Development Authority
- Macon-Bibb County Transit Authority
- Metropolitan Atlanta Rapid Transit Authority (MARTA)
- Savannah Economic Development Authority
- Valdosta-Lowndes County Industrial Development Authority



Top: This MARTA train is pulling into Hartsfield-Jackson Atlanta International Airport. MARTA, the Metropolitan Atlanta Rapid Transit Authority, is an example of a special-purpose district. **Above:** School districts are the most common type of special-purpose district. There are 180 county and city school districts in Georgia.

Reviewing the Section

1. Define: municipal corporation, charter, consolidated government, special-purpose district.
2. Why would a city and a county decide to consolidate?
3. How can local independent authorities generate financing for themselves?

Of Special Interest

Funding Local Government

Just as in government at the state level, local governments must pay for the services they provide. The main sources of funding for local government are taxes and, to a lesser extent, fees and intergovernmental revenue. Cities and counties collect several types of taxes. The one relied upon by counties throughout Georgia is the *property tax*. Property taxes are called *ad valorem taxes*, which means “according to the value.” Ad valorem taxes are based on a property’s *fair market value*, which is what it could be sold for. Property taxes are levied on

- real property, land and buildings that are considered permanent or not easily moved (your family’s house, for example);
- personal property, which refers to movable items of value such as motor vehicles, boats, industrial machinery, and merchandise in storage (store inventory).

Revenue to operate public school systems, administer the courts and public safety, and maintain roads depends upon the annual taxes paid by the owners of the real property in a county. According to Georgia law, real property is assigned an *assessed value* based upon 40 percent of its fair market value. Each county’s board of tax assessors decides the value of each parcel of real property, according to guidelines set by state law. For example, suppose that your family’s house and its surrounding property could be sold today for \$200,000. Its assessed value would be \$80,000 ($\$200,000 \times .40$).

When the assessed values of all taxable property in the county are combined, the total amount is called the *tax digest*. County commissioners use the tax digest to determine the tax rate, or *millage*

rate, for that year. (A *mill* is one-tenth of a cent or \$1 for every \$1,000 of assessed value.) Let’s say your county decided on a millage rate of 29. This is the rate needed to pay for operating expenses (10 mills), the school system (17 mills), and other obligations (2 mills).

Georgia has a provision that lowers the assessed value (for tax purposes) for those who live in (and therefore maintain) the property they own. This *homestead exemption* is \$2,000.

To calculate the annual property tax on your family’s home, you first subtract the homestead exemption ($\$80,000 - \$2,000 = \$78,000$) and then multiply the result by the millage rate ($\$78,000 \times .029 = \$2,262$).

The sales tax is another source of funds for local government. The state of Georgia collects a 4 percent sales tax on retail sales. That sales tax amount is added to the cost of the item bought. Local governments can collect an additional 1 percent general purpose *local option sales tax* (LOST). (“Local option” means that voters in the county or city may decide upon that additional sales tax amount through a referendum.) LOST funds are used for improvements in infrastructure (basic facilities such as roads and bridges) and projects that serve the entire county.

In addition, counties may ask the voters for permission to impose an additional 1 percent *special purpose local option sales tax* (SPLOST). The specific projects to be paid for by this tax must be presented for public discussion before the referendum. Examples of SPLOST projects include a new county courthouse or jail, water system improvements, new fire stations, civic centers, libraries, parks, and recreation facilities. In 2012 citizens in three of Geor-



Above: Special purpose local option sales tax (SPLOST) funds paid for the Greenway Trail in Lilburn.

gia’s economic development regions that include the areas around Augusta, Columbus, and Macon approved another one cent addition to their sales tax in what is called TSPLOST (Transportation Special Purpose Local Option Sales Tax). This tax will be used in those places for construction and repair of roads, sidewalks, bridges, and other aspects of transportation. Local governments collect a number of other taxes: special use, franchise, insurance, hospitality, occupational.

Counties and cities may decide to charge the cost of delivering specific services not to the public at large, but to those people who actually use the services. This form of “pay-per-use” is called a *user fee*. An example is the water and sewerage system maintained by a city. Many rural homes use water drawn from wells drilled in their backyard, and their household water waste goes into a septic tank, also located in the homeowner’s yard. In contrast, urban neighborhoods rely on the city’s water system with its underground pipes and wastewater treatment plants, which are costly to maintain. They are the ones who pay utility fees, which is a major revenue

source for most city governments. Other examples of user fees are those for garbage collection, parking, and the use of recreational facilities.

Cities and counties are partners with state government in providing many services, so they rely upon *intergovernmental revenues*, financial aid from state and federal agencies. These intergovernmental revenues include funds to pay for the operating costs for health clinics and hospitals, road and bridge construction, regional landfill operations, crime prevention, and public housing.

When Georgia tries to balance its budget by cutting services, its cities are forced to make up those funds locally. This sometimes results in reduced services, delays in projects, furloughs or layoffs of employees. City leaders find that the state can no longer provide the same level of funding the municipalities used to count on, which results in reduced services and delays in projects. Georgia cities receive less than 7 percent of their operating funds from the state, compared with the nationwide average of 19 percent.

Chapter Review

Chapter Summary

Section 1 County Government

- In Georgia, counties are subdivisions of the state. The center of government for the county is the county seat.
- Georgia has 159 counties.
- Counties carry out certain state services within the boundaries of the county. Counties may provide basic services normally provided by cities, such as police and fire protection.
- The Georgia constitution established certain constitutional officers for the counties. These include sheriff, judge of the probate court, clerk of the superior court, and tax commissioner.
- Most county governments are led by an elected board of commissioners.
- Regional commissions, districts of 10-18 counties, help local governments with services they might not otherwise be able to carry out themselves.

Section 2 City Government and Special-Purpose Districts

- A city with its own government is called a municipal corporation or a municipality.
- Residents of a proposed city petition the legislature for a charter to become incorporated.
- Municipal corporations provide a variety of services for their residents such as water, sewage, sanitation, and fire protection.

- Some cities and counties work together in consolidated governments to reduce costs by eliminating duplicated services.
- A special-purpose district is created for a single job, a single group of tasks, or a single service area. There are many types of special-purpose districts in Georgia; the most familiar is the school district. Funding for this special-purpose district comes from taxes on property in the district.
- Local independent authorities generate funding through revenue bonds.

Activities for Learning

Understanding the Facts



1. Define *county seat*, and identify the county seat in your county.
2. Define *municipality* and explain the role of a charter in establishing a city in Georgia.
3. List the conditions that must be met before a town can call itself a city.
4. Define *ordinance*.

Developing Critical Thinking



Compare municipal government with city-county government. Prepare a list of advantages and disadvantages of these two types of government for city dwellers.

Writing across the Curriculum



Select an item of local interest in your city or the nearest city to your home. Write a persuasive letter to convince the city council to take action, or write an expository letter that complements the council on work they recently completed or will work on soon.

Extending Reading Skills



Design and complete a chart or diagram that compares and contrasts the different types of sales tax options.

Below: This is the Upson County Courthouse. What is the county seat of Upson County?

Exploring Technology



1. Research the number of counties in the states that border Georgia. Construct a graph that shows the number of counties per state. If you work in a small team, the number of states may be easily increased.
3. According to the Georgia constitution, a municipality must provide at least three specific services (see the list on page 148). Research your nearest city government to determine which services it provides as compared to which services the county provides.

Practicing Your Skills



Examine a map of your county that includes city limit boundaries. Examine your city limit or the nearest city limit to determine exactly where the boundary is located. Find your school and other local landmarks and determine whether they are within incorporated or unincorporated areas.

