

STATE OF GEORGIA

CITY OF ROSWELL

December 14, 2009

**A RESOLUTION DECLARING THE CITY OF ROSWELL'S OPPOSITION TO THE
USE OF FULTON COUNTY GENERAL FUND MONEY ON SPECIAL SERVICE
DISTRICT OPERATIONS AND SERVICES**

WHEREAS, the Georgia Service Delivery Strategy Act (O.C.G.A. § 36-70-24) states that funding for services provided primarily for the benefit of the unincorporated special service districts shall be paid by the residents and inhabitants of that unincorporated special service district; and

WHEREAS, on November 4, 2009 the Board of Commissioners of Fulton County passed a resolution directing the County Manager to place the net revenues (i.e., funds remaining after the payment of mandatory fees into the General Fund) from the traffic citations issued in unincorporated South Fulton County into the South Fulton Special Services District Fund; and

WHEREAS, the Board of Commissioners of Fulton County included in the aforementioned resolution that the transfer of net revenues shall be retroactive to January 1, 2007 and directed the County Manager to amend the budget to allow such transfer to the South Fulton Special Services District Fund; and

WHEREAS, on December 19, 2003, Fulton County Attorney O. V. Brantley, concluded in an inter-office memorandum that the County was prohibited from depositing traffic ticket fines and forfeitures into a Special Service District Fund; and

WHEREAS, on July 1, 2009, Fulton County Attorney David Ware, drafted a memorandum discussing whether traffic court fees and fines collected or generated from the South Fulton Tax District that are deposited into the County's general fund, may be transferred to the South Fulton Tax District after the mandatory fees and costs have been paid; and

WHEREAS, Fulton County Attorney David Ware concluded in his memorandum that such fines and fees must be placed in the County's general fund and be used only for general fund purposes; and

WHEREAS, the County Attorney's memorandum further stated that without an amendment to state law the transfer of general fund money generated from traffic fines to the South Fulton Tax District would be illegal and improper; and

WHEREAS, it is believed that Fulton County is currently using money from the Fulton County General Fund to finance Commissioner Edwards and Sheriff Environmental Effort ("C.E.A.S.E.") Inmate Work Program which serves only unincorporated South Fulton County; and

WHEREAS, a 2005 amendment to the Fulton County Service Delivery Agreement requires an annual audit and indirect cost analysis studies to be performed in a timely manner each year; and

WHEREAS, Fulton County has not complied with the 2005 amendment and failed to keep the appropriate records needed to complete the requirements of the amendment as indicated in the Fulton County Audit and Indirect Cost Analysis Study of 2006; and

WHEREAS, Fulton County has not completed audits and indirect cost analysis studies for fiscal years 2007 or 2008; and

WHEREAS, Fulton County Police expenses are being paid from the Fulton County General Fund yet the incorporated areas of Fulton County, including the City of Roswell, are not receiving the benefit of this service because there is no Fulton County Police presence in the incorporated areas of Fulton County; and

WHEREAS, Fulton County currently uses Local Option Sales Tax (L.O.S.T.) money in the South Fulton Special Service District in Fulton County; and

WHEREAS, Fulton County uses or has used Fulton County General Fund money for subdivision street paving in the South Fulton Special Service District subsequent to the 2005 Fulton County Service Delivery Agreement amendment; and

WHEREAS, Fulton County is acting in contravention to the existing Fulton County Service Delivery Agreement (2005 amendment to the Fulton Service Delivery Strategy) by using Fulton County General Fund money for subdivision street repairs in the South Fulton Special Service District;

NOW, THEREFORE, BE IT RESOLVED, that the City of Roswell hereby directs the Board of Commissioners of Fulton County to cease and desist from using funds from the Fulton County General Fund for any and all activities and/or projects in the South Fulton Special Service District that primarily benefit the residents and inhabitants of the South Fulton Special Service District; and

BE IT FURTHER RESOLVED, that the Mayor and Council of the City of Roswell direct the City's representatives to the City and County Service Delivery Strategy to oppose any Fulton County Service Delivery Agreement that uses County General Fund money to fund special service districts' services and operations or any other services that are exclusively or inequitably provided to the unincorporated portion of the County; and

BE IT FURTHER RESOLVED, that the City of Roswell hereby directs the Board of Commissioners of Fulton County to reallocate an amount equal to the aforementioned improper and unauthorized expenditures and allocations back to the Fulton County General Fund in order to remedy such proscribed acts; and

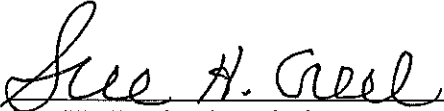
BE IT FURTHER RESOLVED, that the City of Roswell hereby urges all city representatives from all of Fulton County to adopt a similar resolution opposing Fulton County's use of general funds for the South Fulton Special Service Districts' services and operations.

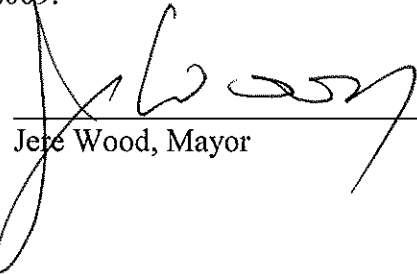
SO RESOLVED this 14th day of December, 2009.


Approved:

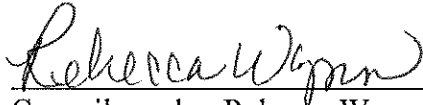
This 14th day of December, 2009.

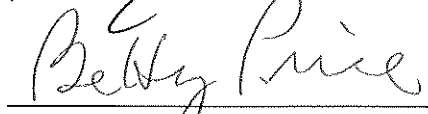
Attest:

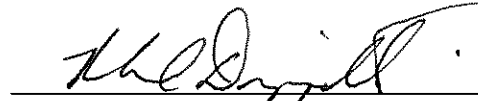

Sue H. Creel, City Clerk
(Seal)

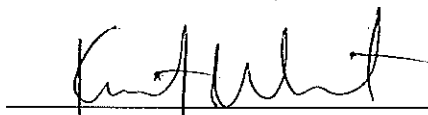

Jere Wood, Mayor


Councilmember Jerry Orlans


Councilmember Rebecca Wynn


Councilmember Betty Price


Councilmember Richard Dippolito


Councilmember Kent Igleheart


Councilmember Lori Henry

