



## REGULAR MEETING

July 11, 2022  
10:00 AM

Albany-Dougherty Government Center  
222 Pine Ave, Room 100, Albany, GA 31701

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### AGENDA

*To comply with the request set forth by the Chairman of Dougherty County, GA and the guidelines of the Center for Disease Control (CDC) regarding the Coronavirus (COVID19) pandemic and social distancing, face coverings (masks) are optional for all meeting participants.*

The public will also have access to the live meeting by accessing the Dougherty County Georgia Government Facebook page at [facebook.com/Dougherty.ga.us](https://facebook.com/Dougherty.ga.us) or viewing the public government access channel (Channel 16).

1. Call the meeting to order by Chairman Christopher Cohilas.
2. Roll Call.
3. Invocation.
4. Pledge of Allegiance.
5. Minutes.
  - a. Consider for action the Minutes of the June 6th Regular Meeting and June 13th Work Session. **ACTION:**
6. Additional Business.
  - a. Consider for action the Resolution declaring a 2011 Chevy Tahoe (from ADDU) as surplus and authorize the sale through Underwriters Safety & Claims. Assistant County Administrator Scott Addison will address. **ACTION:**
  - b. Consider for action the recommendation to accept the Economic Adjustment Program Grant for the multipurpose trails in the amount of \$2,080,946. The total estimated project cost is \$7,652,200. The City's contribution is non monetary and will consist of installing the fiber optic conduit, cable, and electric conduit for future electrical distribution along the trail. The County's contribution of \$5,571,254 will be funded in TSPLOST. The grant is provided by the U.S. Department of Commerce. County Administrator Michael McCoy will address. **ACTION:**

- c. Consider for action a Motion to have the Chairman notify the City of Albany of the County's position relative to the Renegotiation of the Local Option Sales Tax proceeds. The City's distribution request for the LOST proceeds made by City Manager Steven Carter is for a 70/30 split favorable to the City. An analysis of the eight criteria as dictated by the LOST statute made by County Consultant Phil Sutton determined that an equitable split of the LOST proceeds would be 53% to the County and 47% to the City. Historically, the percentage split has been 60% City and 40% County. Chairman Christopher Cohilas and Commissioners will discuss. County Administrator Michael McCoy is present. **ACTION:**
  - d. Discussion of SPLOST VIII proposed projects. County Administrator Michael McCoy will address.
  - e. Consider for action the Resolution providing for the collection of an Excise Tax on rooms, lodgings and accommodations throughout the unincorporated area of Dougherty County. County Attorney Spencer Lee will address. **ACTION:**
  - f. Consider for action the recommendation from the Chairman to enter into Executive Session for the purpose of discussing personnel. **ACTION:**
  - g. Consider for action the Board's recommendation to accept the engagement letter for legal services. **ACTION:**
- 7. Updates from the County Administrator.
    - a. **REMINDER** - There will be a Work Session in Room 100 following the Regular Meeting.
  - 8. Updates from the County Attorney.
  - 9. Updates from the County Commission.
  - 10. Adjourn.

*Individuals with disabilities who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities are required to contact the ADA Coordinator at 229-431-2121 promptly to allow the County to make reasonable accommodations for those persons.*

## DOUGHERTY COUNTY COMMISSION

DRAFT

## REGULAR MEETING MINUTES

June 6, 2022

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on June 6, 2022. Chairman Christopher Cohilas presided and called the meeting to order at 10 a.m. Present were Commissioners Victor Edwards, Gloria Gaines, Russell Gray, Clinton Johnson, Anthony Jones, and Ed Newsome. Also present were County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Clerk Jawahn Ware, and other staff. The public and representatives of the media participated in person and via live streaming of the meeting on the County's Facebook page and the government public access channel. County Attorney Spencer Lee was absent.

After the invocation and Pledge of Allegiance, the Chairman called for approval of the minutes for the May 2nd Regular Meeting and May 9th Work Session.

Commissioner Jones moved for approval. Upon a second by Commissioner Newsome, the minutes were unanimously approved.

The Chairman recognized William Wright, the representative for AFRAM Tech, Inc. to continue his update to the Commission. He questioned the contribution of the European organizations versus the African American organizations and the alleged violation of the Civil Rights Act based on discrimination. He also discussed the upcoming workshops his organization will host to help small businesses obtain ARPA funds.

The Chairman called for consideration to use \$30,000 from contingency to provide funding for the County's Juneteenth Celebration scheduled for Saturday, June 18, 2022. County Administrator Michael McCoy addressed.

Commissioner Jones moved for approval. Commissioner Johnson seconded the motion. Prior to calling for a vote, Mr. McCoy answered questions from the Board. He also shared that this is the first event and at the time the budget is not known, but it is not anticipated to spend the amount of \$30,000. Commissioner Edwards asked that funding for community outreach events be established so when requests come forward, monies will be available. Commissioner Gaines made a substitute motion to forego a celebratory theme to be more solemn and commemorative in the amount of \$10,000. The substitute motion was seconded by Commissioner Gray. The Chairman started a roll call. Prior to the vote being finalized, Mr. McCoy shared that contracts had already been signed. The attorney was not present to address how to proceed.

Commissioner Gray made a motion to withdraw the substitute motion which was seconded by Commissioner Edwards and was unanimous. Commissioner Edwards motioned and Commissioner Johnson seconded the original motion to use contingency for \$30,000. There being no further discussion, the original motion passed unanimously.

The Chairman called for a discussion of SPLOST VIII referendum process and proposed SPLOST VIII projects. County Administrator Michael McCoy and Assistant County Administrator Scott Addison addressed. Mr. McCoy said that based on the 64/36 City and County split, the City wants a 70/30 split. Questions were answered for the Board pertaining to projects. Mr. McCoy will provide an update based on the request of Commissioner Gaines on the firetrucks and tankers previously approved by the Board. Chairman Cohilas provided additional insight on the reason why projects are listed with more generalization. Mr. McCoy will also provide additional details to the Board based on Commissioner Gaines' question.

The Chairman called for the presentation and review of the proposed FY 2023 Budgets as recommended by the Finance Committee. Finance Committee Chairman Ed Newsome, County Administrator Michael McCoy, Assistant County Administrator Scott Addison and Finance Director Martha Hendley addressed. Commissioner Newsome thanked the subcommittee, staff and department heads for their efforts. Mr. McCoy shared that this was a team effort and Mr. Addison presented the budget and discussed that the budget was amended for FY 2021/2022 due to the monetary increase for public safety. He also shared that the ARPA funds helped to save the County money. The amended budget for FY 2021/2022 was \$86,241,325 and the proposed budget for FY 2022/2023 is \$89,106,268 which is a 3.3% change. It was noted that there is a decrease in the General Fund M & O budget of 0.6% and a decrease in CIP of 25.8%. Mr. McCoy shared that this is the first time we have to prioritize mowing and added that there are only two Public Works operators. There was a discussion pertaining to Commissioner Edward's request to provide community funding and there was dissension pertaining to the opinion of the County Attorney. A review of the General Fund and the tranches for the America Rescue Plan were discussed. Allowable expenses for Putney Park, technology, the Dougherty County Board of Health, Aspire Behavioral Health, ways to save the County money in the General Fund, plans for recruitment, retention pay, and implementation of pay study were discussed. Mr. Addison shared that there has been a delay and results from the study are expected on June 15<sup>th</sup>. Mr. McCoy shared that depending on the receipt of the tranche, the desired date for implementation will be July 2022.

Commissioner Edwards asked about the status of the grants administrator and Mr. Addison shared that the tentative onboarding meeting is June 14<sup>th</sup>. Commissioner Edwards asked that an email be sent to the Albany Rescue Mission. Commissioner Gaines asked again for clarification of the second truck by Chief Scott. Commissioner Gray thanked those for serving and recognized Dday (Normandy Landings) and provided an update on the recent fishing rodeo. Commissioner Jones recognized Madame Clerk for her recent Certified Public Manager certification.

There being no further business to come before the Commission, the meeting adjourned at 11:10 a.m.

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CHAIRMAN

ATTEST:

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COUNTY CLERK

DOUGHERTY COUNTY COMMISSION  
WORK SESSION MEETING MINUTES

DRAFT

June 13, 2022

The Dougherty County Commission met in Room 100 of the Albany-Dougherty Government Center on June 13, 2022. Chairman Christopher Cohilas presided and called the meeting to order at 10:00 am. Present were Commissioners Victor Edwards, Gloria Gaines, Russell Gray, Clinton Johnson, Anthony Jones and Ed Newsome. County Administrator Michael McCoy, Assistant County Administrator Scott Addison, County Attorney Spencer Lee, Deputy County Clerk Bristeria Hope and other staff were also present. The public and representatives of the media participated in person via live streaming of the meeting on the County's Facebook page and the government public access channel.

The Chairman asked the Commission to review the minutes of the May 16th Regular Meeting, May 23rd Work Session and May 23rd Special Called Meeting.

The Chairman opened the public hearing for the proposed fiscal year 2022-2023 Budgets. William Wright, representative for AFRAM Tech, Inc spoke against the budgets and was concerned about the economic opportunity in the community. Chairman Cohilas noted that the statement made by Mr. Wright referencing the County paying an individual \$600 an hour was incorrect. There being no additional people present in support of or opposition to the topic the Chairman closed the public hearing.

The Chairman recognized Dominique Riggins, Interim Executive Director, Albany Civil Rights Museum and other Board Members and Representatives to request SPLOST VIII funding. Mr. Riggins stated that he worked with his board members to create a master plan to enhance the exhibit. He added that they were looking to expand various areas of the exhibit and asked for consideration from the Commission to help fund the master plan. Their total request amount is \$3 million with no specific ask from the County. Mr. Riggins said that this request will be presented to the City of Albany as well. Chairman Cohilas asked Mr. Riggins did he have plans to collaborate with local partners. Mr. Riggins said that he was currently working on those plans. Chairman Cohilas asked Mr. McCoy to meet with Mr. Carter (City of Albany) to obtain his viewpoints.

The Chairman recognized A.L. Fleming, Vice President for University Operations and Strategic Initiatives, Albany State University, to request funding for the ASU AYSEP (Albany State Youth Enrichment Program). Mr. Fleming thanked the Board for their contribution last year to help the program and to staff a full-time employee to assist. He said that there were over 200 students in the program and Commissioner Gaines asked for him to provide an end of the summer program report. Mr. Fleming will provide the report later.

The Chairman recognized Chief Cedric Scott, Albany Fire Department, to provide an update on the County Fire Station Equipment needs. Chief Scott provided an overview of the tanker trucks and thanked the County for the purchase of the \$465,664 tanker truck which included

equipment. He added that possible funding from SPLOST VIII would be the next ask to replace the other three tanker trucks and other equipment needed. Commissioner Jones provided kudos to Chief Scott and said that the citizens in the unincorporated areas will be excited to benefit from this tanker truck. Commissioner Gray asked if one of the trucks could be used to bring water to a potential community garden. Commissioner Edwards would like for some acknowledgment to be shown on the tanker truck that was purchased by the County and asked if the Commission could reevaluate the service delivery agreement. Chairman Cohilas asked Mr. McCoy to talk to Chief Scott about possibly arranging a logo to go on the tanker truck. Commissioner Jones asked that Public Information Officer Wendy Howell be involved as well.

The Chairman called for a discussion of the zoning application for Emily McAfee, Jean Haley & et. al., Laura Creel Haley & Lee Haley Jones c/o Larry Walden, Albany, GA, owner and Oxford Construction Company, J. Bruce Melton, applicant, (22-025) request for Special Approval to operate a surface mine borrow pit on 69.342 acres. The property is located on Fleming Road parcel #(00158/00001/79A). The property is zoned AG (Agricultural). The Planning Commission recommended denial. Angel Gray, Planning Manager, addressed. The Public Hearing and Action are scheduled for June 27, 2022. Chairman Cohilas requested the staff recommendation as well.

The Chairman called for a discussion of the zoning application for Jessica Fields, owner and applicant (22-026) request to rezone 106.639 acres from R-1 (Single Family Residential District) to AG (Agricultural District). The property is located at 5913 Old Dawson Road. The Planning Commission recommended approval with the following conditions: 1. commercial agricultural operations are not permitted, 2. a 100' buffer from all property lines must be maintained, and 3. Non-Commercial Farming Activities are not allowed within the 100' buffer. Angel Gray, Planning Manager, addressed. The Public Hearing and Action are scheduled for June 27, 2022.

The Chairman called for a discussion to accept the bid for Facilities Management for the Interior Painting of the Dougherty County Police Department from the lowest responsive and responsible bidder meeting specifications, Empire Painting, LLC (Sylvester, GA) in the amount of \$28,625. Three vendors submitted a bid with the highest being \$96,500. Funding is budgeted in SPLOST VII. Assistant County Administrator Scott Addison addressed. Facilities Management Director Heidi Minnick and City of Albany Buyer Joshua Williams were present.

The Chairman called for a discussion to accept the bid for Public Works for one Compact Excavator with Cab and one trailer from the lowest responsive and responsible bidder meeting specifications, Flint Equipment (Albany, GA) in the amount of \$64,850. Funding is budgeted in SPLOST VII. Five vendors submitted a bid with the highest being \$76,994.62. Assistant County Administrator Scott Addison addressed. Public Works Chuck Mathis and City of Albany Buyer Joshua Williams were present.

The Chairman called for a discussion of the recommendation to amend the Service Agreement with Cornerstone Government Affairs, Inc. County Administrator Michael McCoy addressed. Mr. McCoy said that the current agreement expired at the beginning of this month and the cost will remain the same. He added that next year it will automatically renew. Commissioner

Johnson asked for the total amount of accomplishments that Cornerstone has done for the County.

The Chairman called for a discussion of a continued presentation and review of the proposed FY 2023 Budgets as recommended by the Finance Committee. County Administrator Michael McCoy, Assistant County Administrator Scott Addison and Finance Director Martha Hendley addressed. Mr. McCoy shared that there was one amendment and it was to propose an internship program. He mentioned that the plan would be to change the line item from “GCAPS” to “GCAPS internships.” Commissioner Edwards said that he wanted a paid summer program for next year and asked HR Director Dominique Hall to reach out to the Dougherty County School System principals and 4-H programs for recruitment opportunities.

Commissioner Johnson asked Mrs. Nickerson to discuss how important it is to complete the precinct identification card. Mrs. Nickerson provided information on the cards and Commissioner Johnson asked for chamber security during our Commission meetings. He also asked Mr. McCoy for a GDOT presentation update for Highway 133 road-widening project.

There being no further business to discuss the Commission the meeting adjourned at 11:13 a.m.

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
COUNTY CLERK



**A RESOLUTION  
ENTITLED  
A RESOLUTION TO DECLARE AS SURPLUS A SALVAGED 2011 CHEVY TAHOE  
(VIN NO. 1GNLC2E05BR127955) AND HAVE SAID SURPLUSED SALVAGED VEHICLE DISPOSED  
OF THROUGH UNDERWRITERS SAFETY AND CLAIMS, DOUGHERTY COUNTY’S THIRD PARTY  
ADMINISTRATOR; REPEALING RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT  
HEREWITH; AND FOR OTHER PURPOSES.**

**WHEREAS**, Dougherty County, Georgia is desirous of declaring as surplus a 2011 Chevy Tahoe (VIN NO. 1GNLC2E05BR127955) and having said vehicle disposed of a surplused salvaged vehicle through Underwriters Safety and Claims, Dougherty County’s Third Party Administrator.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Commissioners of Dougherty County, Georgia hereby resolved by Authority of same as follows:

**SECTION I** Dougherty County’s salvaged 2011 Chevy Tahoe (VIN NO. 1GNLC2E05BR127955) is hereby declared as surplus property and the County Administrator is hereby authorized to both dispose of said vehicle through Underwriters Safety and Claims, Dougherty County’s Third Party Administrator, and to execute Form T-19 permitting U S & C through their salvaged contractor, Insurance Auto Auction, to dispose of said surplus property.

**SECTION II** All Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

This the 11th day of July, 2022.

BOARD OF COMMISSIONERS OF  
DOUGHERTY COUNTY, GEORGIA

BY: \_\_\_\_\_  
Christopher S. Cohilas, Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

Requested Surplus and Disposal to Underwriters Safety and Claims

| <b>Albany Dougherty Drug Unit</b> |                   |                  |
|-----------------------------------|-------------------|------------------|
| <b>Description</b>                | <b>VIN Number</b> | <b>Condition</b> |
| 2011 Chevy Tahoe                  | 1GNLC2E05BR127955 | Non-salvageable  |
|                                   |                   |                  |

FORM CD-450 (MULTI)  
(REV. 10/18)

U.S. DEPARTMENT OF COMMERCE

GRANT  COOPERATIVE AGREEMENT

# FINANCIAL ASSISTANCE AWARD

|                         |                                      |
|-------------------------|--------------------------------------|
| FEDERAL AWARD ID NUMBER |                                      |
| 04-79-07595             |                                      |
| PERIOD OF PERFORMANCE   | 52 months after date of EDA approval |
| FEDERAL SHARE OF COST   | \$ 2,080,946.00                      |
| RECIPIENT SHARE OF COST | \$ 5,571,254.00                      |
| TOTAL ESTIMATED COST    | \$ 7,652,200.00                      |

RECIPIENT NAME  
**Dougherty County**

STREET ADDRESS  
**222 Pine Avenue**

CITY, STATE, ZIP CODE  
**Albany, Georgia 31702**

RECIPIENT NAME  
**City of Albany**

STREET ADDRESS  
**222 Pine Avenue**

CITY, STATE, ZIP CODE  
**Albany, Georgia 31701**

AUTHORITY  
**Public Works and Economic Development Act of 1965, as amended (42 U.S.C. § 3121, et. seq.)**

CFDA NO. AND NAME  
**11.307 Economic Adjustment Program**

PROJECT TITLE  
**Multi-Purpose Trail**

This Award document (Form CD-450) signed by the Grants Officer constitutes an obligation of Federal funding. By signing this Form CD-450, the Recipient agrees to comply with the Award provisions checked below and attached. Upon acceptance by the Recipient, the Form CD-450 must be signed by an authorized representative of the Recipient and returned to the Grants Officer. If not signed and returned without modification by the Recipient within 30 days of receipt, the Grants Officer may unilaterally withdraw this offer and de-obligate the funds.

- DEPARTMENT OF COMMERCE FINANCIAL ASSISTANCE STANDARD TERMS AND CONDITIONS
- R & D AWARD
- FEDERAL-WIDE RESEARCH TERMS AND CONDITIONS, AS ADOPTED BY THE DEPT. OF COMMERCE
- SPECIFIC AWARD CONDITIONS (See attached Exhibit "A")
- LINE ITEM BUDGET (See Attachment No. 1)
- 2 CFR PART 200, UNIFORM ADMINISTRATIVE REQUIREMENTS, COST PRINCIPLES AND AUDIT REQUIREMENTS AS ADOPTED PURSUANT TO 2 CFR § 1327.101
- 48 CFR PART 31, CONTRACT COST PRINCIPLES AND PROCEDURES
- MULTI-YEAR AWARD: PLEASE SEE THE MULTI-YEAR SPECIFIC AWARD CONDITION.
- OTHER(S): EDA Standard Terms and Conditions for Construction Projects, dated March 22, 2021

|   |   |
|---|---|
| SIGNATURE OF DEPARTMENT OF COMMERCE GRANTS OFFICER  | DATE  |
| <b>H. Philip Paradice, Jr., Director, Atlanta Regional Office</b><br><i>H. Philip Paradice, Jr.</i> | Digitally signed by H. Philip Paradice, Jr<br>Date: 2022.06.28 11:47:15 -04'00' |
| PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL                         | DATE  |
| <b>Christopher S. Cohilas, Chairman, Dougherty County</b>   |   |
| PRINTED NAME, PRINTED TITLE, AND SIGNATURE OF AUTHORIZED RECIPIENT OFFICIAL                         | DATE  |
| <b>Steven Carter, City Manager, City of Albany</b>  |   |

DRAFT IV  
Proposed SPLOST VIII Projects

|   |                      |
|---|----------------------|
| 1) County Fire Trucks/Equipment                           | \$ 3,600,000         |
| 2) County Fire Station Improvements/Equipment             | \$ 700,000           |
| 3) EMS Ambulances/Equipment                               | \$ 3,400,000         |
| 4) EMS Station Improvements/Equipment                     | \$ 500,000           |
| 5) Sheriff's Department Vehicles/Equipment                | \$ 3,000,000         |
| 6) County Police Department Vehicles/Equipment            | \$ 2,300,000         |
| 7) County Police Building Improvements/Equipment          | \$ 1,500,000         |
| 8) Roads, Streets and Bridges/Equipment                   | \$ 2,920,000         |
| 9) Storm Drainage Improvements/Equipment                  | \$ 4,200,000         |
| 10) Jail Improvements/Equipment                           | \$ 2,000,000         |
| 11) Mental Health Facility Improvements                   | \$ 600,000           |
| 12) Health Department Facility Improvements               | \$ 1,200,000         |
| 13) Government Center Improvements/Equipment              | \$ 710,000           |
| 14) Judicial Building Improvements/Equipment              | \$ 1,000,000         |
| 15) Central Square Improvements/Equipment                 | \$ 350,000           |
| 16) Riverfront Resource Center Improvements               | \$ 220,000           |
| 17) Parking Deck Improvements/Equipment                   | \$ 100,000           |
| 18) Library Improvements/Equipment                        | \$ 600,000           |
| 19) Facilities Management Building Improvements/Equipment | \$ 200,000           |
| 20) Public Works Facilities Improvements/Equipment        | \$ 100,000           |
| 21) County Parks Improvements/Equipment                   | \$ 1,000,000         |
| 22) County Departmental Vehicles                          | \$ 700,000           |
| 23) RiverQuarium Improvements                             | \$ 425,000           |
| 24) Thronateeska Improvements                             | \$ 125,000           |
| 25) Chehaw Improvements                                   | \$ 450,000           |
| 26) Information Technology Upgrades/Equipment             | \$ 1,250,000         |
| 27) Albany Museum of Art Relocation                       | \$ 600,000           |
| 28) Albany Civil Rights Museum                            | \$ 650,000           |
| 29) Hugh Mills Stadium Improvements                       | \$ 500,000           |
| 30) Economic Development/Industrial Park                  | \$ 1,000,000         |
| 31) Albany Technical College Law Enforcement Academy      | \$ 100,000           |
| <b>Total</b>  | <b>\$ 36,000,000</b> |

**A RESOLUTION  
ENTITLED**

**A RESOLUTION TO IMPLEMENT TITLE 48, CHAPTER 13, ARTICLE 3, SECTION 48-13-50 ET SEQ OF THE OFFICIAL CODE OF GEORGIA ANNOTATED, - EXCISE TAX ON ROOMS, LODGINGS, AND ACCOMMODATIONS, AND TO PROVIDE FOR THE COLLECTION BY OPERATOR; TO PROVIDE FOR ADMINISTRATION; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the governing body of Dougherty County, a political subdivision of the State of Georgia, is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia annotated to levy certain excise taxes; and

**WHEREAS**, Dougherty County, a political subdivision of the State of Georgia is designated as a “special district” pursuant to Title 48, Chapter 13, Article 50.1 of the Official Code of Georgia Annotated for the purpose of implementing an excise tax on rooms, lodging and accommodations; and

**WHEREAS**, Georgia House Bill 1463 of the 2022 Regular Session of the Georgia General Assembly authorizes imposition of an excise tax of up to 8% by Dougherty County pursuant to O.C.G.A § 48-13-51 (b); and

**WHEREAS**, the governing body of Dougherty County, a political subdivision of the State of Georgia, is required under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in Dougherty County; and

**WHEREAS**, Dougherty County, a political subdivision of the State of Georgia is authorized under Title 48, Chapter 13, Article 3, Section 51 of the Official Code of Georgia Annotated to make available a designated portion of funds so collected for the purpose of tourism product development in Dougherty County, with any balance of the funds so designated for the purpose of promoting, attracting, stimulating, and developing conventions and tourism by a destination marketing organization in Dougherty County: and

**NOW THEREFORE**, the governing body of Dougherty County, a political subdivision of the State of Georgia, resolves to adopt an Excise Tax Resolution pursuant to said authority; and therefore, the governing body of Dougherty County, a political subdivision of the State of Georgia does publish, state and promulgate the following Resolution:

**SECTION I:** Hotel-Motel Excise Tax Resolution of Dougherty County

**SECTION II: Intent, Purpose and Authorization to Levy Excise Tax**

(a) The intent of this Resolution is to levy an excise tax on rooms, lodgings, and

accommodations to provide additional funding for the promotion of tourism, conventions, and trade shows in Dougherty County, Georgia.

- (b) The purpose of this Resolution is to enact an excise tax upon the furnishing for value to the public of any room or rooms, lodgings or accommodations furnished by any person or legal entity licensed by or required to pay business or occupational taxes to Dougherty County for operating within the special district a hotel, motel, inn, lodge, tourist camp, tourist cabin, rental cabin or any other place in which rooms, lodgings or accommodations are regularly furnished for value.
- (c) This excise tax shall be imposed under the authorization of Georgia House Bill 1463 of the 2022 Regular Session of the Georgia General Assembly.

### **SECTION III: Definitions**

The following terms, for the purposes of this Resolution, shall be defined as follows:

- (a) **County.** The territorial limits of the unincorporated area of Dougherty County under the governing authority of the Board of Commissioners of Dougherty County, Georgia.
- (b) **County Clerk.** The duly appointed county clerk, or his/her designee.
- (c) **County Administrator.** The duly appointed County Administrator, or his/her designee.
- (d) **Destination Marketing Organization.** A private sector nonprofit organization or other private entity which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986 that is supported by the tax under this article, government budget allocations, private membership, or any combination thereof and the primary responsibilities of which are to encourage travelers to visit their destinations, encourage meetings and expositions in the area, and provide visitor assistance and support as needed (O.C.G.A. §48-13-50.2(1)).
- (e) **Due Date.** The twentieth (20th) day after the close of monthly period for which tax is to be computed (O.C.G.A. § 48-13-53.2(a)).
- (f) **Estimated Tax Liability.** The lodging provider's prospective tax liability based upon the average monthly tax remittance in the prior fiscal year, as adjusted for change in tax rate or substantial change in circumstances due to damage to the hotel (O.C.G.A. § 48-13-53.2(b)).
- (g) **Finance Director.** The duly appointed Director/Administrator of finances for Dougherty County, Georgia.

- (h) **Folio.** The primary documentation produced by a hotel or other Facility that demonstrates interaction between the operator and the occupant, and which, at a minimum, reflects the name and address given by the occupant, the date(s) of occupancy, the amount of rent charged for each date together with the amounts of applicable excise tax (es), and the method (s) of payment.
- (i) **Guest Room.** Accommodations occupied, or intended, arranged, or designated for transient occupancy of not more than thirty (30) continuous days (O.C.G.A. § 48-13-51(h)(4)), by one (1) or more occupants for the purpose of living quarters or residential use.
- (j) **Hotel.** Includes any hotel, motel, inn, lodge, tourist camp, tourist cabin, campground, or any other place in which rooms, lodgings, or accommodations are regularly furnished for value and shall apply to the furnishing for value of any room, lodging, or accommodation (O.C.G.A. § 48-13-51(a)(1)(B)(i)).
- (k) **Innkeeper/Lodging Provider/Operator.** Any person who is subject to taxation under this article for the furnishing for value to the public any rooms, lodgings, or accommodations (O.C.G.A. § 48-13-50.2, as amended).
- (l) **Monthly Period.** Any calendar month of any year.
- (m) **Occupancy.** The use or possession, or the right to use or possession, of any room or apartment in a hotel or motel, or the right to use or possession of the furnishings or to the services and accommodations accompanying the use and possession of the room or apartment.
- (n) **Occupant.** Any person (or persons utilizing as a single unite) who, for a consideration, uses, possesses, or has the right to use or possess, any room or hotel or motel under any lease, concession, permit, right of access, license, agreement or otherwise.
- (o) **Permanent Resident.** Any occupant who as a given date shall have occupied, or has or shall have the right of occupancy, of any guest room in a hotel for more than 30 (thirty) consecutive days.
- (p) **Person.** An individual, firm partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, nonprofit corporation or cooperative nonprofit membership, estate, trust, business trust receiver, trustee, syndicate, business entity, or any other group or combination acting as a unit, to include the plural as well as the singular number, excepting, however, the United States of America, the State of Georgia, and any political subdivision of either thereof upon which the governing authority of Dougherty County is without power to impose the tax herein provided.

- (q) **Private Sector Non-Profit Organization.** A Chamber of Commerce, a convention and visitors bureau, a regional travel association, or any other private group organized for similar purposes which is exempt from federal income tax under Section 501(c)(6) of the Internal Revenue Code of 1986; provided, however, that a county or municipality which has prior to April 1, 1990, contracted for a required expenditure under this Code section with a private group which is exempt from federal income tax under provisions of Section 501(c) of the Internal Revenue Code other than Section 501(c)(6) may continue to contract for required expenditures with such a private group (O.C.G.A. § 48-13-50.2(3)).
- (r) **Promoting Tourism, Conventions, and Trade Shows.** Planning, conducting, or participating in programs of information and publicity designed to attract or advertise tourism, conventions, or trade shows (O.C.G.A. § 48-13-50.2(4)).
- (s) **Rent.** The consideration received for occupancy valued in money, whether received in money or otherwise, including all receipts, cash, credits, and property or services of any kind or nature, and also the amount for which credit is allowed by the lodging provider to the occupant, without any deduction therefrom whatsoever.
- (t) **State Authority.** An authority created by state law which serves a state-wide function, including, but not limited to, the Georgia Agricultural Exposition Authority, Georgia Aviation Authority, Georgia Building Authority, Georgia Development Authority, Georgia Environmental Finance Authority, Jekyll Island Authority, Lake Allatoona Preservation Authority, Georgia Medical Center Authority, Georgia Ports Authority, Georgia Regional Transportation Authority, State Road and Tollway Authority, Sports Hall of Fame Authority, Georgia Technology Authority and Georgia World Congress Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional commission and any organizational entities they may create, or local water and sewer authorities (O.C.G.A. § 48-13-50.2(5)).
- (u) **Tax.** The excise tax of 8% on occupants imposed by this Resolution, as provided for by O.C.G.A. §48-13-51(b).
- (v) **Tax Administrator.** The individual appointed by the County Administrator of Dougherty County, or the individual of any office of the Dougherty County government which may in the future be designated as the administrative entity to collect, administer, and complete required annual reporting of the tax.
- (w) **Tourism Product Development.** The expenditure of funds for the creation or expansion of physical attractions which are available and open to the public and which improve destination appeal to visitors, support visitors' experience, and are used by visitors. Such expenditures may include capital costs and operating expenses.



Tourism product development may include: (A) Lodging for the public for no longer than 30 consecutive days to the same customer; (B) Overnight or short-term sites for recreational vehicles, trailers, campers, or tents; (C) Meeting, convention, exhibit, and public assembly facilities; (D) Sports stadiums, arenas, and complexes; (E) Golf courses associated with a resort development that are open to the general public on a contract or fee basis; (F) Racing facilities, including dragstrips, motorcycle racetracks, and auto or stock car racetracks or speedways; (G) Amusement centers, amusement parks, theme parks, or amusement piers; (H) Hunting preserves, trapping preserves, or fishing preserves or lakes; (I) Visitor information and welcome centers; (J) Wayfinding signage; (K) Permanent, nonmigrating carnivals or fairs; (L) Airplanes, helicopters, buses, vans, or boats for excursions or sightseeing; (M) Boat rentals, boat party fishing services, rowboat or canoe rentals, horse shows, natural wonder attractions, picnic grounds, river-rafting services, scenic railroads for amusement, aerial tramways, rodeos, water slides, or wave pools; (N) Museums, planetariums, art galleries, botanical gardens, aquariums, or zoological gardens; (O) Parks, trails, and other recreational facilities; or (P) Performing arts facilities (O.C.G.A. § 48-13-50.2(6)).

#### **SECTION IV: Tax Rate**

- (a) There is hereby set and levied on the occupant of a guest room of any hotel/motel cabin/residence/lodge located within the special district a tax in the amount of 8% of the gross rent for such occupancy.

#### **SECTION V: Effective Date**

- (a) This Resolution shall take effect on the 1st day of September, 2022.

#### **SECTION VI: Exemptions**

- (a) In accordance with O.C.G.A. § 48-13-51(h), the tax imposed by this Resolution shall not apply to (1) Charges made for any rooms, lodgings, or accommodations provided to any persons who certify that they are staying in such room, lodging, or accommodation as a result of the destruction of their home or residence by fire or other casualty; (2) The use of meeting rooms and other such facilities or any rooms, lodgings, or accommodations provided without charge; (3) Any rooms, lodgings, or accommodations furnished for a period of one or more days for use by Georgia state or local governmental officials or employees when traveling on official business. Notwithstanding the availability of any other means of identifying the person as a state or local government official or employee, whenever a person pays for any rooms, lodgings, or accommodations with a state or local government credit or debit card, such rooms, lodgings, or accommodations shall be deemed to have been furnished for use by a Georgia state or local government official or employee traveling on official business for purposes of the exemption provided by this paragraph. For purpose of the exemption provided under this paragraph, a local government official

or employee shall include officials or employees of counties, municipalities, consolidated governments, or county or independent school districts; or (4) Charges made for continuous use of any rooms, lodgings, or accommodations after the first 30 days of continuous occupancy (O.C.G.A. § 48-13-51(h)).

### **SECTION VII: Use of Revenue**

- (a) Pursuant to O.C.G.A. § 48-13-51(b)(5)(A), an amount equal to not less than 50 percent of the total amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent shall be expended for promoting tourism, conventions, and trade shows by the destination marketing organization, as defined in Section III, Paragraph (d) of this Resolution, designated by the governing body of Dougherty County; and
- (b) Pursuant to O.C.G.A. § 48-13-51(b)(5)(B), the remaining amount of taxes collected that exceed the amount of taxes that would be collected at the rate of 5 percent which are not otherwise expended under Section VII, Paragraph (a) of this Resolution shall be expended for tourism product development, as defined in Section III, Paragraph (w) of this Resolution; and
- (c) Pursuant to O.C.G.A. § 48-13-51(a)(3), the amount of taxes that would be collected at the rate of 5 percent, as referenced in Section VII, Paragraphs (a) and (b) of this Resolution, an amount equal to the amount by which the total taxes collected under this Code section exceed the taxes which would be collected at a rate of 3 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) supporting a facility owned or operated by a state authority for convention and trade show purposes or any other similar or related purposes; (C) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes, if a written agreement to provide such support was in effect on January 1, 1987, and if such facility is substantially completed and in operation prior to July 1, 1987; (D) supporting a facility owned or operated by a local government or local authority for convention and trade show purposes or any other similar or related purposes if construction of such facility is funded or was funded prior to July 1, 1990, in whole or in part by a grant of state funds or is funded on or after July 1, 1990, in whole or substantially by an appropriation of state funds; (E) supporting a facility owned by a local government or local authority for convention and trade show purposes and any other similar or related purposes if construction of such facility is substantially funded or was substantially funded on or after February 28, 1985, by a special county 1 percent sales and use tax authorized by Article 3 of Chapter 8 of this title, as amended and if such facility was substantially completed and in operation prior to December 31, 1993; or (F) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly

for a municipality, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purposes (C) and (D) may be so expended in any otherwise lawful manner.

SO RESOLVED by the Governing Body of Dougherty County, this the 11th day of July, 2022.

BOARD OF COMMISSIONERS OF  
DOUGHERTY COUNTY, GEORGIA

BY: \_\_\_\_\_  
Christopher S. Cohilas, Chairman

ATTEST:

\_\_\_\_\_  
County Clerk

June 9, 2022

Hon. Christopher Cohilas  
Chairman, Dougherty County  
222 Pine Ave. , Suite 540  
Albany, GA 31701

Re: HB1463- Hotel-Motel Excise Tax; O.C.G.A. § 48-13-51(b)

Dear Chairman:

As you are likely aware, HB1463 was enacted on April 25, 2022. This local act empowers Dougherty County to impose a hotel-motel excise tax of up to 8% in accordance with O.C.G.A. § 48-13-51 (b). The Office of Community Planning, Research, and Geoanalytics at the Georgia Department of Community Affairs (DCA) is charged with maintaining records, administrative guidance, and annual reporting of this tax for local governments across Georgia. As you work to begin implementation of this legislation, we wanted to take this opportunity to reach out to you to provide any guidance, support, or resources that may be useful for your community.

In order to move forward, your local government will need to take the next and final step of the process by adopting an ordinance establishing the authorization paragraph, tax rate, and effective date for the tax. In accordance with O.C.G.A. §48-13-51(g)(1) and (2), the earliest effective date is the “first day of the second month following its action by the local governing authority.”

Once the ordinance has been adopted by the governing body, it must forward a copy of the executed ordinance and adoption resolution to our office at [Research@dca.ga.gov](mailto:Research@dca.ga.gov).

If this is your community’s first hotel-motel excise tax, the local government will need to begin annually completing the Hotel-Motel Tax Report, due within 6-months of the end of its fiscal year. The standardized form for this purpose is available on DCA’s Hotel-Motel Tax webpage (<https://www.dca.ga.gov/local-government-assistance/research-surveys/hotel-motel-excise-tax>) and can be completed with the same username and password your community uses to access other DCA reports. If this is the community’s first time collecting restricted Tourism Product Development (TPD) dollars, it will now need to complete the TPD Project Contractor Information Schedule (PCIS) component of the report.

The Hotel-Motel Excise Tax is a valuable, but complicated revenue stream for local governments in Georgia. DCA is committed to working with local governments, CVBs, chambers of commerce, tourism authorities, and other stakeholders to develop a clearer understanding of the tax and maximize the impact of local efforts to promote tourism, to attract conventions, and to create and expand visitor attractions and destinations. DCA offers a wide variety of materials to assist communities with implementation of the tax. On our webpage (noted, above) you can find ordinance guidance and general information on the tax including pertinent definitions, restricted spending amounts, and some management best practices.

**Brian P. Kemp**  
Governor



**Christopher Mann**  
Commissioner

Item 6e.

If it would be useful for your community, DCA staff are available for a call or training session to walk through the published resources and offer other support. Please contact Jackson Lilly at [jackson.lilly@dca.ga.gov](mailto:jackson.lilly@dca.ga.gov) or 404-679-3105 if you have any questions about reporting, logistics or next steps, or if we can be of assistance to you and your community in some other way.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon West".

Jon A. West, AICP  
Director | Office of Planning, Research, and Geoanalytics

- CC: Michael McCoy  
Jawahn Ware  
Representative Gerald Greene  
Representative CaMia Hopson  
Representative Winfred Dukes

