

**INTERGOVERNMENTAL AGREEMENT FOR THE
PROVISION OF ELECTION SERVICES BETWEEN
FULTON COUNTY, GEORGIA and
CITY OF MILTON, GEORGIA**

THIS INTERGOVERNMENTAL AGREEMENT is entered into this 6th
July, 2022, between Fulton County, Georgia ("County"), a political subdivision of
the State of Georgia, and the City of Milton, Georgia ("City"), a municipal corporation lying
wholly or partially within the County.

WHEREAS, the parties to this Agreement are both governmental units; and

WHEREAS, the County and the City desire to maintain a mutually beneficial, efficient,
and cooperative relationship that will promote the interests of the citizens of both jurisdictions; and

WHEREAS, the City desires to contract with the County to conduct this election for the
citizens of the City pursuant to the applicable laws of the State of Georgia; and

WHEREAS, the City and the County are authorized by Art. IX, Sec. III, Par. I of the
Constitution of the State of Georgia to contract for any period not exceeding fifty (50) years for
the provision of facilities or services which they are authorized by law to provide, including an
agreement for the conduct of the City elections; and

WHEREAS, O.C.G.A. § 21-2-45(c) authorizes the governing authority of any
municipality to contract with the county within which that municipality wholly or partially lies to
conduct any or all elections; and

WHEREAS, pursuant to O.C.G.A. § 21-2-45(c), a municipality may by ordinance
authorize a county to conduct such election(s), and the City has adopted such an ordinance; and

WHEREAS, the Fulton County Board of Registration and Elections ("BRE") has
jurisdiction over the conduct of primaries and elections and the registration of electors in the
County; and

WHEREAS, the BRE, among other things, is responsible for the selection and
appointment of the elections Superintendent, who selects, appoints, and trains poll workers for
elections.

NOW THEREFORE, in consideration of the following mutual obligations, the County
and City agree as follows:

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ARTICLE 1 CONDUCT OF ELECTIONS

1.1 This Agreement will govern the conduct of any and all elections which the City requests the County to conduct, including any and all runoffs which may be necessary. It is the intent of the parties that City elections be conducted in compliance with all applicable federal, state, and local legal requirements.

1.2 For each City election, City, at its sole option, shall submit to County a request in the form attached hereto as Exhibit A. Requests must be made in conformance with O.C.G.A. § 21-2-540, now and as it may be amended hereafter, to the address specified in the Notice Section below. If a timely request is not made, the County shall have no obligation to conduct the City election which was the subject of the request.

1.3 In the event any special City election becomes necessary, the City and the County shall confer and determine a mutually convenient date as allowed by law to conduct any such election.

ARTICLE 2 TERM OF AGREEMENT

This Agreement shall commence on the date that it is executed by or on behalf of the governing authority of Fulton County, Georgia and will terminate on December 31, 2022, unless otherwise terminated as set forth herein.

ARTICLE 3 DUTIES AND RESPONSIBILITIES

Pursuant to this Agreement, each party shall provide the following enumerated services for the election to be held November 8, 2022:

3.1 Upon receipt of request to perform a City election, and the agreement to conduct a City election, the County through the Superintendent or their designee(s) shall be responsible for:

- a) Designating early and advance voting sites and hours;
- b) Placing the City's candidate(s) on the electronic and printed ballots for City elections after qualifying;
- c) Placing the City's referendum question(s) on the ballot for a City election after timely written notice from the City is received by the County (which such notice shall include all necessary details and information);
- d) Hiring, training, supervising, and paying poll officers and absentee ballot clerks;
- e) Preparing and submitting to the City Clerk, as required by state law O.C.G.A. § 21-2-224(e), now and as it may be amended hereafter, a list of electors.

- f) Performing duties of elections Superintendent, and absentee ballot clerk for the November 8, 2022, City Special election;
- g) Performing logic and accuracy testing as required by Sections 183-1-12-.02 and .07 of the Official Compilation of Rules and Regulations of the State of Georgia, now and as they may be hereafter amended;
- h) Providing staff, equipment and supplies for conducting the November 8, 2022, City special election at City polling places on City election days and for conducting recounts as may be required;
- i) Certifying City election returns as required by state law O.C.G.A. § 21-2-493, now and as it may be amended hereafter, and submitting certified City election returns to the Georgia Secretary of State and City Clerk or as otherwise directed;
- j) Upon a change in City precincts or voter districts, notifying City residents of any change in voting districts and/or municipal precincts; and

3.2 The City shall be responsible for:

- a) Recommending early voting sites and hours of operation to the County.
- b) Adopting Election resolutions pursuant to O.C.G.A. § 21-2-45(c), now and as it may be amended hereafter, and calls for special City elections as required by O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- c) Preparing qualifying materials for potential candidates and performing qualifying of candidates, including any write-in candidates, for City elections as required by state law, specifically O.C.G.A. § 21-2-130 *et seq.*, now and as it may be amended hereafter;
- d) Placing advertisements in the City's legal organ regarding calls for City elections, as required by state law O.C.G.A. § 21-2-540, now and as it may be amended hereafter;
- e) Fixing and publishing the qualifying fee as required by state law under O.C.G.A. § 21-2-131, now and as it may be amended hereafter;
- f) Collecting and retaining the qualifying fee as required by state law O.C.G.A. § 21-2-131, now and as it may be amended hereafter;

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- g) Performing filing officer duties as required by the Georgia Government Transparency and Campaign Finance Commission for any and all state reports filed by the candidates or committees in conjunction with City elections to ensure compliance with Title 21, Chapter 5 of the Official Code of Georgia;
- h) If the City desires to review and verify the accuracy of the voter list(s) for City residents, it must do so not less than 30 days prior to Election Day;
- i) Providing the County with an electronic copy of referendums that must be placed on a ballot;
- j) Reviewing ballot proofs and notifying County of corrections or approval within twenty-four (24) hours of receiving proofs for candidate listings; and
- k) Otherwise cooperating with the County in the performance of this Agreement and providing the County such documentation and information as it may reasonably request to facilitate the performance of its duties under this Agreement.

ARTICLE 4 COMPENSATION AND CONSIDERATION

4.1 For City elections that are to be conducted contemporaneously with a countywide General Election, pursuant to this Agreement and to action of the Board of Commissioners on August 7, 2019, the City will not be charged for the cost of said election.

ARTICLE 5 LEGAL RESPONSIBILITIES

5.1 The City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any City election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registration and Elections, and the County Election Superintendent in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs, including, but not limited to, court costs and attorney fees for the County Attorney or outside counsel, incurred by the County as a result of any such claim or litigation (except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registration and Elections, and the County Election Superintendent). The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County.

5.2 In the event that a City election is contested, the City shall be solely responsible for any liability resulting from any claims or litigation arising from or pertaining to any contested City election, except claims or litigation regarding the acts of agents or employees of the County, the County Board of Registrations and Elections, and the County Election Superintendent in connection with any City Election held pursuant to this Agreement. The City agrees to reimburse the County for all costs incurred in responding to the election challenge, including, but not limited

to, attorney's fees for the County Attorney or outside counsel and all expenses associated with the election challenge and any appeals thereafter, except for costs related to claims or litigation regarding the acts of agents or employees of the County, the County Board of Registration and Elections, and the County Election Superintendent in connection with any City Election held pursuant to this Agreement. The City shall make payment of such reimbursements to the County within thirty (30) days of receipt of any invoice for reimbursement from the County. If a second election is required, such election will constitute a City Election under this Agreement and shall be conducted in accordance with the terms of this Agreement.

5.3 To the extent allowed by law, the City agrees to defend and hold harmless the County with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the County may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the City and/or its employees.

5.4 To the extent allowed by law, the County agrees to defend and hold harmless the City with respect to any claim, demand, action, damages, judgment, cost and/or expenses (including, without limitation, reasonable attorney's fees and legal expenses) to which the City may be subjected as a consequence of or as a result of any error, omission, tort, intentional tort, willful misconduct, or any other negligence on the part of the County and/or its employees.

5.5 It is the intent of the parties to be covered under the auspices of any applicable immunity granted by law.

5.6 Should it be necessary to comply with legal requirements that any of the County's personnel shall be sworn in as a temporary officer or employee of the City, such formality shall be observed without limitation.

ARTICLE 6 EMPLOYMENT STATUS

6.1 All County personnel assigned under this Agreement are and will continue to be employees of the County for all purposes, including, but not limited to: duties and responsibilities, employee benefits, grievance, payroll, pension, promotion, annual or sick leave, standards of performance, training, workers compensation and disciplinary functions.

6.2 All County personnel assigned under this Agreement are and will continue to be part of the Fulton County Department of Registration and Elections and under the supervision of the Superintendent.

6.3 All City personnel assigned under this Agreement are and will continue to be employees of the City.

ARTICLE 7 RECORDKEEPING AND REPORTING

7.1 The County Registration and Elections Department is the central repository for all departmental records and makes available public records as defined and required by the Georgia

Open Records Act, O.C.G.A. § 50-18-70, *et seq.*, O.C.G.A. § 21-2-51 and O.C.G.A. § 21-2-72, now and as they may be amended hereafter. During the term of this Agreement, the County will continue to comply with the applicable provisions of the Georgia Open Records Act and the Georgia Election Code.

7.2 Except as limited by any provision of state or federal law, the City may request, review and access data and County records at a mutually agreed upon time to ensure compliance with this Agreement.

ARTICLE 8 E-VERIFY AND TITLE VI

8.1 Each party agrees that it will comply with all E-Verify and Title VI requirements and execute any documents reasonably required related to such compliance. Further, each party agrees that any contracts let for work completed pursuant to this Agreement shall contain all required E-verify and Title VI requirements under applicable law.

ARTICLE 9 AUTHORIZATION

9.1 Each of the individuals executing this Agreement on behalf of his or her respective party agrees and represents to the other party that he or she is authorized to do so and further agrees and represents that this Agreement has been duly passed upon by the required governmental agency or council in accordance with all applicable laws and spread upon the minutes thereof. The parties hereto agree that this Agreement is an intergovernmental contract and is entered into pursuant to Article IX, Section III, Paragraph I of the Constitution of the State of Georgia 1983.

9.2 Further, the Fulton County Board of Registration and Elections has reviewed and approved this Agreement and has authorized its Chairman and its Chief Administrative Officer to execute any ancillary documents required to complete the November 8, 2022, Special Election, including but not limited to the Notice of the Call of the Special Election and the Notice of the Special Election.

ARTICLE 10 TERMINATION AND REMEDIES

10.1 Either party may unilaterally terminate this Agreement, in whole or in part, for any reason whatsoever or no reason at all, by notice in writing to the other party delivered at least thirty (30) days prior to the effective date of the termination.

ARTICLE 11 NOTICES

11.1 All required notices shall be given by certified first class U.S. Mail, return receipt requested. The parties agree to give each other non-binding duplicate facsimile notice. Future changes in address shall be effective upon written notice being given by the City to the County Elections Superintendent or by the County to the City Clerk via certified first-class U.S. mail, return receipt requested. Notices shall be addressed to the parties at the following addresses:

If to the County: Fulton County Board of Registration and Elections
 Attn: Director
 130 Peachtree St SW, Suite 2186
 Atlanta, Georgia 30303
 Facsimile: 404.730.7024

With a copy to: Fulton County Office of the County Attorney
 Attn: County Attorney
 141 Pryor Street SW, Suite 4038
 Atlanta, Georgia 30303
 Facsimile: 404.730.6540

If to the City: City Clerk
 City of Milton
 2006 Heritage Walk
 Milton, Georgia 30004

With a copy to: City Attorney
 Jarrard & Davis, LLP
 222 Webb Street
 Cumming, Georgia 30040
 Attention: Ken Jarrard

ARTICLE 12 NON-ASSIGNABILITY

12.1 Neither party shall assign any of the obligations or benefits of this Agreement.

ARTICLE 13 ENTIRE AGREEMENT

13.1 The parties acknowledge, one to the other, that the terms of this Agreement constitute the entire understanding and agreement of the parties regarding the subject matter of the Agreement.

This Agreement constitutes the entire understanding and agreement between the parties concerning the subject matter of this Agreement and supersedes all prior oral or written agreements or understandings. No representation oral or written not incorporated in this Agreement shall be binding upon the City or the County. All parties must sign any subsequent changes in the Agreement.

ARTICLE 14 SEVERABILITY, VENUE AND - ENFORCEABILITY

14.1 If a court of competent jurisdiction renders any provision of this Agreement (or portion of a provision) to be invalid or otherwise unenforceable, that provision or portion of the provision will be severed, and the remainder of this Agreement will continue in full force and effect as if the invalid provision or portion of the provision were not part of this Agreement. No action taken pursuant to this Agreement should be deemed to constitute a waiver of compliance with any representation, warranty, covenant or agreement contained in this Agreement and will not operate or be construed as a waiver of any subsequent breach, whether of a similar or dissimilar nature. This Agreement is governed by the laws of the state of Georgia without regard to conflicts of law principles thereof. Should any party institute suit concerning this Agreement, venue shall be in the Superior Court of Fulton County, Georgia. Should any provision of this Agreement require judicial interpretation, it is agreed that the court interpreting or construing the same shall not apply a presumption that the terms hereof shall be more strictly construed against one party by reason of the rule of construction that a document is to be construed more strictly against the party who itself or through its agent prepared the same, it being agreed that the agents of all parties have participated in the preparation hereof.

ARTICLE 15 BINDING EFFECT

15.1 This Agreement shall inure to the benefit of, and be binding upon, the respective parties' successors.

ARTICLE 16 COUNTERPARTS

16.1 This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the City and County have executed this Agreement through their duly authorized officers on the day and year first above written.

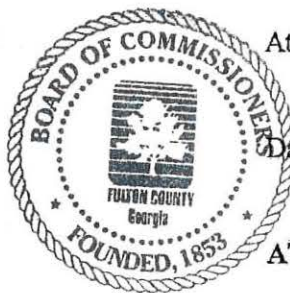
FULTON COUNTY, GEORGIA

APPROVED AS TO SUBSTANCE:

(Seal)



Chair, Board of Commissioners

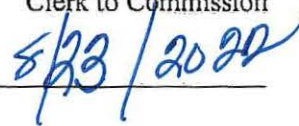


Attest:



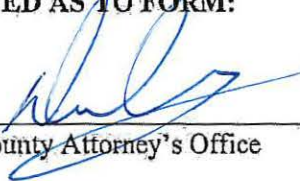
Clerk to Commission

Date:



ATTEST:

APPROVED AS TO FORM:



Fulton County Attorney's Office

APPROVED AS TO SUBSTANCE:



Nadine Williams


Interim Director, Fulton County Department
of Registration and Elections

SIGNATURES APPEAR ON THE FOLLOWING PAGE

ITEM # 22-0530 RM 8/3/20
REGULAR MEETING



CITY OF MILTON, GEORGIA


Peyton Jamison, Mayor

Attest:


Tammy Lowit, City Clerk

Date: 7/7/2022

APPROVED AS TO FORM:

DocuSigned by:

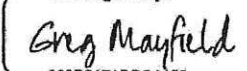

089751710861450
City Attorney 7/7/2022





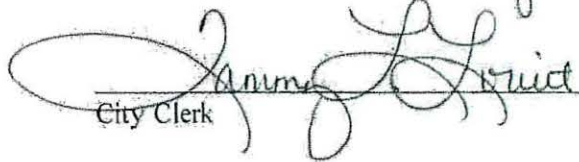
EXHIBIT A

As per the Agreement executed on July 6th, 2022, the City of Milton, hereby requests that Fulton County conduct its Special Election on November 8, 2022, within the boundary of Fulton County.

The last day to register to vote in this election is October 10, 2022.

The list of early voting locations will be forthcoming.

This 6th day of July, 2022.

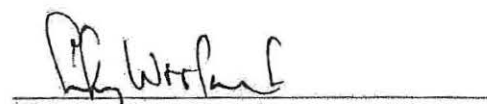

City Clerk

(SEAL)



The Fulton County Board of Registrations and Elections agrees to conduct the City of Milton Special Election on November 8, 2022, within the boundary of Fulton County.

This 14th day of July, 2022.


Elections Superintendent
Fulton County Board of Registration and
Elections

(SEAL)

**A RESOLUTION OF THE MILTON CITY COUNCIL TO PROVIDE FOR A
REFERENDUM ON LOCAL HOMESTEAD TAX EXEMPTIONS**

WHEREAS on April 25, 2022, the Governor signed into law H.B. 1492, H.B. 1493, and H.B. 1497 (the "**Local Legislation**"), which provide for certain changes to senior homestead exemptions from City of Milton ad valorem taxes for municipal purposes as further described in the Local Legislation attached hereto as **Exhibit "A"**; and

WHEREAS, the Local Legislation provides that:

"The municipal election superintendent of the City of Milton shall call and conduct an election as provided in this section for the purpose of submitting [the Acts] to the electors of the City of Milton for approval or rejection. The election superintendent shall conduct that election on the Tuesday immediately following the first Monday in November, 2022, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Milton."; and

WHEREAS, the City Council desires to hold the election with respect to each of the Acts as required under the Local Legislation; and

WHEREAS, the City Council further desires to enter into an intergovernmental agreement with Fulton County, Georgia, specifying the terms and conditions under which Fulton County will conduct such referendum election and perform the duties of the municipal election superintendent.

NOW, THEREFORE, BE IT RESOLVED, that the City of Milton does hereby authorize and direct that:

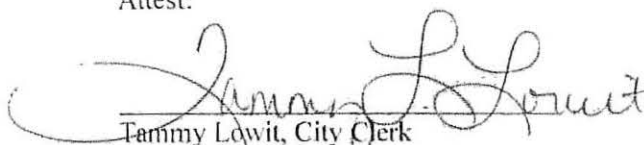
1. A referendum election on the approval or rejection of certain changes to senior homestead exemptions from City of Milton ad valorem taxes for municipal purposes shall be held on November 8, 2022, in accordance with the Local Legislation.
2. The City of Milton enter into an intergovernmental agreement with Fulton County, Georgia, in the form of **Exhibit "B"** attached hereto for purposes of conducting the election pursuant to the Local Legislation.

RESOLVED AND ADOPTED by the Milton City Council this 6th day of

July, 2022.


Peyton Jamison, Mayor

Attest:


Tammy Lowit, City Clerk



**A RESOLUTION OF THE MILTON CITY COUNCIL TO PROVIDE FOR A
REFERENDUM ON LOCAL HOMESTEAD TAX EXEMPTIONS**

WHEREAS on April 25, 2022, the Governor signed into law H.B. 1492, H.B. 1493, and H.B. 1497 (the "**Local Legislation**"), which provide for certain changes to senior homestead exemptions from City of Milton ad valorem taxes for municipal purposes as further described in the Local Legislation attached hereto as **Exhibit "A"**; and

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WHEREAS, the City Council desires to hold the election with respect to each of the Acts as required under the Local Legislation; and

WHEREAS, the City Council further desires to enter into an intergovernmental agreement with Fulton County, Georgia, specifying the terms and conditions under which Fulton County will conduct such referendum election and perform the duties of the municipal election superintendent,

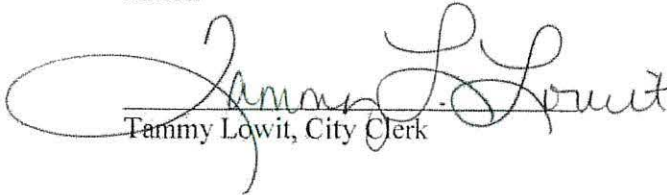
NOW, THEREFORE, BE IT RESOLVED, that the City of Milton does hereby authorize and direct that:

1. A referendum election on the approval or rejection of certain changes to senior homestead exemptions from City of Milton ad valorem taxes for municipal purposes shall be held on November 8, 2022, in accordance with the Local Legislation.
2. The City of Milton enter into an intergovernmental agreement with Fulton County, Georgia, in the form of **Exhibit "B"** attached hereto for purposes of conducting the election pursuant to the Local Legislation.

RESOLVED AND ADOPTED by the Milton City Council this 6th day of
July, 2022.


Peyton Jamison, Mayor

Attest:


Tammy Lowit, City Clerk





Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Maggie Haisty
LEGISLATIVE DIRECTOR

Fulton County Elections
130 Peachtree St, Ste 2186
Atlanta, GA 30303

Dear Election Official,

Pursuant to O.C.G.A. 45-13-24, our office is supplying you with a certified copy of Act No. 668, House Bill No. 1492. This bill was signed into law by the Governor on April 25, 2022 and requires a local referendum.

If you have any questions, please do not hesitate to call at 404-805-8528.

Thank you,

Maggie Haisty
Legislative Director
Georgia Secretary of State

RCVD 06/07/2022



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the attached 7 pages are true and a correct copy of Act No. 668, House Bill No. 1492, as approved and signed by the Governor on April 25, 2022; all as the same appear on file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 25th day of April, in the year of our Lord Two Thousand and Twenty-two and of the Independence of the United States of America the Two Hundred and Forty-sixth.



Brad Raffensperger
Brad Raffensperger, Secretary of State

ENROLLMENT

April 6,

2022

H.B. No. 1492

General

Act No. 668

Assembly



The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

Don Hogan

Chairman

David L. Hudson

Speaker of the House

[Signature]

Clerk of the House

[Signature]

President of the Senate

Ral A. Cook

Secretary of the Senate

AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to modify the maximum income for a senior homestead exemption; to provide for definitions; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1st time 3-04-22

Read 2nd time 3-08-22

Read 3rd time 3-23-22

And Passed

Yeas 125

Nays 38

[Signature]

Clerk of the House

IN SENATE

Read 1st time 3-25-22

Read 2nd time

Read 3rd time

And Passed 3-29-22

Yeas 48

Nays 1

Passed Both Houses

Ral A. Cook

Secretary of the Senate

By: Reps. Jones of the 47th and Cantrell of the 22nd

Received

[Signature]

Secretary, Executive Department

This 6th day of April 2022

Approved

B. P. L.

Governor

This 25 day of April 2022

AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to modify the maximum income for a senior homestead exemption; to provide for definitions; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, is amended by revising Section 6.35 as follows:

"SECTION 6.35.

Homestead exemption for citizens age 70 or over
and disabled persons meeting certain income requirements.

(a) As used in this section, the term:

(1) 'Ad valorem taxes for municipal purposes' means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Milton, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) 'Income' means adjusted gross income determined pursuant to the Internal Revenue Code of 1986, as amended, for federal income tax purposes, except that for the purposes of this section the term shall include only that portion of income or benefits received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system which exceeds the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act.

(4) 'Senior citizen' means a person who is 70 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b)(1) Each resident of the City of Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the greater of \$100,000.00 or the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(2) Each resident of the City of Milton who is disabled is granted an exemption on that person's homestead from City of Milton ad valorem taxes for municipal purposes for the full value of that homestead. The exemption granted by this subsection shall only be granted if that person's income, together with the income of the spouse who also occupies and resides at such homestead does not exceed the maximum amount which may be received by an individual and an individual's spouse under the federal Social Security Act for the immediately preceding year.

(c)(1) In order to qualify for the exemption provided for in paragraph (2) of subsection (b) of this section as being disabled, the person claiming such exemption shall be required to obtain a certificate from not more than three physicians licensed to practice

medicine under Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such physician or physicians such person is mentally or physically incapacitated to the extent that such person is unable to be gainfully employed and that such incapacity is likely to be permanent. Such certificate or certificates shall constitute part of and be submitted with the application provided for in paragraph (2) of this subsection.

(2) A person shall not receive the homestead exemption granted by subsection (b) of this section unless the person or person's agent files an application with the governing authority of the City of Milton, or the designee thereof, giving the person's age, income, and such additional information relative to receiving such exemption as will enable the governing authority of the City of Milton, or the designee thereof, to make a determination regarding the initial and continuing eligibility of such owner for such exemption. The governing authority of the City of Milton, or the designee thereof, shall provide application forms for this purpose.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person has filed the proper application, as provided in subsection (c) of this section, it shall not be necessary to make application thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this section to notify the governing authority of the City of Milton, or the designee thereof, in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by subsection (b) of this section shall not apply to or affect state ad valorem taxes, county ad valorem taxes for county purposes, or county or independent school district ad valorem taxes for educational purposes. The homestead exemption granted

by subsection (b) of this section shall be in addition to and not in lieu of any other homestead exemption applicable to municipal ad valorem taxes for municipal purposes."

SECTION 2.

In accordance with the requirements of Article VII, Section II of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 3.

The municipal election superintendent of the City of Milton shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Milton for approval or rejection. The election superintendent shall conduct that election on the Tuesday immediately following the first Monday in November, 2022, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Milton. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which modifies the maximum income for a
() NO homestead exemption for individuals age 70 or older to be the greater
of \$100,000.00 or the maximum amount which may be received by an
individual and an individual's spouse under the federal Social Security Act
for the immediately preceding year?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2023, and shall be applicable to all taxable years beginning on or after January 1, 2023. If the Act is not so approved or if the election is not conducted as

provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Milton. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 4.

Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED

APR 25 2022

BY GOVERNOR

H. B. 1492

NOTICE OF INTENTION TO
INTRODUCE LOCAL LEGISLATION
Notice is given that there will be
introduced at the 2022 regular session
of the General Assembly of Georgia a
bill to amend an Act to incorporate
the City of Milton in Fulton County,
Georgia, approved March 29, 2006
(Ga. L. 2006, p. 3554), as amended;
and for other purposes.

AFFIDAVIT

GEORGIA, FULTON COUNTY

I, Jan Jones, Representative from District 47, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
 - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Daily Report, which is the official organ of Fulton County, on the 18th of January, 2022; and
 - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government:
 - (i) During the calendar week in which the Notice was published in the official organ; or
 - (ii) During the seven days immediately following the date of publication of such Notice.

s/
Affiant

Sworn to and subscribed at the
State Capitol in Atlanta, Georgia,
This 3rd of March, 2022,
Before me:

s/

Jennifer Burgess
Notary Public, Fulton County, Georgia
My Commission Expires December 2, 2022
[SEAL]





Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Maggie Haisty
LEGISLATIVE DIRECTOR

Fulton County Elections
130 Peachtree St, Ste 2186
Atlanta, GA 30303

Dear Election Official,

Pursuant to O.C.G.A. 45-13-24, our office is supplying you with a certified copy of Act No. 669, House Bill No. 1493. This bill was signed into law by the Governor on April 25, 2022 and requires a local referendum.

If you have any questions, please do not hesitate to call at 404-805-8528.

Thank you,

Maggie Haisty
Legislative Director
Georgia Secretary of State

RCVD 06/07/2022



OFFICE OF SECRETARY OF STATE

I, Brad Raffensperger, Secretary of State of the State of Georgia, do hereby certify that

the attached 5 pages are true and a correct copy of Act No. 669, House Bill No. 1493, as approved and signed by the Governor on April 25, 2022; all as the same appear on file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of my office, at the Capitol, in the City of Atlanta, this 25th day of April, in the year of our Lord Two Thousand and Twenty-two and of the Independence of the United States of America the Two Hundred and Forty-sixth.



Brad Raffensperger
Brad Raffensperger, Secretary of State

ENROLLMENT

H.B. No. 1493

Act No. 669

April 6 20 22

General



Assembly

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

Don Hogan

Chairman

[Signature]

Speaker of the House

[Signature]

Clerk of the House

[Signature]

President of the Senate

Ral. A. Cook

Secretary of the Senate

AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to increase the amount of a senior homestead exemption; to provide for definitions; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, a contingent effective date, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1st time 3-04-22

Read 2nd time 3-08-22

Read 3rd time 3-23-22

And Passed

Yeas 125

Nays 38

[Signature]

Clerk of the House

IN SENATE

Read 1st time 3-25-22

Read 2nd time

Read 3rd time

And Passed 3-29-22

Yeas 48

Nays 1

Passed Both Houses

Ral. A. Cook

Secretary of the Senate

Received

[Signature]
Secretary, Executive Department

This 6th day of April 20 22

Approved

B. F. L.

Governor

This 25 day of April 20 22

By: Reps. Jones of the 47th and Cantrell of the 22nd

AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to increase the amount of a senior homestead exemption; to provide for definitions; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, a contingent effective date, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, is amended by revising subsections (a) and (b) of Section 6.33 as follows:

"(a) As used in this section, the term:

(1) 'Ad valorem taxes for municipal purposes' means all ad valorem taxes for municipal purposes levied by, for, or on behalf of the City of Milton, including, but not limited to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

(2) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended.

(3) 'Senior citizen' means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under subsection (b) of this section is made.

(b) Each resident of the City of Milton who is a senior citizen is granted an exemption on that person's homestead from City of Milton ad valorem taxes for municipal purposes in the

amount of \$25,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation."

SECTION 2.

In accordance with the requirements of Article VII, Section II of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 3.

The municipal election superintendent of the City of Milton shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Milton for approval or rejection. The election superintendent shall conduct that election on the Tuesday immediately following the first Monday in November, 2022, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Milton. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which increases the general homestead exemption
() NO for individuals age 65 or older from City of Milton ad valorem taxes for
municipal purposes from \$15,000.00 to \$25,000.00?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2023, and shall be applicable to all taxable years beginning on or after January 1, 2023, provided that an Act repealing that homestead exemption for citizens of the City of Milton age 65 years or older meeting certain income requirements as found in Section 6.34 of the city charter (Ga. L. 2006, p. 3554, as amended) is enacted in

the 2022 regular session of the General Assembly and approved by a referendum held the first Monday in November, 2022, pursuant to the terms of such Act. If the Act is not so approved, if the election is not conducted as provided in this section, or if the repeal of Section 6.34 of the city charter is not approved, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Milton. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 4.

Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED

APR 25 2022

BY GOVERNOR

H. B. 1493

NOTICE OF INTENTION TO
INTRODUCE LOCAL LEGISLATION
Notice is given that there will be
introduced at the 2022 regular session
of the General Assembly of Georgia a
bill to amend an Act to incorporate
the City of Milton in Fulton County,
Georgia, approved March 29, 2006
(Ga. L. 2006, p. 3554), as amended;
and for other purposes.

AFFIDAVIT

GEORGIA, FULTON COUNTY

I, Jan Jones, Representative from District 47, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
 - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Daily Report, which is the official organ of Fulton County, on the 18th of January, 2022; and
 - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government:
 - (i) During the calendar week in which the Notice was published in the official organ; or
 - (ii) During the seven days immediately following the date of publication of such Notice.

s/ _____
Affiant

Sworn to and subscribed at the
State Capitol in Atlanta, Georgia,
This 3rd of March, 2022,
Before me:

s/

Jennifer Burgess
Jennifer Burgess
Notary Public, Fulton County, Georgia
My Commission Expires December 2, 2022
[SEAL]





Office of the Secretary of State

Brad Raffensperger
SECRETARY OF STATE

Maggie Haisty
LEGISLATIVE DIRECTOR

Fulton County Elections
130 Peachtree St, Ste 2186
Atlanta, GA 30303

Dear Election Official,

Pursuant to O.C.G.A. 45-13-24, our office is supplying you with a certified copy of Act No. 670, House Bill No. 1497. This bill was signed into law by the Governor on April 25, 2022 and requires a local referendum.

If you have any questions, please do not hesitate to call at 404-805-8528.

Thank you,

Maggie Haisty
Legislative Director
Georgia Secretary of State

RCVD 06/07/2022



OFFICE OF SECRETARY OF STATE

*I, Brad Raffensperger, Secretary of State of the State
of Georgia, do hereby certify that*

the attached 5 pages are true and a correct copy of Act No. 670, House Bill
No. 1497, as approved and signed by the Governor on April 25, 2022; all as
the same appear on file and record in this office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and
affixed the seal of my office, at the Capitol, in the City
of Atlanta, this 25th day of April, in the year of our
Lord Two Thousand and Twenty-two and of the
Independence of the United States of America the
Two Hundred and Forty-sixth.



Brad Raffensperger
Brad Raffensperger, Secretary of State

ENROLLEMENT

April 6, 2022

H.B. No. 1497

Act No. 670

General

Assembly

The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.



AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to repeal a homestead exemption for citizens of the City of Milton age 65 years or older meeting certain income requirements as found in Section 6.34 of the city charter; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, a contingent effective date, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Don Hogan
Chairman

[Signature]
Speaker of the House

[Signature]
Clerk of the House

[Signature]
President of the Senate

Ral. A. Cook
Secretary of the Senate

IN HOUSE

Read 1st time 3-04-22

Read 2nd time 3-08-22

Read 3rd time 3-23-22

And Passed

Yeas 125 Nays 38

[Signature]
Clerk of the House

IN SENATE

Read 1st time 3-25-22

Read 2nd time

Read 3rd time

And Passed 3-29-22

Yeas 48 Nays 1

Passed Both Houses

Ral. A. Cook
Secretary of the Senate

By: Reps. Jones of the 47th and Cantrell of the 22nd

Received [Signature]
Secretary, Executive Department

This 6th day of April 2022

Approved [Signature]
Governor

This 25 day of April 2022

(670)

AN ACT

To amend an Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, so as to repeal a homestead exemption for citizens of the City of Milton age 65 years or older meeting certain income requirements as found in Section 6.34 of the city charter; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, a contingent effective date, and automatic repeal; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act incorporating the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), as amended, is amended by repealing and reserving Section 6.34.

SECTION 2.

In accordance with the requirements of Article VII, Section II of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 3.

The municipal election superintendent of the City of Milton shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Milton for approval or rejection. The election superintendent shall conduct that election

H. B. 1497

1 1

on the Tuesday immediately following the first Monday in November, 2022, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of the City of Milton. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which repeals the homestead exemption for
() NO citizens of the City of Milton age 65 years or older meeting certain income requirements as found in Section 6.34 of the city charter?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 1 of this Act shall become of full force and effect on January 1, 2023, and shall be applicable to all taxable years beginning on or after January 1, 2023, provided that an Act increasing a general homestead exemption for individuals age 65 or older from City of Milton ad valorem taxes for municipal purposes from \$15,000.00 to \$25,000.00 is enacted in the 2022 regular session of the General Assembly and approved by a referendum held the first Monday in November, 2022, pursuant to the terms of such Act. If the Act is not so approved, if the election is not conducted as provided in this section, or if an Act increasing a general homestead exemption for individuals age 65 or older from City of Milton ad valorem taxes for municipal purposes from \$15,000.00 to \$25,000.00 is not approved, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following such election date. The expense of such election shall be borne by the City of Milton. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

1 1

SECTION 4.

Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

All laws and parts of laws in conflict with this Act are repealed.

APPROVED

APR 25 2022

BY GOVERNOR

H. B. 1497

NOTICE OF INTENTION TO
INTRODUCE LOCAL LEGISLATION
Notice is given that there will be
introduced at the 2022 regular session
of the General Assembly of Georgia a
bill to amend an Act to incorporate
the City of Milton in Fulton County,
Georgia, approved March 29, 2006
(Ga. L. 2006, p. 3554), as amended;
and for other purposes.

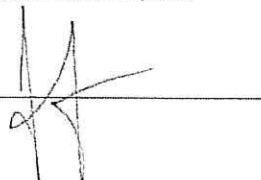
AFFIDAVIT

GEORGIA, FULTON COUNTY


I, Jan Jones, Representative from District 47, state on oath as follows:

- (1) I am the author of the local bill to which this affidavit is attached.
- (2) In accordance with O.C.G.A. § 28-1-14, the notice requirements for the local bill to which this affidavit is attached have been satisfied, including but not limited to the following:
 - (A) The Notice of Intention to Introduce Local Legislation which is attached to such local bill was published in the Daily Report, which is the official organ of Fulton County, on the 18th of January, 2022; and
 - (B) If the local bill amends the charter of a municipality or the enabling Act of the governing authority of a county or consolidated government, then a copy of the Notice of Intention to Introduce Local Legislation was mailed, transmitted by facsimile, or otherwise provided to the governing authority of such municipality, county, or consolidated government:
 - (i) During the calendar week in which the Notice was published in the official organ; or
 - (ii) During the seven days immediately following the date of publication of such Notice.

s/ _____
Affiant



Sworn to and subscribed at the
State Capitol in Atlanta, Georgia,
This 3rd of March, 2022,
Before me:

s/ 
Jennifer Burgess
Notary Public, Fulton County, Georgia
My Commission Expires December 2, 2022
[SEAL]





Fulton County

Legislation Details

File #: 22-0530 **Version:** 1 **Name:**

Type: CM Action Item - Open & Responsible Government **Status:** Passed

File created: 7/12/2022 **In control:** Board of Commissioners

On agenda: 8/3/2022 **Final action:** 8/3/2022

Title: Request approval of an Intergovernmental Agreement to conduct Special Elections for the City of Milton in conjunction with the General Election on November 8, 2022 and Runoff Election on December 6, 2022. (APPROVED)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit 1: Intergovernmental Agreement Fulton County and City of Milton, 2. Exhibit 2: Resolution Establishing a Policy between Municipalities, 3. Exhibit 3 Executed Resolution - R22-07-609 - 2022 Referendum Local Tax Exemption

Date	Ver.	Action By	Action	Result
8/3/2022	1	Board of Commissioners	approve	Pass

