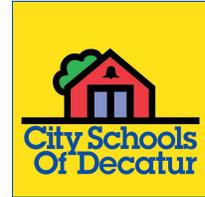


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## **City Schools of Decatur Board of Education Statement on SB 53 Veto**

On Friday, May 7, Governor Kemp vetoed Senate Bill 53. City Schools of Decatur (CSD) thanks the Governor for taking this action to prevent a detrimental and unconstitutional bill from becoming law.

“We opposed SB 53 because we believe it is important for all children in the City of Decatur to attend City of Decatur Schools, as they do now, and SB 53 would have changed that,” said Board Chair Lewis Jones. SB 53 would have created two Decaturs: one for children attending our schools, and another for children not allowed to. It would be especially unfair to those forced to pay taxes to support schools their children could not attend.

In addition to preserving the fabric and identity of our small community, there are many practical reasons to keep the city and school boundaries aligned. Separating the city from its schools would create serious inefficiencies for no reason.

The proponents of SB 53 have stated incorrectly that SB 53 was focused only on commercial annexations. If that was the intent, the effort misfired, because the actual text of the bill went much further. The bill would have prohibited *any* adjustment to City Schools of Decatur’s boundaries from *any* annexation involving fewer than 2,000 students. All conceivable residential annexations were included, including individual half-lots. The only exception was for annexations expressly approved by the DeKalb County School Board (DCSB) through a formal intergovernmental agreement. Although described as a “cooperative process,” by giving DCSB power to approve or disapprove any annexation, the intergovernmental agreement exception actually removed any incentive for DCSB to cooperate.

We could have addressed these concerns and helped to negotiate an appropriate bill if we had been informed about it and included in the discussions leading to its development, but that did not occur. Nobody from DCSB or the DeKalb legislative delegation ever contacted CSD about the bill. Having been excluded from the discussions leading to its development, we were left with no option but to request a veto.

Attached to this press release are questions and answers that have arisen about SB 53 over the last few months.

## SB 53 QUESTIONS AND ANSWERS

**Question:** How would SB 53 have caused Decatur residents to pay for schools they couldn't use?

The City of Decatur Charter requires that all property be taxed to pay for city schools. By separating city and school boundaries, SB 53 would have resulted in some city residents being taxed to pay for schools their children couldn't attend. Those same residents might also be taxed to pay for DeKalb County schools their children would attend, resulting in double taxation.

**Question:** How would SB 53 have complicated the delivery of local services?

There are many examples, which are the result of trying to separate two entities – the City and its schools – that are inseparably intertwined. For example, the City of Decatur and City Schools of Decatur participate in many intergovernmental partnerships ranging from capital projects to school resources officers. Existing relationships might have had to be reconsidered and new relationships would be more difficult to establish if the city and its schools represented different communities and different taxpayers. Additionally, CSD is not authorized to issue bonds, relying instead on the City of Decatur to do so. If SB 53 had not been vetoed, CSD would have had to rely on Decatur residents who could not attend our school to approve and pay for the bonds needed for capital improvements.

Finally, SB 53 prohibited even the smallest annexations, including routine annexations to join split lots, unify neighborhoods, or simplify service delivery boundaries. These small annexations are not motivated by tax receipts, but by other considerations such as creating efficient service delivery boundaries.

**Question:** How did SB 53 violate the state constitution?

The City Schools of Decatur urged Governor Kemp to veto SB 53, in part, because it violated the Uniformity Clause and the Single Subject Clause of the Georgia Constitution.

The Uniformity Clause states that “no local or special law shall be enacted in any case for which provision has been made by an existing general law.”<sup>1</sup> SB 53 violated the Uniformity Clause because it is a local law that conflicts with existing general laws (1) authorizing independent city school systems to maintain public schools within the boundaries of the cities they serve,<sup>2</sup> (2) providing for such independent systems to be supported by an ad valorem tax on all properties within their respective cities, *id.*, and (3) providing for city and school boundaries to remain coterminous when cities grow through annexation. SB 53 attempted to exempt DeKalb County from all three general laws.

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<sup>1</sup> Ga. Const. Art. 3 § 6 ¶ IV(a)

<sup>2</sup> O.C.G.A. § 20-2-490

The Single Subject Clause holds that “no bill shall pass which refers to more than one subject matter or contains matter different from what is expressed in the title thereof.”<sup>3</sup> The Georgia Supreme Court has held that any attempt to “amend, repeal, or modify the charters of two separate and distinct municipal corporations” in a single act violates the single subject rule.<sup>4</sup>

SB 53 violated this rule by amending at least three local acts: local legislation creating and establishing the DeKalb County School System, the Atlanta Public School System, and the City Schools of Decatur. By its text, the bill acknowledges amending legislation for the DeKalb County School System. To be effective, it would also have to amend related legislation for the other two systems. For example, Section 7.14(a) of the City of Decatur Charter provides for the Board of Education to set the millage for the school tax and for the city commission to tax “all property subject to taxation in the city” to pay for the City Schools of Decatur. Another provision of the City of Decatur Charter entitles all Decatur children to attend City Schools of Decatur.<sup>5</sup>

**Question:** When did CSD first learn about SB 53?

On Feb. 7, 2019—the day it passed the Senate. The notice came from a third party unaffiliated with CSD, DCSB, or the DeKalb delegation.

**Question:** How long did the Senate deliberate over SB 53 before passing it?

The bill was placed in the Senate hopper on Feb. 5. It was read and referred to committee on Feb. 6, favorably reported out of committee on Feb. 7, and passed by the Senate later that same day.<sup>6</sup>

**Question:** What did CSD do when it learned about SB 53?

Immediately upon receiving notice of SB 53 on Feb. 7 – the day it passed the Senate – Board Chair Lewis Jones distributed a copy to the Board for discussion at a Feb. 12 public meeting. Jones noted the Board’s opposition to the bill during his Chair Comments at the Feb. 12 meeting.

**Question:** Did any member of the Georgia General Assembly notify CSD about SB 53?

No.

**Question:** Did any member of the DeKalb County School Board or administration notify CSD about SB 53?

No.

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<sup>3</sup> Ga. Const. Art. 3 § 5 ¶ III

<sup>4</sup> *City of Chamblee v. Village of North Atlanta*, 217 Ga. 517, 521 (1962); *Schneider v. City of Folkston*, 207 Ga. 434, 435 (1950)

<sup>5</sup> Decatur Charter § 7.10(a) (incorporating and continuing provision of the 1889 law establishing this right)

<sup>6</sup> <http://www.legis.ga.gov/Legislation/en-US/display/20192020/SB/53>

**Question:** Did CSD communicate its opposition to SB 53 to the DeKalb legislative delegation?

Yes. The Superintendent reached out to Sen. Parent Feb. 8 and spoke with her Feb. 12. Board members notified Reps. Oliver, Drenner, Shannon, and Evans, and Sen. Parent of their opposition to SB 53 on Feb. 11. Board Chair Lewis Jones spoke with Sen. Parent about the bill at her town hall March 19.

**Question:** When the DeKalb County House Delegation held a hearing about SB 53 in February, did they inform CSD about the hearing?

No.

**Question:** Did CSD send a representative to the hearing anyway?

Yes. CSD was informed of the hearing by a third party. Notice was provided at 4:14 pm on Feb. 14. The hearing began at 8:00 am the next day, Feb. 15. CSD's Director of Community and Government Relations, Courtney Burnett, attended to express CSD's opposition to the bill.

**Question:** DCSB asserts that the City Schools of Decatur staff member attending the hearing did not articulate a substantive reason for Decatur to be excluded from the measure. Did CSD participate at the hearing?

Yes. The City of Decatur representative spoke first, registering their opposition to the bill and voicing the same concerns as those held by City Schools of Decatur. Additionally, Ms. Burnett read aloud alternative language proposed by the City Schools of Decatur Board of Education.

**Question:** DCSB has asserted that a legislator requested input from City Schools of Decatur leadership on another annexation bill, SB 423, in March 2018. They assert this bill is similar to SB 53 and that the legislator received no response. Is this true?

No. SB 423 was not similar to SB 53: although they both related to annexation, SB 423 was a state-wide measure. Given the timing of the email seeking comment relative to the legislative calendar and the bill's progress, City Schools of Decatur concluded the bill was not likely to proceed and did not engage on this matter. As anticipated, SB 423 was never voted on.

**Question:** The legislation passed unanimously out of both chambers. Doesn't that mean the legislators all agree that it's good legislation?

No. It is common for "local legislation," such as SB 53, to pass unanimously in deference to those legislators who sponsored the bill.

**Question:** DCSB has pointed to Decatur's annexation of Parkwood as an example of its concern. Who initiated this annexation?

The residents of Parkwood; it was not an initiative of the City of Decatur or the City Schools of Decatur. From a budgetary perspective, it resulted in the City Schools of Decatur losing money.

**Question:** DCSB Superintendent Green has asserted the Parkwood annexation deprived DCSB of over \$500,000 in annual tax revenue. Is this true?

No. Annual tax revenue to DCSB from the annexed properties would have been less than \$115,000 this year.

**Question:** Did the Parkwood annexation bring revenues in excess of costs?

No. The number of students in the area doubled since annexation, and City Schools of Decatur now serves 39 students in the annexed area. In FY 2019, CSD budgeted tax revenues of \$5,968 per student, which means that tax revenue of \$232,752 would be needed to break even. Actual tax receipts were just \$162,278, resulting in a net loss. Tax income would still only have been \$206,385 without Decatur's senior homestead tax exemption.

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