

# Rabun County Alliance

formerly West Rabun Property Owners ~ Est. 2001



## Winter 2018 Newsletter

*“Seeking Leadership and Accountability in Government”*

### SPLOST ISSUES AND CONCERNS

Special Purpose Local Option Sales Tax programs (SPLOST) are temporary tax assessments authorized under state law to fund programs outside the reach of normal County operations. SPLOST requests must be defined by project and approved by voters. Rabun County has enacted several SPLOST programs, generally seeking to enact a new SPLOST that begins at the expiration of the previously approved SPLOST. When projects approved within SPLOSTs are not completed within the term of the SPLOST, they may be continued past the expiration date.

Taxes collected in SPLOST 5 ended in 2013, but funds and projects remained in the list approved by voters in 2007. At this point, there is still a small balance remaining from SPLOST 5 in the Roads, Streets and Bridges category, and it will be used to continue to fund category projects. SPLOST 6 began in September 2013 and tax collections will expire at the end of summer in 2019. It is likely there will be carryover projects from SPLOST 6 as well.

County officials have recently announced they will ask voters to approve another SPLOST program (number 7) in early 2019, and if approved, would begin tax collection immediately after the expiration of SPLOST 6.

RCA has previously expressed concerns regarding the County's administration of the various SPLOST programs. The concerns involved three areas: insufficient definitions of the projects voters were being asked to approve, inappropriate transfers of funds between projects, and indications that maintenance projects (which do not qualify for SPLOST spending) might be intermixed with SPLOST projects (which must be limited to capital projects, defined as being of a “permanent, long-lived nature...that would be properly chargeable to a capital asset account as distinguished from

current expenditures and ordinary maintenance expenses”).

The indications of improper administration related to improper transfers of funds and funding maintenance projects with SPLOST funds came from meetings RCA officials held with County officials in 2012 and 2013. There was actual evidence of some improper activities, but not all of the concerns could be proven. The unproven allegations were derived from comments made by County officials in those meetings.

Most of those County officials have departed, and the current leadership team has mostly assumed their positions since the meetings. RCA has discussed its concerns with current leadership, who strongly state their intentions to follow all legal requirements related to offering and operating SPLOST programs. RCA has no reason to doubt the sincerity of the intention of current leadership to operate in accordance with all legally required SPLOST provisions, and is encouraged by the assurances given.

However, there remains one aspect of SPLOST requirements which is viewed differently between County officials and RCA. SPLOST projects must be described and accompanied by estimated costs in the materials provided to voters. A guide provided to aid counties in SPLOST administration presents a legal opinion rendered by the state's (then) Attorney General regarding how definitive the projects must be, and states in part: “...the description and the purposes must be only so specific as to place the electorate on fair notice of the projects to which the tax will be devoted.”

Unfortunately, there is no clear and inarguable definition of what “fair notice” may imply. SPLOST 6 had several projects, including Roads, Streets and Bridges, Health Department and Courthouse. RCA believes there is no basis for voters to understand how their funds will be spent from

**COMMUNITY CALENDAR:** visit the Chamber of Commerce at [gamountains.com](http://gamountains.com) for Rabun County events

visit [georgiapowerlakes.com](http://georgiapowerlakes.com) for helpful lake information from Georgia Power

visit [lakerabun.org](http://lakerabun.org), [lbca.net](http://lbca.net), and [seedlake.org](http://seedlake.org) for the various Association events

Men's Christian Fellowship meets every Friday, 7:45–9:00am (706-947-3740 or 706-782-7425 for more info)

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those “descriptions,” that what those designations truly are is categories, rather than specific projects. RCA questions why regulations would require voter approval if it is acceptable that voters not be given an understanding of what the projects are. RCA officials have viewed project descriptions from SPLOST requests made in other counties, and see a distinct contrast in how project descriptions are handled outside of Rabun County.

At this point, RCA has no knowledge of how detailed the project descriptions might be when SPLOST 7 is put out for a vote. We hope our discussions with County officials might stimulate them to consider giving voters more of an idea of what they are voting to fund, but that remains to be determined. RCA will publish more information should it discover SPLOST 7 definitions are no more descriptive than in past SPLOSTs.

### **GOOD NEWS AT THE DEVELOPMENT PARK**

The Development Authority of Rabun County (DARC) has announced a lease agreement in the County’s Business Park, located about 6 miles north of Clayton in Rabun Gap. This is a significant development, as the newly leased space is 510,000 square feet. The lessee, ELK Group International, will begin operations on March 1, 2018, and is expected to employ approximately 100 people. ELK Group, a designer, importer and manufacturer of indoor and outdoor residential and commercial lighting fixtures, decorative accessories and furniture, has signed a lease agreement that will last one year and gives ELK the option to renew the agreement at the end of the year. Further, ELK has an option to expand into an additional 145,000 square feet of space. Should it do so and other lessees remain in place, the Business Park facility would be 93% leased.

DARC acquired the Business Park facility in 2010 for \$14 million, and very quickly leased over 92 thousand square feet. A year later, an additional 130 thousand square feet was leased, but much of the remainder of the over 970 thousand square feet in the building remained empty thereafter, costing taxpayers millions of dollars. With the addition of the ELK lease, DARC officials expect the facility to become self-sufficient for the near future.

Unfortunately, the clouds around the Business Park will darken again in a few years. DARC issued revenue bonds to pay for the acquisition of the Business Park facility, and the nature of the repayments will change radically in five years. In 2022, according to a table published in the County’s June 30, 2017 financial statements, annual principal repayments for the facility are scheduled to increase by 460%, and annual interest will increase by 345%. The total amount of interest and principal repayment will increase from nearly \$974 thousand in 2022 to \$4.86 million beginning in 2023, and will decline in modest amounts until the final payment is made in 2041. RCA joins all Rabun County taxpayers in hoping that DARC is soon able to lease the remaining space and is able to keep it fully leased until the final payments are made. *Drawn from an article in the Clayton Tribune and from review of the County’s financial statements*

### **ANOTHER KEY VOTING YEAR IS HERE!**

We live in a wonderful democracy. But democracy only works if people are interested in who is representing them in the governmental process and investigate which persons seeking their vote best align with what they hope to see coming from federal, state

and local government. RCA is pleased to provide the information that will make your travels down this road easier.

First, here are the key positions up for election this year in Rabun County (not enough is known at this point to name candidates):

#### **Federal:**

- Neither U. S. Senator from GA is up for election this year. 2020 is the next year a senatorial election will be held.
- The U. S. House of Representatives seat held by Doug Collins

#### **State:**

- Governor; Lieutenant Governor; Attorney General; Secretary of State; Agriculture, Insurance, Labor and Public Service Commissioners; Superintendent of Public Instruction

#### **Rabun County:**

- Both the state Senate and House positions (held by John Wilkinson and Matt Gurtler)
- County Commissioner Posts 4 and 5 (held by Bob Fink and Kay Darnell)
- School Board Members (Post 3 and At-Large)
- Magistrate Judge

#### **Voting Dates:**

- March 5 - 9: Beginning and end of qualification period to become a candidate for office (ends at noon on the 9th)
- May 22: Democratic and Republican party primary elections

*Note: Early voting starts 3 weeks before the primary election. Weekday voting (Monday through Friday) begins April 30 and ends the Friday before the election. Saturday voting is possible only at the end of the second week, on Saturday, May 12.*

- November 6: General election

*Note: Early voting follows the same pattern as the Primary Election—weekdays in the three full weeks ending the Friday before the General Election, with Saturday voting only at the end of the second week.*

#### **Registration to vote:**

- Ends 30 days before each election.

Voters can obtain very useful information regarding several aspects of the voting process by going online to My Voter Page (<https://www.mvp.sos.ga.gov/MVP/mvp.do>). Even more information is available by going to the official Rabun County website (<http://www.rabuncounty.ga.gov/elections.php>) where Elections Supervisor Tammy Whitmire has provided useful information regarding the voting process and has listed several other websites with useful information.

As is its practice, RCA will publish a “mock” ballot with its recommendations for key positions.

## WHAT IS AN SDS AND WHY SHOULD WE CARE?

The quick answer is that an SDS is a “Service Delivery Strategy” agreement between county governments and all municipalities within the county, and which is designed to minimize competition and duplication of services between them. This step became necessary following a 1970’s amendment to the state’s Constitution which permitted counties to provide municipal services.

In 1997, Georgia’s General Assembly adopted the Service Delivery Strategy Act, which established the process by which counties and municipalities should reach agreement and sets forth numerous provisions and requirements governing the process, too numerous and complicated to describe in this article. However, the reason we should care is that failure to achieve an SDS agreement deprives the unaligned municipalities and county government from being eligible to receive state-funded grants, loans or other forms of financial assistance. As a result, because Rabun County has no such SDS agreement with municipalities currently in effect, the type of state funding enjoyed by other counties throughout the state is not available in our County. In other words, the taxes Rabunites pay to the state are not returning to our County in the form of grants or other types of financial assistance.

This problem became public when Clayton City Council engaged an outside consultant to pursue litigation to force an agreement with County officials. Basically, should litigation move forward, in the words of the City Attorney: “the goal of either through court-mandated mediation of the ultimate outcome of litigation, achieving some sort of resolution to the service delivery strategy and entering back into compliance with the statutes...”

The County Administrator voiced hopes that an agreement could be reached without litigation and requested a meeting between County officials and the Clayton City Council. Clayton’s City Manager informed Clayton’s Mayor and City Attorney of this request, and was hopeful such a meeting might be arranged. As of the writing of this article, no litigation has yet been filed, nor are we aware of a meeting between the parties.

RCA believes that litigation will prove costly and will not necessarily result in a balanced and sustainable agreement, and strongly encourages both parties to meet and put forth best efforts to resolve the issue without resorting to court action. By the time this newsletter reaches members, some degree of resolution might have been reached, but if not, readers concerned about the impasse might consider voicing their thoughts and desires to local officials. *Drawn from an article in the Clayton Tribune and from research into state statutes*

## RECYCLING REPORT

In the fall issue of our newsletter, we published total gallonage and tonnage of 2017 recycled items. We reported 6,350 gallons of oil and antifreeze and 1,368 tons of solid materials collected and recycled. Over half of the weight of solid recycling was composed of lightweight materials such as paper, plastic, aluminum cans, etc. These numbers are very impressive, especially when you put them in context, which we hope will increase the commitment of members and their neighbors to recycle.

For example, if the recycled oil and antifreeze were poured into 55-gallon drums and lined up, the line of drums would stretch about 83 yards. Also, the tonnage of recycled materials computes to 2.74 million pounds of recycled items. And if you divide that number by the number of citizens living in Rabun County, then each citizen carried an average of 168 pounds to the centers last year. Of course, people with primary homes elsewhere recycle, so the “per Rabun citizen” is only theoretical. The point is, recycling is a robust activity in our County.

But there is no doubt that recycling can be significantly expanded with more focus and responsibility from those not yet participating. You don’t have to drive down many roads to realize a lot of recyclable materials are being tossed from the windows of moving vehicles. And a day spent watching the trucks dump their loads at the landfill sites will expand your recognition of how much better we can do.

Here’s one more context to consider: those who watched the Super Bowl probably saw the ad which asked viewers to imagine the next car they buy would be the last one they ever could own, and how much care they would need to take to make it last as long as possible. Then they were “advised” that they only have one body and mind, and were they doing as much as possible to make them last as long as possible? That same thought applies to our environment: we only have one, and it will be what we permit it to become. Without recycling, all our trash would be going into landfills, and the rate of depletion of forests and raw materials necessary to provide packaging and other products would accelerate dramatically. Thanks to all of you who diligently recycle. For others, think about how little effort it might take to recycle more than you are doing now. And please encourage your friends and neighbors to join with you in keeping our landscape one of the most beautiful you will find in this wonderful country.

## FIRE DEPARTMENT REPORT

As we start the new year, I’d like to share with everyone some statistics for Rabun County Fire Services for 2017:

- 1,906 responses with 61 of them being multi-station
- 13,846 training hours
- 28 smoke detectors given out
- 1,642 fire safety education contacts made
- 11 new certified firefighters
- Engine 1 delivered and placed in service
- Command staff completed advanced level incident command classes
- FIREWISE community meeting with renewed partnership with Georgia Forestry Commission and USFS
- Meals on Wheels monthly route started with RCEMS to check for smoke detectors and spread medical and fire safety messages to shut-ins

As always you can reach me at 706-782-2751 or [jupchurch@rabuncounty.ga.gov](mailto:jupchurch@rabuncounty.ga.gov) if you have any questions or concerns. *Assistant Chief Justin Upchurch*



## Rabun County Alliance

*formerly West Rabun Property Owners*

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*Rabun Business Park is welcoming ELK Group International to the County-owned facility in Rabun Gap, where they'll occupy over half a million square feet for the next year, with options to expand both their floor space and their stay even further. This is welcome news for the Development Authority and the County, with payments and interest rates on the property poised to increase dramatically in just a few years.*

### SHERIFF'S REPORT

Wow! What a first year in office it has been for me and my staff at the Sheriff's Office. We have had a busy year and I would like to provide you all with an update on our activities from 2017. Our patrol division, which is our most visible division, has been busy this year responding to a total of 7,812 calls dispatched through the Rabun County 911 emergency number. Your Sheriff's deputies completed 1,383 incident reports, 294 accident reports, and issued 443 citations, along with 575 warnings. Deputies provided services such as 443 vehicle unlocks, 1,058 business checks, and responded to 545 business/residential alarms. They also patrolled to prevent crime in our County, patrolling a total of 226,261 miles for the year. Deputies, along with our Appalachian Regional Drug Enforcement Office deputy, by investigating and interdicting drug dealers, increased drug-related arrests by 175%, increasing from 64 arrests in 2016 to 176 in 2017.

We were also able to restart the K-9 unit, and have two hard working Belgian Malinois dogs. Our criminal investigations division had a busy year in which they were assigned 259 cases with 189 cases ultimately being resolved, for an impressive 73% resolution of 2017 activity! The jail division processed 1,553 people through our adult detention facility in 2017. The average daily population housed in our jail was 96 inmates. Since May, when records started being kept, the jail division transported 420 inmates to court and transported 40 people to a mental

health facility. Our courthouse security division maintains the security of the courthouse while it is open. These deputies provided security for 214 sessions of court and provided security for 18 Commissioners and Planning and Zoning Meetings. In May deputies started keeping track of the number of visitors coming in to the courthouse and there has been a total of 20,392 people visiting the courthouse since then.

Our training division has been busy conducting in-house training and coordinating training through other agencies that has provided our deputies and detention staff with a total of 6,250 training hours for 2017. The Sheriff's Office has also focused on participating in community events such as the RCHS Career Fair, volunteering with Special Olympics, and also the Teen Maze Program at RCHS. We have provided community instruction events such as our Citizens' Firearms Classes and the Citizens' Law Enforcement Academy. We look forward to participating in many of the events and classes again as well as starting some new endeavors we are excited about offering.

This has been a quick snapshot for you to grasp what we do during a calendar year. As your sheriff, I want to thank you for allowing me to serve you and your families, and I look forward to the future of Rabun County and our Sheriff's Office. I would like to thank the men and women of the Sheriff's office for the challenging and hard work they do day in and day out to serve you the citizens and to represent our office. *Sheriff Chad Nichols*