

2023

# LEGISLATIVE TOOLKIT

A GUIDE TO THE 2023  
LEGISLATIVE SESSION

**ACCG**

Advancing Georgia's Counties.



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## ACCG POLICY STAFF

## ACCG EXECUTIVE DIRECTOR



**Clint Mueller**  
*Legislative Director*  
cmueller@accg.org  
678.772.8911



**Todd Edwards**  
*Deputy Legislative Director*  
General County  
Government  
tedwards@accg.org  
404.805.7883



**Kathleen Bowen**  
*Associate Legislative Director*  
Economic Development  
and Transportation  
Federal  
Natural Resources and  
the Environment  
kbowen@accg.org  
404.788.5707



**Gabriel Carter**  
*Legislative Associate*  
Health and Human Services  
Public Safety and the Courts  
gcarter@accg.org  
470.591.6622



**Dante Handel**  
*Legislative Associate*  
Revenue and Finance  
dhandel@accg.org  
203.906.8762



**Dave Wills**  
dwills@accg.org  
404.522.5022

## ACCG POLICY COUNCIL

### EXECUTIVE COMMITTEE

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ACCG President

**Henry Craig** - *Baldwin County Chairman*  
First Vice President and Policy Council Chair

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County Attorney Representative

**Jason Tinsley** - *Upson County Manager*  
County Manager/Administrator Representative

**Amanda Hannah** - *Wayne County Clerk*  
County Clerk Representative

### POLICY COMMITTEE CHAIRS AND VICE CHAIRS

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Chair, Revenue and Finance

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**DeMont Davis** - *Clayton County Commissioner*  
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**Demond Mason** - *Newton County Commissioner*  
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**Oz Nesbitt** - *Rockdale County Chairman*  
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**Kent Woerner** - *Rabun County Commissioner*  
Vice Chair, Health and Human Services

# PRESIDENT'S LETTER



## Dear Georgia Counties and Partners in County Government,

The Association County Commissioners of Georgia (ACCG), also known as Georgia's county association, works to support Georgia's county officials in their endeavors to serve their respective communities. In doing so, ACCG advocates on behalf of county commissioners while working with partners in local and state government such as state agencies and members of the General Assembly to advance all 159 counties.

The 2023 ACCG Legislative Toolkit details the association's Policy Agenda which is inclusive of the ACCG Guiding Principles, Policy Objectives, and Top Legislative Priorities. The Policy Agenda will guide ACCG's advocacy efforts during the legislative session and will help inform county government partners on issues of significance to all counties.

ACCG's top legislative priorities for 2023 include Funding for Mental Health Reform, Emergency Medical Service (EMS) Medicaid Reimbursement, and Local Maintenance and Improvement Grant (LMIG) Program all which are outlined in the enclosed priority policy briefs. The list of Policy Objectives features other significant items the association will actively pursue.

ACCG looks forward to continuing its work of advancing Georgia's counties while best serving in the role as a key player in the state's government arena. County officials and partners in county government are encouraged to use this resource when talking to their legislators about issues of importance to counties. Please do not hesitate to contact a member of the association's policy team if they can be of assistance as we all work to progress Georgia's position as a national model for effective and efficient government.

Sincerely,

A handwritten signature in black ink that reads "Melissa Hughes". The signature is fluid and cursive, with a long, sweeping underline.

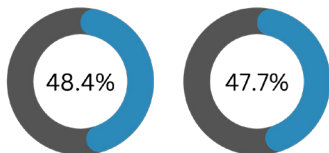
Melissa Hughes

ACCG President and Tift County Commissioner

# ISSUE: Funding for Mental Health Reform

## BACKGROUND

Georgia made remarkable progress in 2022 with the passage of House Bill 1013 but comprehensive mental health reform is going to be a multi-year effort. Although HB 1013 provided a strong framework, adequate funding from the state is necessary to ensure the implementation of these new policies and programs. The state's rural and smaller counties are facing the most challenges with implementation. These counties deserve the opportunity to implement co-responder programs, establish mental health courts, and provide their constituents access to crisis centers within a reasonable distance. Georgia's smaller and rural counties also struggle to recruit adequate mental health professionals to serve their communities. Out of the 159 counties, 77 do not have a full-time working psychiatrist while 76 counties do not have a licensed psychologist. Comprehensive mental health reform cannot take place until mental health resources are not just a luxury of metropolitan counties, but instead are available across the entire state.



Out of 159 counties, only 48.4% have a full-time psychiatrist and 47.7% have a licensed psychologist

## STATUS

ACCG encourages the Governor and General Assembly, to build upon the mental health reform that took place in 2022 by:

1. Increasing the Medicaid reimbursement rate for behavioral health provider services to increase the workforce and make Georgia competitive in the marketplace.
2. Expanding the availability of Behavioral Health Crisis Centers (BHCC) and Crisis Stabilization Units across the state within a reasonable distance to divert individuals from local jails.
3. Appropriating funds for the establishment of co-responder programs across the state.

4. Addressing the challenge of mental health and substance abuse patient transport in an efficient and cost-effective manner.
5. Authorizing state agencies to work more closely with local officials to identify appropriate placements of re-entry housing for substance abuse and mental health patients.

The policy proposals listed above align with the current work of the Behavioral Health Reform and Innovation Commission. ACCG also encourages the final recommendation out of the Senate Study Committee on Unsheltered Homelessness to address the lack of housing opportunities for substance abuse and mental health patients.

*“Comprehensive mental health reform cannot take place until mental health resources are not just a luxury of metropolitan counties, but instead are available across the entire state.”*

## TALKING POINTS

- Counties are often on the front line in the effort to assist those with mental illness and substance abuse challenges. Adequate funding is needed for counties to properly address the magnitude of this challenge.
- Addressing the issue of workforce shortages, mental health patient transports, and access to crisis centers and co-responder programs will help strengthen the mental health resources in Georgia's underserved counties.
- Adequate housing opportunities are an essential component to helping ensure the rehabilitation of substance abuse and mental health patients. ACCG encourages relevant state agencies to work in collaboration with local governments to identify more housing opportunities for this population.

# ISSUE: Emergency Medical Services (EMS) Medicaid Reimbursement

## BACKGROUND

Emergency medical services (EMS) are a vital part of the healthcare system. There are several types of EMS providers ranging from government ambulance services to fire linked services, private ambulance services, and hospital ambulance services. Whether public or private, most EMS intersect with local government and directly affect local governments' ability to provide for the health and welfare of their communities.

As a result of the COVID-19 pandemic, EMS providers and workers have endured a tremendous amount of strain which has resulted in workforce shortages and challenges in service delivery. EMS providers struggle to provide timely emergency medical care when there is a lack of available emergency medical technicians (EMT) or paramedics.

Providing emergency medical services is an expensive endeavor for both urban and rural counties. While EMS mainly operates at the local government level, a significant portion of funding decisions related to EMS happen at the state level. Items such as the current Medicaid reimbursement rate and the uses of ambulance license fees are determined by the state government. ACCG believes that adjusting these two funding mechanisms will help address EMS workforce shortages and service delivery challenges.

## STATUS

ACCG encourages the Governor and General Assembly to adjust the current Medicaid funding mechanism for EMS by:

1. Allowing the first 10 miles of ambulance transport to be eligible for Medicaid reimbursement.
2. Increasing the EMS Medicaid rate to the rural and urban Medicare rate.
3. Utilizing EMS License fees to increase Medicaid reimbursement rates for ambulance services.

## TALKING POINTS

- The current EMS workforce shortages and service delivery challenges greatly threaten an already strained healthcare system.
- With most emergency medical services being delivered at the local government level, it is essential that local governments be a part of the discussion on determining the proper use of current funding mechanisms.
- ACCG encourages the Governor and General Assembly to appropriate funding using ambulance license fees or other sources to increase the EMS Medicaid rate to the rural and urban Medicare rate, while additionally including coverage for the first 10 miles.



*Whether public or private, most EMS intersect with local government and directly affect local government's ability to provide for the health and welfare of their communities.*





# ISSUE: Local Maintenance & Improvement Grant (LMIG) Program Funding

## BACKGROUND

The Local Maintenance and Improvement Grant (LMIG) program, administered via formula by the Georgia Department of Transportation (GDOT), is the state's investment in local transportation infrastructure. This funding is critical to maintaining Georgia's transportation network.

Georgia Code specifies that funds allocated each fiscal year for LMIG shall be not less than 10 percent nor more than 20 percent of the money derived from motor fuel taxes received by the state in the immediately preceding fiscal year.

The Georgia General Assembly suspended the collection of the state motor fuel excise tax in March 2022 and the Governor has extended the suspension on a monthly basis. With LMIG formula funds tied to state motor fuel excise tax collections and the suspension of the state motor fuel excise tax since March, motor fuel tax funded programs will be greatly impacted without the support of other general funds.

## STATUS

ACCG opposes any changes to the LMIG program that reduce current county funds or reduce counties' proportionate share of such grants.

With the suspension of the state motor fuel excise tax, ACCG requests that the Governor and the Georgia General Assembly preserve, at

a minimum, the adopted FY 2023 budget levels for the Georgia Department of Transportation.

ACCG requests that the FY 2024 GDOT budget appropriate funding that would have been collected had there not been a suspension of collection of the state motor fuel excise tax.

In addition to preserving LMIG funding, ACCG recognizes that preserving GDOT's overall budget is essential to ensuring the delivery of critical state and local road and bridge projects, including maintenance and operation in every county in this state.

## TALKING POINTS

- Local governments contribute greatly to Georgia's transportation network with more than 80% of all roads in Georgia owned and maintained by counties and cities.
- Transportation projects funded by GDOT's LMIG program include patching, resurfacing, widening, turn lanes, rehabilitation, intersections, dirt road upgrades, safety upgrades, culvert/bridge repair or replacement, roadway signing and markings, etc.
- ACCG asks the Governor and General Assembly to appropriate funding, from emergency funds or other sources, based on what would have been collected had the state motor fuel excise tax not been suspended - a hold harmless clause.



# 2023 POLICY OBJECTIVES

## Truck Weight Limit Increase

ACCG opposes legislation that increases allowable weight limits on local roads and bridges as current allowable weight limits are at maximum capacity. The increase in truck weight limits contributes to the rapid deterioration of local road and bridge infrastructure and increases the severity of accidents which negatively affects the movement of freight and people through Georgia.

## Creation of New Cities

The creation of new cities duplicates local administrative structures and can disrupt long term planning, create service delivery challenges and inefficiencies, and impose greater costs on taxpayers both within and outside the new city. To that end, any legislation to create new cities should only be introduced following a signed petition of at least 10 percent of the registered voters in the proposed city's jurisdiction. It should be introduced in the first year of the General Assembly's biennial session and voted upon in the second year, with no changes in boundaries of the proposed municipality in the second year. ACCG urges the General Assembly to place several additional measures in statute to provide more certainty, transparency and equity in the process of creating new cities in Georgia.

## Home Rule: Design Standards, Short-Term Rentals, and Build-to-Rent Subdivisions

In recent years, numerous bills have been introduced which would substantially prohibit or preempt Georgia's cities and counties from responding to their constituents' demands through establishing appropriate local oversight of residential design standards,

short-term rentals and build-to-rent subdivisions within their jurisdictions. ACCG opposes these state preemptions, believing that county elected officials, working with and accountable to their community, are in the best position to determine the oversight of these practices at the local level. One size certainly doesn't fit all of Georgia's counties in these areas, and this legislation sets a very dangerous precedent of state usurpation of Constitutional home rule authority.

## Modify Legal Organ Notice Requirements

Counties should be allowed to post legal notices on their county website or common statewide websites in addition to the required paid post in the county's legal organ. Should the legal organ fail to post the notice, the publication on the county website or a common statewide website should serve as adequate notice to the public and serve as having met statutory notice requirements.

## Environmental Trust Funds

ACCG urges the General Assembly to dedicate the two remaining fees inadvertently not included in HB 511 that passed during the 2021 Session - the hazardous waste management fee and the hazardous substance reporting fee - to the Hazardous Waste Trust Fund (HWTF). Almost every county in Georgia has at least one hazardous waste site. Dedicating these fees ensures that there are funds available to clean up these sites.





# 2023 POLICY OBJECTIVES

## Soil Amendments Derived from Industrial By-Products

ACCG supports the efforts of the Georgia Department of Agriculture (GDA) to amend the soil amendment regulations. In addition, legislation or department rules should be considered that would:

- Require manifests to include the true identification of the contents of the soil amendments being transported and land applied;
- Require GDA to provide frequent site inspections;
- Promote collaboration between local governments, GDA and GA EPD;
- Include UGA Cooperative Extension in the development and implementation of the site-specific nutrient management plan;
- Provide notification to GDA and to local governing authorities when soil amendments are being land applied; and,
- Extend concurrent jurisdiction to county governing authorities that employ qualified code enforcement officials to inspect locations where soil amendments are being applied, and to issue temporary stop work orders pending inspection by state officials.

## Juvenile Court

ACCG urges the General Assembly to create a study committee to develop recommendations regarding the funding and staffing of juvenile courts. With Juvenile Justice Reform came many additional administrative duties and timelines. The state provides no funding for juvenile court staff but has placed additional costs on counties. Currently juvenile court judgeships are funded through a grant program to counties that is based on the number of superior court judges within a judicial circuit,

though there is no known correlation between the number of superior court judges and the caseload or judgeship needs in juvenile courts. We strongly urge the study of juvenile court judgeship needs, caseload recommendations, minimum staffing requirements and state funding, where appropriate.

## Assume Full Financial Responsibility for State Prisoners

ACCG urges the Governor and the Legislature to take full financial responsibility for state prisoners who are housed in local jails and correctional institutions by increasing the per diem reimbursement rate for housing.

## PTSD Insurance for First Responders

ACCG encourages the General Assembly to authorize and provide funding assistance for the establishment of a post-traumatic stress disorder (PTSD) insurance program for first responders. Eligible first responders are employees who work as a peace officer, correctional officer, emergency health worker, firefighter, highway emergency response operator, jail officer, juvenile correctional officer, probation officer, emergency services dispatcher, coroner, or medical examiner. This insurance program would be aimed at offsetting the cost of treatment for any first responder that is clinically diagnosed with PTSD from exposure to a traumatic event during the normal course of occupational duties.

# 2023 POLICY OBJECTIVES

## Public Notification of Tax Increase

With property taxes being the largest revenue source for counties and inflation increasing substantially, it is nearly impossible for counties to keep up with inflation in their expenses without receiving some inflation from their largest revenue source. Counties must spend more money now to provide the same level of services due to inflation. ACCG urges the General Assembly to adjust the formula for the rollback rate to allow counties to capture inflation.

## Taxes Exceeding Fair Market Value

When property taxes are not paid for several years, the property taxes owed can exceed the market value of the property making it impossible to sell and recover the owed taxes. County commissioners should be granted the authority to waive taxes that exceed the fair market value of a property to recover a portion of the taxes owed and place the property back in private ownership that will pay future taxes. ACCG asks the General Assembly to call for a constitutional amendment that would grant the authority for county commissioners to waive taxes that exceed a property's fair market value.

## Tax Commissioners Contracting to Collect City Taxes

There are three different ways, depending on the population of the county, for counties to contract with cities for the collection of city property taxes. There is also a separate contract with the tax commissioner allowed in some counties. To make the process uniform, there should be a single contract that must be signed by the county commission, tax commissioner and city council. This contract should specify reimbursement to the county for administrative costs and any personal compensation paid to the tax commissioner.

## LOST Renegotiations

Although LOST renegotiations occur once every ten (10) years, they are often contentious and pit counties and cities against one another. The difficulty encountered in these negotiations hurts county-city relationships, which is not good for constituents of either group. ACCG asks the General Assembly to create a study committee on LOST negotiations to determine a way to resolve these issues when an impasse is reached and to make the negotiations less contentious by providing additional guidance.



# 2023 POLICY OBJECTIVES

## FEDERAL

### Federal Inmate Exclusion Policy

ACCG requests that the federal government allow federal benefits such as Medicaid, Veterans Affairs, and the Children's Health Insurance Program (CHIP) to remain active for eligible inmates / detainees in local jails pre-adjudication. Federal law prohibits the use of federal funds and services for medical care provided to "inmates of a public institution." The federal law does not differentiate between a convicted inmate and a person incarcerated prior to conviction. The "Medicaid Inmate Exclusion Policy" should be rescinded for those awaiting trial that have not been convicted. Those accused should not lose their federal health benefits until the adjudication process is complete for those individuals in a pretrial status. This policy creates a financial burden for counties and adds to the behavioral and mental health crises our communities are experiencing.

### Behavioral Health Services

ACCG urges the federal government to advance legislation and administrative changes that will enhance counties' abilities to provide comprehensive behavioral health services. ACCG also supports federal funding for existing mental and behavioral health services through enhancements to programs like the Community Mental Health Services block grant and the Substance Abuse Prevention and Treatment block grant, and support for expansion of broadband and telehealth resources for behavioral health providers, particularly in rural communities. Furthermore, ACCG supports

other measures to meet the growing demands for behavioral health services, including developing and expanding the workforce, building an infrastructure for behavioral health crisis response, fully implementing and expanding mental health parity, expanding access to health information technology, and the clarification of data privacy provisions.

### Funding for Juvenile Justice

ACCG encourages all federal justice grant funds for juvenile justice and delinquency prevention to go directly to counties. These grant funds will be used for early intervention programs, providing resources to youth to offset risk factors, and establish and implement education and treatment strategies for juveniles involved with illegal substances. By reauthorizing and updating the Juvenile Justice and Delinquency Prevention Act (JJDP), the federal government can collaborate with local governments to establish a process for the direct funding of these grant funds to local county government.



# ACCG GUIDING PRINCIPLES

## LOCAL ISSUES

ACCG provides a common platform that allows counties to maximize their legislative influence by making requests of the General Assembly and Congress through a unified effort. Through ACCG's policy development process, a policy platform is adopted, containing issues of significant importance to all counties or a reasonable portion of them. ACCG will not become directly involved in lobbying local legislation or general legislation that is drafted to affect only one county. ACCG will, however, notify the affected county of the pending legislation and will, at the request of the county, provide technical assistance. ACCG urges members of the General Assembly to refrain from passing this type of legislation without the support of the county governing authority. Where legislation will benefit some counties at the expense of others, ACCG will notify all counties of the potential benefits and consequences of the legislation but will not take a position.

## HOME RULE

Home rule is the right of the people to determine and implement a public policy at the grassroots level. Home rule power is conferred on Georgia counties by Article IX, Section II, Paragraph I of the Georgia Constitution. Local governing authorities have the power to adopt ordinances, resolutions, or regulations relating to its property, affairs, and local government, as long as they are not inconsistent with state law or the Georgia Constitution. Although state laws may define minimum standards, they should not preempt counties from passing ordinances that establish a more stringent standard for their communities. The preservation of administrative and fiscal home rule authority allows counties to develop and implement community-based solutions to local problems. ACCG believes that counties, as the government closest to the people, are the most appropriate authority to serve the needs and requirements of the community.

## COST SHIFTING

A state directive that compels local governments to provide a service, program, or benefit without providing the appropriate monies or a funding source is regarded as an unfunded mandate. County officials recognize that some state mandates are justified because they achieve agreed upon statewide policy goals. However, many, if not most, mandates on counties are imposed without the consensus of local governments or the resources necessary for their implementation. Mandates shift costs to local property taxpayers, financially drain county governments, and impede a county's ability to adequately deliver the fundamental services required by law. Mandates also compromise a county's ability to provide discretionary services requested by the local community. ACCG opposes any state or federal actions that limit the ability of local elected officials to make fiscal and public policy decisions for the citizens they represent. Furthermore, counties support the establishment of an agreed upon course of action whereby state and county elected officials deliberatively evaluate the appropriate funding and delivery of intergovernmental service responsibilities between counties and the state.

## LOCAL REVENUES

To provide services requested by the local community or required by the state, counties need an adequate stable revenue source that is diverse and fairly spreads the tax burden across the residents of the county. State-determined restrictions on local revenues hinder a local community's ability to establish a revenue structure that fairly distributes the financial burdens of local government to all citizens of the county based on the unique characteristics of the county.

# ACCG GUIDING PRINCIPLES

When new state laws or annexation erodes a portion of the local revenue base, county commissioners must shift the tax burden to other residents or reduce the level of county services provided. Politically, neither of these choices is popular. The decision to tax should occur at the same level of government where the decision is made to enact a new service or enhance an existing service. Local governments should have an equal share of flexibility and control over both revenues and expenditures as they are directly linked.

## SERVICE DELIVERY

To help create and maintain the quality of life desired by the residents of a community, counties should be given the flexibility to create new services, expand existing services, or discontinue a service. If a service is funded partially or fully using county revenues, then the county governing authority should have a level of control over the service commensurate to its share of the funding. Local government services in the unincorporated areas should be provided solely at the discretion of the county governing authority and such services should not be disrupted by annexation. Service delivery responsibilities within the incorporated areas of the county should be determined jointly with the city. When the state wishes to provide services locally, they should coordinate with the counties to determine the most efficient method of service delivery and funding of the service.

## LAND USE

County officials must have the ability to make reasonable decisions for zoning, comprehensive planning, and infrastructure issues to ensure that the local community grows and develops in a way that adds value to the community and improves the quality of life for all residents. This includes a county's right to adopt local land use and other environmental regulations to protect its unique natural resources and vision for the community. Citizens expect the county commission to exercise its ability to manage and direct growth without being subjected to prohibitive claims for damages for infringement on private property rights. Likewise, county land use decisions should not be thwarted by municipal annexations. Locally elected officials are in the best position to balance the rights of individual property owners with the rights and wishes of all property owners within a county.

## STATE/COUNTY PARTNERSHIP

Counties were created to function as local subdivisions of the state. To tailor services to the needs of the different geographic and demographic areas of the state, decision making power must be granted to locally elected representatives. The state sets general parameters, including minimum standards and levels of service, then local officials should decide what additional services and enhancements the local community desires. The state and its local county subdivisions must work in tandem to improve the quality of life for all Georgia residents. To facilitate this partnership the state should:

- Fully fund state services and not require or attempt to coerce counties into subsidizing the service.
- Provide support (i.e., funding and technical assistance) to attain a minimum level and standard of services needed statewide (i.e., crime information center, crime lab, utility assessments, training public safety officers, establishing uniform assessment procedures and transportation improvements).

# 6 Ways to Effectively Engage Your Legislators



**Follow These Tips to Connect with Your State Legislators**

- 01** Make sure you have your legislators' contact information should you need to reach them on short notice.
- 02** Invite your legislators to attend your county commission meetings and tour your county facilities.
- 03** Make sure to thank your legislators for their positive efforts on behalf of your county.
- 04** Remain cordial when discussing your concerns with, or opposition to, pending legislation in order to maintain good working relationships with your legislators.
- 05** Meet with your legislators, before and during the session, to review the Legislative Toolkit and to discuss bills that impact your county.
- 06** Meet periodically with your legislators for briefings on current issues.





# POLICY COMMUNICATION TOOLS

STAY UP TO DATE ON THE LATEST ACCG POLICY NEWS

## WEEKLY LEGISLATIVE UPDATES

Published and emailed every Friday during the legislative session, the Legislative Update is the weekly report that helps keep county officials informed about the various issues moving through the General Assembly.

Contact Schuyler Harding ([sharding@accg.org](mailto:sharding@accg.org)) if you would like to receive this publication.

## ACTION ALERTS

ACCG will periodically release Action Alerts regarding issues that require immediate action from county officials. The Action Alerts will include background information on the issue as well as talking points that county officials can use when speaking to their legislators.

## LIVE UPDATES OVER ZOOM

Join the policy team every Friday at 9:00 a.m. for the Virtual Legislative Update via Zoom. Be sure to tune in for weekly recaps of what took place under the Gold Dome.

## TWITTER

Follow us on Twitter ([@GACounty](https://twitter.com/GACounty)) as we'll share real-time information and updates from the Capitol as various events take place.

## ACCG POLICY TEAM

### Clint Mueller

Legislative Director  
cmueller@accg.org | 678.772.8911

### Todd Edwards

Deputy Legislative Director  
General County Government  
tedwards@accg.org | 404.805.7883

### Kathleen Bowen

Associate Legislative Director  
Economic Development and Transportation  
Federal  
Natural Resources and the Environment  
kbowen@accg.org | 404.788.5707

### Gabriel Carter

Legislative Associate  
Health and Human Services  
Public Safety and the Courts  
gcarter@accg.org | 470.591.6622

### Dante Handel

Legislative Associate  
Revenue and Finance  
dhandel@accg.org | 203.906.8762

191 Peachtree Street NE, Suite 700

Atlanta, GA 30303

Tel: (404) 522-5022 | Fax: (404) 525-2477

[www.accg.org](http://www.accg.org)

[facebook.com/gacounty](https://www.facebook.com/gacounty)

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The ACCG logo is displayed in large, bold, white capital letters. The background of the entire page is a photograph of the Georgia State Capitol building, showing its classical architecture and the iconic gold dome, set against a clear blue sky.

Advancing Georgia's Counties