RESOLUTION NO. 01-24-47

RESOLUTION REQUESTING SUPPORT BY THE GENERAL ASSEMBLY RELATING TO REPEALING OR AMENDING THE COUNTY POWERS RELIEF ACT T.C.A. §67-4-2901, ET SEQ.

WHEREAS, The Property Taxpayers Protection Act (PTPA) (HB1206/SB820), originally introduced by Representative Scott Cepicky and Senator Joey Hensley, aimed to give counties the same opportunity afforded to municipalities in determining how best to fund the expansion of services necessitated by accelerated growth and now other legislation is being introduced to assist counties in dealing with growth; and

WHEREAS, Maury County has experienced accelerated residential growth that has negatively impacted the County's ability to sustain existing essential services; and

WHEREAS, the citizens of Maury County, for far too long, have been given the burden of paying for new development by ever-increasing property taxes; and

WHEREAS, in 2006, the Tennessee General Assembly enacted the County Powers Relief Act T.C.A. §67-4-2901, et seq, which provided the authority for Counties to enact adequate facility taxes; and

WHEREAS, the growth in Maury County has led to the need for the expansion of county services, including, but not limited to, new schools, law enforcement, emergency management services, new roads, etc.. the adequate facilities tax on development, allowed in T.C.A. §67-4-2913, alone has proven to be woefully inadequate in meeting the demands for additional services the County has experienced which is capped at fifty cents per square foot for new residential construction and thirty cents per square foot for commercial property and accessory buildings on residential property; and

WHEREAS, pursuant to T.C.A. §67-4-2913, the County Powers Relief Act explicitly forbids a county from enacting an impact fee; however, it excludes municipalities from the prohibition of enacting impact fees; and

WHEREAS, in Tennessee Attorney General Opinion No. 07-161 (December 11, 2007), the Tennessee Attorney General also opined that the County Powers Relief Act "does not prohibit cities from enacting impact fees;" and

WHEREAS, municipalities are specifically granted the authority to enact impact fees pursuant to T.C.A. 6-2-201 (15) and T.C.A. 6-33-lO l(a) to fund the expansion of their services caused by growth; and

WHEREAS, Maury County desires to be given the same opportunity afforded to municipalities in determining how best to fund the expansion of services necessitated by accelerated growth; and

WHEREAS, the Maury County Commission deems it to be in the best interest of Maury County and its citizens to request that the State legislature repeal the County Powers Relief Act or support an amendment of the County Powers Relief Act to allow counties of the State of Tennessee the same options granted municipalities when it comes to funding the expansion of services necessitated by accelerated growth; and

WHEREAS, it is fundamentally unfair to require the citizens of Maury County to continue to fund the expansion of services caused by growth with ever-increasing property taxes.

NOW, THEREFORE, BE IT RESOLVED by the Maury County Board of Commissioners meeting in regular session on the 16th day of January, 2024, to respectfully request that the Maury County legislative delegation support any bills presented to repeal or amend the County Powers Relief Act to allow Maury County to be placed on a level playing field with the municipalities in our great state, to determine the most conservative way to establish a means for funding the accelerated growth Maury County is experiencing without burdening the current tax base with increased property taxes.

BE IT FURTHER RESOLVED that copies of this resolution be sent to members of the Maury County legislative delegation, and members of the House Property & Planning Subcommittee of Local Government to emphasize our County's endorsement of this significant legislative initiative.

This the 16th day of January 2024.

____

SHEILA K. BUTT
County Mayor

ATTEST:

____

Joe H. Allen,
County Clerk