

RESOLUTION NO. 2022-__

**A RESOLUTION OF THE BEN HILL COUNTY BOARD OF COMMISSIONERS
APPROVING DISTRIBUTION OF LOCAL OPTION SALES TAX AND
AUTHORIZING THE CHAIRMAN TO EXECUTE AND FILE THE CERTIFICATE OF
DISTRIBUTION**

WHEREAS, the Ben Hill County Board of Commissioners has determined that it is in the best interests of all citizens of Ben Hill County to enter into an equitable Local Option Sales Tax (“LOST”) Certificate of Distribution with the City of Fitzgerald; and

WHEREAS, the City of Fitzgerald is the only qualified municipality within Ben Hill County; and

WHEREAS, Georgia law requires Ben Hill County and the City of Fitzgerald to renegotiate and agree upon a distribution of the LOST proceeds by December 30, 2022, or the collection of LOST will lapse;

WHEREAS, the procedural requirements regarding the renegotiation of the distribution of LOST proceeds in O.C.G.A. § 48-8-89 have been satisfied; and

WHEREAS, for the previous LOST cycle, Ben Hill County and the City of Fitzgerald agreed to split the LOST proceeds on a 50/50 basis; and

WHEREAS, Ben Hill County hereby indicates its official intent to agree to a new LOST Certificate of Distribution.

NOW, THEREFORE, BE IT RESOLVED by the Ben Hill County Board of Commissioners that Ben Hill County shall receive 50% of the LOST proceeds for ten years, beginning on January 1, 2023 and the City of Fitzgerald shall receive the remaining 50% of LOST proceeds. In consideration of this Agreement, the City of Fitzgerald shall enter into an Intergovernmental Agreement and/or Letter of Intent regarding the properties used for joint services that Ben Hill County and any joint city-county departments will not be charged for use of said properties and the joint city-county department or Ben Hill County is entitled to proceeds if any of the aforementioned properties are sold. Additionally, the City of Fitzgerald shall enter into an Intergovernmental Agreement with Ben Hill County for Ben Hill County to provide E-911 non-emergent services to City of Fitzgerald citizens in exchange for \$90,000 annually. However, the execution and submittal of the LOST Certificate of Distribution is not conditioned upon the execution of the aforementioned agreements or letter of intent. The Chairman of the Ben Hill County Board of Commissioners is hereby authorized to execute the Certificate of Distribution and file it with the Georgia Department of Revenue on or before December 30, 2022 that embodies this Resolution and the LOST distribution agreement.

SO RESOLVED AND ADOPTED at a meeting of the Ben Hill County Board of Commissioners this ___ day of December 2022.

BEN HILL COUNTY BOARD OF COMMISSIONERS:

By: _____
STEVE TAYLOR, CHAIRMAN

ATTEST: _____
DONNA PRATHER, COUNTY CLERK