

Memorandum

To: Mayor and City Council

From: Darrin Keaton, City Attorney

Date: October 20, 2025

Subject: Full or Partial Reimbursement of Annexation/Zoning Application Fee

This memorandum addresses the City's authority to reimburse a portion of an annexation application fee following withdrawal of the request prior to Council action. The purpose of this document is to establish an administrative record and justification for a discretionary full or partial refund consistent with applicable City policy and Georgia law.

Background

An annexation applicant voluntarily withdrew his petition after incurring substantial costs during the review and coordination process. The withdrawal occurred prior to the item being scheduled for the final public hearing and consideration by the Mayor and Council. The City collected an annexation application fee intended to recover staff and administrative costs associated with processing such petitions.

Legal and Administrative Authority

Under the City Charter and O.C.G.A. § 36-34-2, the City Manager has authority to administer municipal operations and expenditures within the scope of the adopted budget. Once collected, annexation application fees become public revenues and may be refunded only where authorized by ordinance, policy, or line-item allocation.

The Georgia Constitution (Art. III, Sec. VI, Para. VI[a]) prohibits gratuitous payments, but partial reimbursement for unexpended administrative services rendered in good faith and withdrawn prior to Council action is not considered a gratuity when supported by an administrative finding of fairness and efficiency.

Administrative Finding

Based on my review of the matter, it is within the Council's authority to authorize a full or partial refund to an applicant as a reimbursement for unexpended staff processing time and resources. The consideration of the request is consistent with good faith, equitable treatment of applicants, and promotion of the City's professional relationships. Any reimbursement will be charged to a 'Administrative Refunds and Reimbursements' budget line-item.

Recommendation

I recommend that the Council consider and make an up-or-down decision on this request. A summary of any action can be included in the City Council agenda for transparency and audit compliance.

Respectfully submitted,

Darrin Keaton
City Attorney
City of Dallas, Georgia