

House Bill 1248

By: Representatives Campbell of the 42nd, Willard of the 44th, Burkhalter of the 41st and Wilkinson of the 43rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the establishment of a county-wide library system in Fulton
2 County, approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act
3 approved April 5, 1995 (Ga. L. 1995, p. 4084), an Act approved April 1, 1996 (Ga. L. 1996,
4 p. 3859), and an Act approved April 4, 1997 (Ga. L. 1997, p. 3636), so as to change the
5 membership and number of members of the library board of trustees; to provide for vacancies
6 and related matters; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act providing for the establishment of a county-wide library system in Fulton County,
11 approved April 12, 1982 (Ga. L. 1982, p. 4174), as amended, particularly by an Act approved
12 April 5, 1995 (Ga. L. 1995, p. 4084), an Act approved April 1, 1996 (Ga. L. 1996, p. 3859),
13 and an Act approved April 4, 1997 (Ga. L. 1997, p. 3636), is amended by striking Section
14 4, which reads as follows:

15 "SECTION 4.

16 (a) Responsibility for constructing, operating, and maintaining all library facilities and
17 services within the above-mentioned portions of Fulton County shall hereinafter be vested
18 in the county-wide library system which shall be administered by the library board of
19 trustees. The members of the current library board of trustees in office at the time of the
20 effective date of this section shall remain members of the library board of trustees and shall
21 serve in that capacity for the remainder of their respective terms.

22 (b) The mayor of the City of Atlanta or his or her designee shall serve on the library board
23 of trustees in an ex officio capacity. One member of the Atlanta City Council shall be
24 elected by the city council to serve as a regular member on the library board of trustees.
25 The chairperson of the Fulton County Board of Commissioners or his or her designee shall

1 also serve on the library board of trustees in an ex officio capacity; and the board of
2 commissioners shall elect one member from their board to serve as a regular member of
3 the library board of trustees.

4 (c) The Board of Commissioners of Fulton County shall appoint six members of such
5 library board of trustees, and of such membership one member shall be a resident of a
6 municipality from the north Fulton area, one member shall be a resident of a municipality
7 from the south Fulton area, one member shall be a resident from the special tax district of
8 the unincorporated area, and three members shall be residents of the City of Atlanta. The
9 chairperson of the Fulton County Board of Commissioners shall appoint a seventh member,
10 who shall be a resident of any area of Fulton County.

11 (d) The board of trustees shall nominate two persons to fill each of five positions on the
12 board of trustees, and of the two persons so nominated for each position the Board of
13 Commissioners of Fulton County shall appoint one. The nomination and appointment of
14 members under this subsection shall be made such that of these five members at least one
15 shall at all times be a resident of unincorporated south Fulton County.

16 (e) On or before July 1, 1995, the mayor of the City of Atlanta shall appoint one resident
17 of DeKalb County within the City of Atlanta to serve as a member of the library board of
18 trustees.

19 (f) All members of the board of trustees shall serve for terms of four years expiring on
20 June 30 of the final year of the term.

21 (g) Members of the library board of trustees shall be removed for cause or for failure to
22 attend three consecutive meetings pursuant to the bylaws of the library board of trustees.

23 (h) The total membership of the board of trustees shall at all times on and after July 1,
24 1995, consist of 17 members: four under subsection (b) of this section; seven under
25 subsection (c) of this section; five under subsection (d) of this section; and one under
26 subsection (e) of this section. Successors shall be appointed in the same manner as the
27 members they succeed, so that the total membership of the board will always remain 17
28 members. Vacancies on the library board of trustees shall be filled in the same manner as
29 initial appointments are made. If a vacancy occurs prior to the expiration of a trustee's
30 term, the person who is appointed to fill that vacancy shall serve for the unexpired term.

31 (i) Members of the library board of trustees may receive a per diem allowance for each
32 meeting of the board of trustees which they attend. Such allowance shall be in such
33 amount as may be fixed from time to time by the Board of Commissioners of Fulton
34 County.",

35 and inserting in its place a new section to read as follows:

"SECTION 4.

(a) Responsibility for constructing, operating, and maintaining all library facilities and services within the above-mentioned portions of Fulton County shall hereinafter be vested in the county-wide library system which shall be administered by the library board of trustees. The terms of office of each member of the library board of trustees serving as such trustee upon December 31, 2001, shall expire upon July 1, 2002. On and after July 1, 2002, the library board of trustees shall consist of seven members, with one member appointed by each member of the Board of Commissioners of Fulton County. Each member of the board of trustees appointed by a member of the Board of Commissioners of Fulton County shall reside within the same commissioner district as the appointing member of such board of commissioners and shall continue to reside in such district during the term of office of such member of the board of trustees or that office shall become vacant. No person may be appointed or serve as a member of the library board of trustees who holds any elective office.

(b) The members of the board of trustees first appointed pursuant to subsection (a) of this section shall be appointed by the members of the Board of Commissioners of Fulton County who are elected to such board of commissioners at the general election in 1998, and those members of the board of trustees so appointed shall take office the first day of January immediately following that election and serve for terms of office of four years each and until the appointment and qualification of their respective successors. Those and all future successors to members of the board of trustees whose terms of office are to expire shall be appointed by members of the Board of Commissioners of Fulton County who are elected to such board of commissioners at the election immediately preceding the expiration of such terms of office and shall serve for terms of office of four years each and until the appointment and qualification of their respective successors.

(c) Vacancies on the library board of trustees which occur because of any reason other than the expiration of a term of office shall be filled in the same manner as the initial appointments, and persons appointed to fill such vacancies shall serve for the remainder of the unexpired term and until the appointment and qualification of their respective successors.

(d) Members of the library board of trustees shall be removed for cause or for failure to attend three consecutive meetings pursuant to the bylaws of the library board of trustees.

(e) Members of the library board of trustees may receive a per diem allowance for each meeting of the board of trustees which they attend. Such allowance shall be in such amount as may be fixed from time to time by the Board of Commissioners of Fulton County."

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

5 All laws and parts of laws in conflict with this Act are repealed.