

Senate Bill 58

By: Senator Jackson of the 50<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create the Board of Commissioners of Lumpkin County; to provide for continuation of  
2 certain obligations and liabilities; to provide for a chairperson and four additional members;  
3 to provide for elections and terms of office; to provide for qualifications; to provide for  
4 commissioner districts; to provide for the appointment of a clerk; to provide for filling of  
5 vacancies; to provide for oaths of office and surety bonds; to provide for the compensation  
6 and expenses of the chairperson and members of the board; to provide for a vice chairperson;  
7 to provide for powers and duties of such officers; to provide for regular meetings, work  
8 sessions, and other meetings; to provide for the powers, duties, and authority of the  
9 chairperson and members of the board; to provide for formal bids for certain purchases; to  
10 provide for the appointment, removal, and compensation of employees and department  
11 heads; to provide for the preparation, submission, review, adoption, and amendment of  
12 budgets; to provide for expenditure of county funds; to provide for audits of county finances  
13 and financial records; to provide for other related matters; to provide for submission; to  
14 provide for the specific repeal of a local Act; to provide for a referendum; to provide for  
15 effective dates and automatic repeals; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 style="text-align:center">**SECTION 1.**

18 There is created the Board of Commissioners of Lumpkin County to be elected and organized  
19 as provided for in this Act. The board of commissioners shall be the successor to the office  
20 of commissioner of Lumpkin County and shall continue to have the obligations and liabilities  
21 of the commissioner of Lumpkin County as existed immediately prior to January 1, 2005.  
22 The board of commissioners shall constitute the governing authority of Lumpkin County and  
23 shall exercise the powers, duties, and responsibilities vested in and upon said officers by the  
24 provisions of this Act. The term "board," whenever used in this Act, shall mean the Board  
25 of Commissioners of Lumpkin County, including the chairperson and all members.

**SECTION 2.**

(a) The board of commissioners of Lumpkin County shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts described in subsection (b) of this section, but shall be elected by the electors of the entire county as provided in Section 3 of this Act. The chairperson shall be elected at large as provided in Section 3 of this Act.

(b) For the purpose of electing members of the board of commissioners, Lumpkin County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Those districts shall consist of the following described territory of Lumpkin County:

Commissioner District: 1

LUMPKIN COUNTY

VTD: 0001 AURARIA AND DAHLONEGA (Part)

Tract: 9601.

Block(s): 219A, 219B, 219C, 219D, 220, 221, 222, 232, 233, 234, 235, 236, 237, 238, 241, 242A, 242B, 329, 503A, 503B, 504A, 504B, 504C, 505, 506, 507, 508, 509, 510, 511, 512, 530, 531, 532

Tract: 9602.

Block(s): 209, 215, 216A

That part of Block 216B which lies generally north of Clay Creek

Block(s): 217, 218, 219, 220, 221, 222, 223A, 241B, 301A, 301B, 301C, 302, 303, 304, 305A, 305B, 305C, 305D, 306, 307, 308, 309, 310, 311, 312A, 312B, 312C, 313A, 313B, 314, 315, 316, 317, 318, 319, 320, 321, 322, 401A, 401B, 402, 403, 404A, 404B, 404C, 404D, 405, 406A, 406B, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459A, 459B, 460A, 460B, 461A, 461B, 462, 463, 464A, 464B, 465, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513A, 513B

That part of Block 514 which lies generally west and south of Cane Creek

Block(s): 520A, 520B, 520C, 520D

That part of Block 520E which lies generally west and south of Cane Creek

Block(s): 520F, 521A, 521B, 521C, 521D, 522, 523A, 523B, 523C, 524

Commissioner District: 2

LUMPKIN COUNTY

VTD: 0001 AURARIA AND DAHLONEGA (Part)

Tract: 9602.

1 That part of Block 216B which lies generally south of Clay Creek  
 2 Block(s): 241A, 241C  
 3 That part of Block 514 which lies generally north and east of Cane Creek  
 4 Block(s): 515, 516A, 516B, 517, 518, 519  
 5 That part of Block 520E which lies generally north and east of Cane Creek  
 6 Block(s): 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539,  
 7 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556,  
 8 557, 558, 559, 560, 561, 639, 640  
 9 VTD: 0002 CANE CREEK, HIGHTOWER, AND NIMBLEWILL (Part)  
 10 Tract: 9602.  
 11 Block(s): 111, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 171, 172,  
 12 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 602,  
 13 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 624,  
 14 629, 630, 655, 656, 657  
 15 VTD: 0010 MILL CREEK (Part)  
 16 Tract: 9602.  
 17 Block(s): 149, 150, 151, 152, 153, 154, 155, 161, 162, 163, 164, 165, 166, 167, 168,  
 18 169, 170, 223B, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238,  
 19 239, 240, 601, 619, 620, 621, 622, 623, 625, 626, 627, 628, 631, 632, 633, 634, 635,  
 20 636, 637, 638, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654,  
 21 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672  
 22 Commissioner District: 3  
 23 LUMPKIN COUNTY  
 24 VTD: 0001 AURARIA AND DAHLONEGA (Part)  
 25 Tract: 9601.  
 26 Block(s): 405, 406, 501, 502  
 27 VTD: 0009 MARTINS FORD  
 28 VTD: 0013 SHOAL CREEK  
 29 VTD: 0014 WAHOO  
 30 Commissioner District: 4  
 31 LUMPKIN COUNTY  
 32 VTD: 0002 CANE CREEK, HIGHTOWER, AND NIMBLEWILL (Part)  
 33 Tract: 9601.  
 34 Block(s): 207, 208, 209, 223, 224, 225, 226, 227, 228, 229, 230, 231  
 35 Tract: 9602.  
 36 Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 112, 125, 126, 127, 128,  
 37 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145,

1 146, 147, 148, 156, 157, 158, 159, 160, 189, 190, 191, 192, 193, 194, 195, 196, 197,  
2 201, 202, 203, 204, 205, 206, 207, 208, 210, 211

3 VTD: 0003 CHESTATEE

4 VTD: 0004 CRUMBY AND PORTER SPRINGS

5 VTD: 0007 FROGTOWN

6 VTD: 0010 MILL CREEK (Part)

7 Tract: 9602.

8 Block(s): 212, 213, 214, 224

9 VTD: 0015 YAHOOLA

10 (c) For purposes of this subsection and subsection (b) of this section:

11 (1) The terms "Tract," "Block," and "VTD" shall mean and describe the same  
12 geographical boundaries as provided in the report of the Bureau of the Census for the  
13 United States decennial census of 1990 for the State of Georgia;

14 (2) The term "Precinct" is synonymous with the term "voting precinct" and means a  
15 geographical area designated by Article 7 of Chapter 2 of Title 21 of the O.C.G.A., within  
16 which all electors vote at one polling place;

17 (3) Whenever the description of any commissioner district refers to a named city, it shall  
18 mean the geographical boundaries of that city as shown on the census map for the United  
19 States decennial census of 1990 for the State of Georgia;

20 (4) Precinct names and designations following VTD designations are included for  
21 convenience only; and in the event the description of any commissioner district contains  
22 a conflict between the geographical boundaries of any VTD and the boundaries of the  
23 following named precinct, the geographical boundary of the VTD as shown on the census  
24 maps for the United States decennial census of 1990 for the State of Georgia shall  
25 control;

26 (5) Any part of Lumpkin County which is not included in any commissioner district  
27 described in subsection (b) of this section shall be included within that commissioner  
28 district contiguous to such part which contains the least population according to the  
29 United States decennial census of 1990 for the State of Georgia; and

30 (6) Any part of Lumpkin County which is described in subsection (b) of this section as  
31 being included in a particular commissioner district shall nevertheless not be included  
32 within such commissioner district if such part is not contiguous to such commissioner  
33 district. Such noncontiguous part shall instead be included within that commissioner  
34 district contiguous to such part which contains the least population according to the  
35 United States decennial census of 1990 for the State of Georgia.

36 **SECTION 3.**

- 1 (a) No person shall be a member of the board if that person is ineligible for such office  
2 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.
- 3 (b) In order to be elected as a member of the board from a commissioner district, a person  
4 must be 21 years of age or older, must have resided in that district for at least 12 months prior  
5 to election thereto, and must receive a majority of the votes cast for that office by the electors  
6 of the entire county. At the time of qualifying for election as a member of the board from  
7 a commissioner district, each candidate for such office shall specify the commissioner district  
8 for which that person is a candidate. A person elected as a member of the board from a  
9 commissioner district must continue to reside in that district during that person's term of  
10 office or that office shall thereupon become vacant.
- 11 (c) The chairperson of the board must be 25 years of age or older, must have resided in  
12 Lumpkin County for at least 12 months prior to election to such office, may reside anywhere  
13 within Lumpkin County, and must receive a majority of the votes cast for such office by the  
14 electors of the entire county. The chairperson must continue to reside within Lumpkin  
15 County during that person's term of office or that office shall thereupon become vacant.

16

**SECTION 4.**

- 17 (a) The first chairperson and members of the Board of Commissioners of Lumpkin County  
18 shall be elected at the state-wide general election which shall be conducted on the Tuesday  
19 next following the first Monday in November, 2004. Those members of the board elected  
20 thereto from Commissioner Districts 1 and 3 in 2004 shall take office on the first day of  
21 January immediately following that election and shall serve for initial terms of office which  
22 expire December 31, 2006, and upon the election and qualification of their respective  
23 successors. The chairperson and those members of the board elected thereto from  
24 Commissioner Districts 2 and 4 in 2004 shall take office on the first day of January  
25 immediately following that election and shall serve for initial terms of office which expire  
26 December 31, 2008, and upon the election and qualification of their respective successors.  
27 Those and all future successors to the chairperson and members of the board whose terms  
28 of office are to expire shall be elected at the state-wide general election immediately  
29 preceding the expiration of such terms, shall take office on the first day of January  
30 immediately following that election, and shall serve for terms of office of four years.  
31 Members of the board shall serve for the terms of office specified therefor in this subsection  
32 and until their respective successors are elected and qualified.
- 33 (b) The chairperson and all members of the board who are elected thereto shall be nominated  
34 and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election  
35 Code."
- 36 (c) The commissioner of Lumpkin County who is in office on January 1, 2002, or any

1 person filling a vacancy in such office, shall serve out the remainder of that person's term  
2 of office until the regular expiration of the term of office on December 31, 2004.

3 **SECTION 5.**

4 (a) In the event of a vacancy occurring on or after January 1, 2005, in the membership of the  
5 board, whether the vacancy is in the office of chairperson or any other member, for any  
6 reason other than expiration of term, that vacancy shall be filled as provided in this section.

7 (b) In the event a vacancy occurs on the board of commissioners when at least 180 days  
8 remain in the unexpired term of office, the election superintendent of Lumpkin County,  
9 within 15 days after the vacancy occurs, shall issue the call for a special election to fill the  
10 vacancy for the unexpired term. Such special election shall be called and conducted as  
11 provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or  
12 hereafter amended. Any person elected in a special election to fill such a vacancy shall take  
13 office immediately upon certification of the results of such special election and qualification.  
14 If such vacancy is in the office of chairperson of the board of commissioners, the vice  
15 chairperson of the board shall exercise the powers and duties of the chairperson for the  
16 period beginning on the date the vacancy occurs and ending on the date the successor  
17 chairperson takes office for the unexpired term following the special election provided for  
18 in this subsection.

19 (c) In the event a vacancy occurs on the board of commissioners when less than 180 days  
20 remain in the unexpired term of office, the remaining members of the board of  
21 commissioners shall appoint a qualified person to fill the vacancy for the unexpired term.  
22 Any person appointed by the board to fill a vacancy as provided in this subsection shall  
23 possess the residency and other qualifications required for the office and shall take office  
24 immediately upon appointment and qualification. If such vacancy is in the office of  
25 chairperson of the board of commissioners, the vice chairperson of the board shall exercise  
26 the powers and duties of the chairperson for the period beginning on the date the vacancy  
27 occurs and ending on the date the successor chairperson takes office for the unexpired term  
28 following his or her appointment as provided for in this subsection.

29 (d) A vice chairperson serving as chairperson shall not be authorized to vote as a member  
30 of the board of commissioners during such service unless the vice chairperson's vote would  
31 affect the outcome of any vote or issue before the board.

32 **SECTION 6.**

33 Before entering upon the discharge of their duties, the chairperson and commissioners shall  
34 subscribe an oath before the judge of the probate court of said county for the true and faithful  
35 performance of their duties and that they are not the holders of any public funds unaccounted

1 for. In addition, the chairperson shall further give a satisfactory surety bond to the judge of  
 2 the probate court of the county and payable to the judge of the probate court or that judge's  
 3 successor in office and filed in the office of the judge of the probate court, in the sum of  
 4 \$50,000.00, conditioned upon the faithful performance of the duties of the office. Each  
 5 commissioner shall give like bond in the sum of \$10,000.00. The costs of said bonds shall  
 6 be paid out of the county treasury.

7 **SECTION 7.**

8 (a) Commissioners, other than the chairperson, shall be paid a salary of \$500.00 per month.  
 9 Such compensation shall be paid in equal monthly installments from the funds of Lumpkin  
 10 County.

11 (b) The chairperson shall be paid a salary of \$500.00 per month. If, however, if the board  
 12 of commissioners, by resolution entered on the minutes of the board, determines that the  
 13 chairperson shall serve in such capacity on a full-time basis, the chairperson shall receive an  
 14 annual salary equal to the highest amount specified in subsection (a) of Code Section 15-6-88  
 15 of the O.C.G.A., paragraph (1) of subsection (a) of Code Section 15-9-63 of the O.C.G.A.,  
 16 paragraph (1) of subsection (a) of Code Section 15-16-20 of the O.C.G.A., or paragraph (1)  
 17 of subsection (b) of Code Section 48-5-183 of the O.C.G.A., adjusted for cost-of-living  
 18 increases received by state employees as provided in such Code sections, plus 10 percent of  
 19 such total amount. In addition thereto the chairperson shall receive a longevity increase  
 20 equal to the total amount calculated as provided in the immediately preceding sentence  
 21 multiplied by the percentage which equals 5 percent times the number of completed four-  
 22 year terms of office served as chairperson of the Board of Commissioners of Lumpkin  
 23 County after January 1, 2005. Such compensation shall be paid in equal monthly installments  
 24 from the funds of Lumpkin County.

25 (c) The chairperson and the commissioners may be reimbursed for reasonable expenses  
 26 incurred in carrying out their duties. Expenses may be reimbursed only after the submission  
 27 of receipts for said expenses to the county clerk and the approval by majority vote of the  
 28 board of commissioners at a regularly scheduled meeting. The chairperson and  
 29 commissioners shall be entitled to compensation for serving on any other boards or  
 30 authorities for which their membership is provided by law.

31 **SECTION 8.**

32 At the first regular meeting of each year, the board of commissioners shall elect from its  
 33 members a vice chairperson. In the event of death, disqualification, or resignation of the  
 34 chairperson, the vice chairperson shall perform the duties and exercise the authority of the  
 35 chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson

1 shall preside at meetings of the board of commissioners in the absence of the chairperson and  
 2 shall serve for the calendar year in which elected. In the event of a vacancy in the office of  
 3 vice chairperson, the board of commissioners shall elect a new vice chairperson to serve for  
 4 the remainder of the calendar year.

#### 5 **SECTION 9.**

6 The board of commissioners shall hold two regular meetings each month at the county seat,  
 7 which meetings shall be open to the public. The time, date, and place of the meetings shall  
 8 be determined by the board in the first meeting of the year. Any resolution passed by the  
 9 board regarding the date, time, and place of its monthly meetings shall be published in the  
 10 official county organ once a week for two weeks during a period of 30 days immediately  
 11 following the passage of the resolution. The board of commissioners may hold such  
 12 additional meetings as shall be necessary when called by the chairperson or any three  
 13 commissioners, provided all members of the board of commissioners shall have been notified  
 14 at least three days in advance of such special meeting which is open to the public. Any three  
 15 commissioners or the chairperson and any two commissioners shall constitute a quorum. No  
 16 official action shall be taken except upon the affirmative vote of at least three members of  
 17 the board of commissioners and except upon compliance with Chapter 14 of Title 50 of the  
 18 O.C.G.A., relating to open meetings. The chairperson shall be entitled to vote on a question  
 19 only if the chairperson's vote would affect the outcome of any vote or issue before the board.  
 20 All regular and called meetings shall be conducted according to Robert's Rules of Order.

#### 21 **SECTION 10.**

22 The chairperson shall preside over the meetings of the board of commissioners. The duties,  
 23 policies, rules, and regulations adopted by the board of commissioners shall be carried out,  
 24 executed, and enforced as provided by the board of commissioners. The duties of the  
 25 chairperson shall include, but shall not be limited to, the following:

- 26 (1) Maintaining an office;
- 27 (2) Presiding at all public meetings;
- 28 (3) Representing the county government at ceremonial functions;
- 29 (4) Being available to the constituency on a regular basis;
- 30 (5) Coordinating intergovernmental activity among municipalities, other counties, the  
 31 state, and the United States and any agencies thereof;
- 32 (6) Being empowered to submit motions to the board of commissioners for action;
- 33 (7) Taking the lead role in initiating needs assessments, evaluations of county services,  
 34 and policy development; and
- 35 (8) Appointing subcommittee chairpersons with the approval of the board of

1 commissioners.

2 **SECTION 11.**

3 The board of commissioners shall have the power and authority to fix and establish, by  
4 appropriate resolution entered on its minutes, policies, rules, and regulations governing all  
5 matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so  
6 adopted with proper entry thereof made on the minutes of the board of commissioners, shall  
7 be conclusive and binding. The following powers are vested in the board of commissioners  
8 and reserved to its exclusive jurisdiction:

9 (1) To levy taxes;

10 (2) To make appropriations;

11 (3) To fix rates and charges for services provided by the county;

12 (4) To authorize the incurring of indebtedness;

13 (5) To order work done where the cost is to be assessed against benefited property and  
14 to fix the basis for such assessment;

15 (6) To authorize and provide for the execution of contracts;

16 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and  
17 ferries, according to law; provided, however, that the chairperson shall have the authority  
18 to accept subdivision plats when the requirements established by the board of  
19 commissioners for subdivisions have been met;

20 (8) To establish, abolish, or change election precincts and militia districts according to  
21 law;

22 (9) To accept, for the county, the provisions of any optional statute where the statute  
23 permits its acceptance by the governing authority of the county;

24 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the  
25 commissioner of Lumpkin County in respect to zoning and planning;

26 (11) To create and change the boundaries of special taxing districts authorized by law;

27 (12) To fix the bonds of county officers where same are not fixed by statute;

28 (13) To enact any ordinances or other legislation which the county may be given  
29 authority to enact;

30 (14) To determine the priority of capital improvements;

31 (15) To call elections for the voting of bonds;

32 (16) To exercise all of the power and authority formerly vested by law in the  
33 commissioner of Lumpkin County together with the power and authority which may be  
34 delegated by law to the governing authority of the county, by whatever name designated;

35 (17) To appoint retained legal counsel and an independent county auditor and provide  
36 for their compensation; and

1 (18) To require all county officers to report on the general or specific conduct of the  
2 financial affairs of their respective offices.

3 **SECTION 12.**

4 Formal sealed bids shall be received for all purchases in amounts over \$1,000.00.  
5 Advertisements for such bids shall be published for two consecutive weeks in the official  
6 organ of Lumpkin County. The need for such bids may be dispensed with by the board of  
7 commissioners if it decides that an emergency exists which will not permit a delay.

8 **SECTION 13.**

9 The internal organization of the county government shall be established and altered by the  
10 board of commissioners. Existing departments may be abolished and their functions  
11 transferred to other departments, additional departments may be created, and any two or  
12 more departments may be consolidated.

13 **SECTION 14.**

14 The board of commissioners shall appoint a clerk, who shall keep a proper and accurate book  
15 of minutes. The book of minutes of the board of commissioners shall contain all the acts,  
16 orders, and proceedings of the board of commissioners in chronological order. The minutes  
17 book of the board of commissioners shall be open to the public for inspection at all times  
18 during regular office hours; and certified copies of any entries in the minutes book shall be  
19 furnished by the clerk to any person requesting same upon payment of a reasonable fee, to  
20 be paid into the county treasury as are other funds, to be assessed by the board of  
21 commissioners in an amount sufficient to defray the cost of preparing same.

22 **SECTION 15.**

23 The chairperson shall submit annually to the board of commissioners a proposed budget  
24 governing expenditures of all county funds, including capital outlay and public works  
25 projects for the following fiscal year. The board of commissioners shall thereafter hold a  
26 public hearing on the budget, giving notice thereof at least ten days in advance by publication  
27 of such notice and of the proposed budget in the official organ of Lumpkin County and by  
28 posting same at the courthouse door. The budget shall then be reviewed and adopted or  
29 amended by the board of commissioners prior to the beginning of the new fiscal year to  
30 which it applies, which budget, when so adopted or amended by the board of commissioners,  
31 shall constitute the board's appropriation of all funds for such year. The budget so adopted  
32 may be revised during the year only by formal action of the board of commissioners in a  
33 regular meeting, and no increase shall be made therein without provision also being made

1 for financing same. The proposed budget submitted by the chairperson shall be accompanied  
2 by a report containing information and data relating to the financial affairs of the county  
3 pertinent to arriving at and establishing the annual budget. A copy of the budget and of each  
4 revision or amendment to same shall be transmitted by the chairperson to the grand jury of  
5 the Superior Court of Lumpkin County within ten days from the time such budget or  
6 amendment thereof is adopted by the board of commissioners. The board of commissioners  
7 may from time to time, upon a majority vote thereof, change the ending and beginning date  
8 of the fiscal year for the county or may operate on a calendar basis; provided, however, that  
9 in the event of such change, the budget shall be submitted at least two months prior to the  
10 beginning date of the next fiscal year or January 1, whichever shall apply, and shall be  
11 adopted at least one month prior to said beginning date. The procedures for budget  
12 preparation, submission to the governing authority, review by the governing authority, public  
13 review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the  
14 O.C.G.A.

15 **SECTION 16.**

16 No expenditures of county funds shall be made except in accordance with the county budget,  
17 or amendments thereto, adopted by the board of commissioners. The board of commissioners  
18 shall enforce compliance with this provision by all departments of county government and  
19 to this end shall institute a system of allotments of all moneys appropriated and budgeted.

20 **SECTION 17.**

21 The board of commissioners shall on or before the final day of the month following the end  
22 of each fiscal year employ a certified public accountant for the making of an annual  
23 continuous audit of county finances and financial records. The accountant so employed shall  
24 be paid out of county funds and shall perform a complete audit of the financial records of the  
25 county for the preceding year, pointing out any irregularities found to exist, and reporting the  
26 results of such audit to the board of commissioners. Each annual report submitted to the  
27 board of commissioners shall be made available for public inspection as are other records in  
28 such office. The board of commissioners shall cause to be published in the official organ of  
29 Lumpkin County and posted at the courthouse door a statement of the financial condition of  
30 the county as of December 31 and June 30 of each year. Said accountant shall transmit to  
31 the grand jury of the Superior Court of Lumpkin County a copy of each annual report  
32 furnished by said accountant to the board of commissioners.

33 **SECTION 18.**

34 An Act creating the office of commissioner of Lumpkin County, approved March 7, 1955

1 (Ga. L. 1955, p. 2892), as amended, is repealed in its entirety.

2 **SECTION 19.**

3 It shall be the duty of the governing authority of Lumpkin County to require the attorney  
4 therefor to submit this Act, pursuant to Section 5 of the federal Voting Rights Act of 1965,  
5 as amended, to the United States Attorney General for approval.

6 **SECTION 20.**

7 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
8 superintendent of Lumpkin County shall call and conduct an election as provided in this  
9 section for the purpose of submitting this Act to the electors of Lumpkin County for approval  
10 or rejection. The election superintendent shall conduct that election on the date of the  
11 November general election in 2002 and shall issue the call and conduct that election as  
12 provided by general law. The superintendent shall cause the date and purpose of the election  
13 to be published once a week for two weeks immediately preceding the date thereof in the  
14 official organ of Lumpkin County. The ballot shall have written or printed thereon the  
15 words:

16 "( ) YES Shall the Act be approved which changes the governing authority of  
Lumpkin County from a single commissioner form of government to  
17 ( ) NO a board of commissioners to be composed of a chairperson and four  
additional commissioners?"

18 All persons desiring to vote for approval of changing the governing authority of Lumpkin  
19 County from a single commissioner form of government to a board of commissioners shall  
20 vote "Yes" and those persons desiring to vote against changing the governing authority of  
21 Lumpkin County from a single commissioner form of government to a board of  
22 commissioners shall vote "No." If more than one-half of the votes cast are for approval of  
23 changing the governing authority of Lumpkin County from a single commissioner form of  
24 government to a board of commissioners, then Sections 1 through 18 of this Act shall  
25 become effective shall become effective immediately for the sole purpose of conducting the  
26 elections required by Section 4 and for all purposes on January 1, 2005. If more than one-  
27 half of the votes cast are against changing the governing authority of Lumpkin County from  
28 a single commissioner form of government to a board of commissioners or if the election is  
29 not conducted as provided in this section, then Sections 1 through 18 of this Act shall not  
30 become effective and this Act shall be automatically repealed on January 1, 2003.

1 The expense of such election shall be borne by Lumpkin County. It shall be the election  
2 superintendent's duty to certify the result thereof to the Secretary of State.

3 **SECTION 21.**

4 The provisions of Sections 19, 20, 22, and this section shall become effective upon approval  
5 of this Act by the Governor or upon its becoming law without such approval. The remaining  
6 provisions shall become effective as provided in Section 20 of this Act.

7 **SECTION 22.**

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