

House Bill 1843

By: Representatives Day of the 153rd, Stephens of the 150th and Mueller of the 152nd

A BILL TO BE ENTITLED
AN ACT

1 To create and establish the Savannah-Chatham County Charter and Unification Commission;
2 to provide for a short title; to provide for the authority under which this Act is enacted; to
3 provide for definitions; to provide for the appointment of the members of said commission;
4 to provide for the organizational meeting of the charter and unification commission; to
5 provide for the powers and duties of said commission; to provide that the charter and
6 unification commission shall be authorized to employ a staff to assist it in carrying out its
7 powers and duties; to provide for the expenses of the charter and unification commission and
8 for the payment of those expenses by the governing authorities of the City of Savannah and
9 the County of Chatham; to provide that said commission shall be authorized to study all
10 matters relating to the governments of the County of Chatham and the City of Savannah and
11 all matters relating to the establishment of a single county-wide government with powers and
12 jurisdiction throughout the territorial limits of Chatham County; to provide for the
13 submission of such proposed county-wide government charter to the qualified voters for
14 approval or rejection; to provide for the conduct of such election and for the certification of
15 the results thereof; to provide for all procedures and other matters connected with the
16 foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

18 **SECTION 1.**

19 This Act shall be known and may be cited as the "Savannah-Chatham County Charter and
20 Unification Commission Act."

21 **SECTION 2.**

22 This Act is enacted pursuant to the authority granted by Article IX, Section III, Paragraph
23 II(a) of the Constitution of the State of Georgia.

1 thereafter the initial appointing authority shall appoint a successor promptly to fill such
2 vacancy.

3 (g) A certificate of appointment shall be issued by the appointing authority of each member
4 of the charter and unification commission and filed in the office of the Probate Court of
5 Chatham County with a duplicate original of such certificate being transmitted to, and filed
6 with, the chairperson or the secretary of the charter and unification commission.

7 (h) A majority of the members of the charter and unification commission shall constitute a
8 quorum for the transaction of business. Such quorum shall not be applicable with respect to
9 any committees or subcommittees which, at the discretion of the charter and unification
10 commission, may be appointed. A majority of the members of each such committee or
11 subcommittee shall constitute a quorum for the conduct of its business.

12 (i) The charter and unification commission may appoint advisory committees or
13 subcommittees from among the general populace to advise it with respect to its work;
14 provided, however, that the charter and unification commission may not delegate any of the
15 duties, powers, or obligations imposed upon the commission and granted to it by this Act to
16 any such advisory committee or subcommittee. Any such advisory committee or
17 subcommittee so appointed shall serve at the discretion of the commission and shall serve
18 subject to such terms, conditions, and charges as may be imposed upon it by the commission.

19 (j) All persons who shall, from time to time, serve as members of the charter and unification
20 commission or its committees or subcommittees and all agents, employees, and staff
21 appointed or hired by the charter and unification commission from time to time shall be
22 afforded coverage and shall be included in the insured class, under the provision of such
23 policies, riders, or other insurance contracts from time to time in force and held by the
24 governing authority of the County of Chatham, extending to members of such governing
25 authority of the County of Chatham, and what is commonly referred to as "public official's
26 liability insurance coverage," to the same extent and as nearly as practicable with identical
27 coverage and limits as afforded to the individual members of the governing authority of the
28 County of Chatham. Any and all additional premium amounts payable by the County of
29 Chatham due to the extension of such coverage to the members of the charter and unification
30 commission and its appointees, agents, employees, and staff shall be paid, when due and
31 payable, one-half by the County of Chatham and one-half by the City of Savannah, which
32 payments shall be made in addition to all other amounts otherwise payable under the
33 provisions of this Act.

34 (k) The governing authority of the County of Chatham, the governing authority of the City
35 of Savannah, and the governing authority of any county-wide government created under a
36 charter adopted pursuant to this Act are authorized and directed to expend funds for fees,
37 costs, and expenses incurred in providing for the defense of the members of the charter and

1 unification commission arising out of their activity as members of such commission and in
2 providing for the defense of any proposed charter submitted by the commission, whether
3 prior to the referendum thereon or after the referendum thereon is conducted.

4 **SECTION 5.**

5 (a) The charter and unification commission shall hold an organizational meeting during the
6 first week of June, 2002. Any three or more members of the charter and unification
7 commission shall call such organizational meeting. The call of such organizational meeting
8 shall designate the time, date, and place that such organizational meeting shall be held.

9 (b) The governing authority of the City of Savannah and the governing authority of Chatham
10 County shall each appoint a member of the charter and unification commission as a
11 cochairperson.

12 (c) The charter and unification commission shall be authorized to elect a secretary, who need
13 not be a member of the commission, and such other officers from the membership of the
14 charter and unification commission as it shall deem necessary. The charter and unification
15 commission shall be further authorized to employ such staff as may be required to assist it
16 in studying all matters relating to the government of the City of Savannah and the County of
17 Chatham and in drafting a charter. The charter and unification commission shall not employ
18 any person who holds any elective public office.

19 (d) The members of the charter and unification commission shall not receive per diem or
20 other compensation for their services, but the members shall be reimbursed for actual
21 expenses incurred by them in carrying out their duties. The staff employed by the
22 commission shall be paid compensation as determined by the commission within the limits
23 of funds available to it. The governing authority of the City of Savannah and the governing
24 authority of the County of Chatham are authorized to expend public funds in carrying out the
25 provisions of this Act and shall share equally the expense thereof. Each of the said governing
26 authorities shall initially appropriate not less than \$5,000.00 for the charter and unification
27 commission and the treasurer or other fiscal authority of each of those governing authorities
28 shall honor, from time to time, vouchers or warrants signed by the chairperson of the charter
29 and unification commission for amounts up to an aggregate total of such amount. The
30 governing authorities shall appropriate such additional funds in equal amounts as may be
31 necessary to meet the expenses of the charter and unification commission, provided that such
32 additional expenditures shall be first approved by both governing authorities. In no event
33 shall the combined cumulative total of such initial and subsequent appropriations exceed
34 \$150,000.00.

1 (e) The charter and unification commission is also authorized to solicit, receive, and expend
2 contributions, grants, gifts, and other funds from other sources to be utilized by it in the
3 conduct of its business.

4 (f) All public officials and employees of the City of Savannah and the County of Chatham
5 upon request shall furnish the charter and unification commission with all documents, books,
6 records, data, and information necessary or appropriate in the opinion of the charter and
7 unification commission for it to carry out its duties, except for information that is
8 confidential or privileged by law, and shall furnish such other assistance and aid to the
9 commission as it shall request and shall also appear and give testimony, at the request of the
10 commission, before the commission or before any of its committees, subcommittees, or
11 advisory committees.

12 **SECTION 6.**

13 The commission shall be authorized to study all matters relating to the governments of the
14 City of Savannah and the County of Chatham and all matters relating to the establishment
15 of a single county-wide government with powers and jurisdiction throughout the territorial
16 limits of Chatham County. The commission shall upon completion of its study issue a
17 written report of its findings, conclusions, and recommendations. If, after conducting such
18 study, the charter and unification commission shall deem it to be in the best interests of the
19 governments proposed to be affected, said commission shall draft a proposed charter creating
20 a single county-wide government, and if such charter is approved by the voters under the
21 provisions of this Act, then the newly created county-wide government shall supersede and
22 replace the existing governments of the City of Savannah and the County of Chatham and
23 may also supersede and replace any public authorities and special service districts located
24 and operating within Chatham County. If the charter and unification commission does not
25 deem it to be in the best interests of the governments proposed to be affected to recommend
26 the establishment of a single county-wide government but concludes from its study that it is
27 feasible to consolidate specific governmental services, programs, and activities, then the
28 commission may issue such findings, conclusions, and recommendations in writing together
29 with reasons why such recommendations will make government operations more efficient.

30 **SECTION 7.**

31 (a) The charter so drafted shall be submitted to the qualified voters of Chatham County for
32 approval or rejection of the referendum provided for in Section 11 of this Act.

33 (b) The General Assembly delegates its powers to the charter and unification commission
34 to draft such a charter which may include any provisions necessary to effectuate its purposes.
35 Without limiting the generality of the foregoing, the proposed charter may provide for any

1 one or more, or a combination, of the matters listed below. Where it is indicated that an item
2 shall be included, the inclusion of that particular item shall be mandatory:

3 (1) The charter shall provide for the abolishment of the existing governments of the City
4 of Savannah and the County of Chatham and for the creation of a new single government
5 which may have all powers formerly exercised by the City of Savannah and the County
6 of Chatham and such other powers as may be necessary or desirable. The new single
7 government may be given, and may have, such rights, privileges, exemptions,
8 preferences, discretions, immunities, powers, duties, and liabilities as are now or hereafter
9 granted to, or vested in, municipalities or counties or both by the Constitution and laws
10 of the State of Georgia. The form and composition of the new government shall be as the
11 charter shall provide;

12 (2) The charter may authorize the new government to continue to be eligible to have,
13 hold, enjoy, and be entitled to any assistance, credits, benefits, moneys, grants,
14 grants-in-aid, funds, loans, aid, appropriations, and matching funds to the same extent
15 that any municipality or county of the State of Georgia now or may hereafter enjoy or
16 possess under the Constitution and laws of the State of Georgia or by other provisions of
17 law or under any present or future state or federal programs;

18 (3) The charter may provide for the abolishment, modification, consolidation, or merger
19 of any court, except for the Superior Court, the State Court, the Probate Court, and the
20 Magistrate Court of Chatham County;

21 (4) The charter may provide for the abolishment, modification, consolidation, or merger
22 of any public authorities and special service districts located within Chatham County
23 created by law and for the transfer of any powers, duties, and obligations of such
24 authorities and districts to the new county-wide government or to any agency thereof or
25 from one such authority or special service district to another in such manner as said
26 charter shall provide;

27 (5) The charter may provide for the abolishment, modification, consolidation, or merger
28 of any one or more public offices or positions of public employment of any municipality
29 merged in the county-wide government and the County of Chatham and any public
30 authorities or special service districts located or operating within Chatham County. The
31 charter may provide for administrative division or changes with reference to the duties
32 and responsibilities of any public office or official as the charter and unification
33 commission shall deem necessary for the efficient functioning of the new county-wide
34 government;

35 (6) The charter shall provide for the creation of the governing authority of the new single
36 county-wide government, including the number of members of the governing authority,
37 their powers, duties, terms of office, manner, and time of election or appointment,

1 compensation, method of removal, and all other matters incidental or necessary to the
2 creation of said county-wide governing authority. The charter shall provide for the name
3 or names of the new county-wide government and governing authority;

4 (7) The charter may provide for the creation of the various departments, boards, bureaus,
5 offices, commissions, and positions of public employment of the new county-wide
6 government and for any matters necessary or incidental thereto;

7 (8) The charter may provide for the creation of two or more taxing districts whereby
8 taxes shall be assessed, levied, and collected by the county-wide government in
9 accordance with the kind, character, type, and degree of services provided by the
10 government within those taxing districts. The charter may provide that the rate and
11 manner of taxation may vary in any one district from that in another or other districts and
12 may provide that the powers, authority, duties, liabilities, and functions of the new
13 governing authority may vary from district to district. The charter shall provide that any
14 such taxing district established shall equitably reflect the services actually received and
15 that the governing authority of the new county-wide government shall periodically revise
16 districts as changes in conditions and in services rendered, in its judgment, may require;

17 (9) The charter shall provide for the creation of special tax districts consisting of the
18 territory lying within the former boundaries of the affected governments for the purpose
19 of the successor county-wide government levying a tax therein sufficient to retire any
20 bonded indebtedness of such governments which is outstanding on the effective date of
21 the abolishment of such government;

22 (10) The charter may provide for the assumption by the new government of all bonded
23 indebtedness and all other obligations of whatever kind of all governmental units, public
24 authorities, and special service districts which are altered by said charter and a method
25 by which the new county-wide government shall assume the payment of any obligations
26 issued under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond
27 Law," or other similar legislation;

28 (11) The charter may provide for the transfer to the new county-wide government of
29 assets, contracts, and franchises of all governmental units and any public authorities and
30 special service districts which are merged with the new county-wide government or are
31 altered by the charter;

32 (12) The charter may provide the purposes for which the new county-wide government
33 or governing authority or any agency thereof may levy taxes;

34 (13) The charter shall provide for the method or methods by which it may be amended.
35 The General Assembly expressly reserves the right to amend any charter adopted
36 pursuant to this Act. The charter may provide for an additional method or methods by
37 which the charter may be amended and shall provide for any amendments adopted by any

1 such other method or methods to be filed with the Secretary of State so that they may be
2 published in the Georgia Laws;

3 (14) The charter shall provide for the repeal of conflicting laws; and

4 (15) The charter may contain such other provisions as are necessary and needful to
5 achieve the objectives of consolidation of the governments and functions of the City of
6 Savannah and the County of Chatham and the creation of a successor government.

7 (c) The following additional provisions shall govern proceedings of the charter and
8 unification commission and any successor county-wide government created by a charter
9 drafted by the commission:

10 (1) The charter and unification commission is authorized to contract with any public or
11 private institution or body, including the Carl Vinson Institute of Government, for any
12 special studies or assistance it deems necessary, subject to the limitation that any
13 expenditure therefor shall be within the limits of the funds made available to the
14 commission by the respective governing authorities; and

15 (2) Any successor government created and established shall, without the necessity or
16 formality of deed, bill of sale, or other instrument of transfer, be and become the owner
17 of all property, assets, and rights previously belonging to the City of Savannah and the
18 County of Chatham and any other authorities or special service districts merged into the
19 new government.

20 (d) The charter and unification commission shall have all the powers of the superior courts
21 to compel the attendance of witnesses before the commission and any of its committees,
22 subcommittees, or advisory committees; to compel witnesses to testify thereat; and to
23 subpoena any person or entity and all such books, records, data, papers, documents, and other
24 tangible items which may be deemed by the commission to be material to any question or
25 issue deemed by it to be relevant to the duties or prerogatives imposed upon or granted to the
26 commission by this Act. Such subpoenas shall be issued in the name of the commission,
27 shall be signed by either the chairperson or the secretary of the commission, and shall be
28 served in the manner provided by law for the service of subpoenas in civil cases pending in
29 the superior courts. Witnesses subject to such subpoenas shall be entitled to the same
30 compensation as witnesses attending superior court, which compensation shall be collected
31 in the same manner as that of witnesses in the superior courts except that such compensation
32 shall be paid from funds of the commission. Should any such subpoenaed person or witness
33 fail or refuse to answer questions propounded or fail or refuse to produce any books, records,
34 data, papers, documents, or other tangible items required to be produced by the commission,
35 except upon a legal excuse which would relieve such person of such obligation in a civil case
36 pending in the superior court, the person so failing or refusing shall be guilty of contempt and
37 may be cited by the commission to appear before a judge of the Superior Court of Chatham

1 County. The judge of said court shall have the same power and jurisdiction to punish the
 2 person cited for contempt and to require and compel the attendance, the giving of testimony,
 3 or the production of items as in cases of contempt committed in the presence of the court and
 4 as in cases pending before the court.

5 (e) Notwithstanding any other provisions of this Act, the charter and unification commission
 6 and the charter proposed by the commission and subsequently adopted may not:

7 (1) Alter or affect the status of the Chatham County School System or the Chatham
 8 County Board of Education or any provision of the Constitution or laws of the State of
 9 Georgia by which the Chatham County School System is constituted, empowered, or
 10 preserved or to transfer any of its powers, duties, or obligations;

11 (2) Impair or diminish any pension or retirement rights;

12 (3) Abolish the office of sheriff, clerk of superior court, or tax commissioner; or

13 (4) Impair or diminish any homestead or other exemptions from taxation now or
 14 hereafter existing under the Constitution of the State of Georgia.

15 (f) None of the foregoing limitations shall be construed as prohibiting the General Assembly
 16 from exercising any legislative power with respect to any municipality electing to be
 17 excluded as provided in this Act or the school district, board of education, office of sheriff,
 18 clerk of superior court, or tax commissioner, pension rights, and homestead exemptions
 19 which existed prior to the adoption of this Act.

20 (g) The powers granted in this Act to the charter and unification commission by the General
 21 Assembly are remedial in nature and shall be liberally construed to effectuate their purpose.

22 **SECTION 8.**

23 (a) The charter and unification commission shall be required to hold at least two public
 24 hearings to determine the sentiment of the citizens of the City of Savannah and the County
 25 of Chatham regarding the work of the charter and unification commission. The first public
 26 hearing shall be held within 30 days of the issuance of the commission's final written report
 27 on the feasibility of establishing a single county-wide government within Chatham County,
 28 and a second public hearing shall be held within 15 days of the submission of any proposed
 29 charter for such consolidated government to the Chatham County Board of Elections. The
 30 charter and unification commission is authorized to hold more than two public hearings if it
 31 determines that additional public hearings are desirable. The charter and unification
 32 commission shall cause the date, time, and place of each such hearing to be advertised in the
 33 official organ of Chatham County twice during the week next preceding the week in which
 34 the public hearing is held. The charter and unification commission shall cause to be made
 35 a transcript of each public hearing held and shall file the same in its minutes and records.

1 (b) Following issuance of the commission's final written report, the governing authorities
2 of the City of Savannah and the County of Chatham shall each hold and conduct a public
3 hearing to determine the sentiments of their citizens regarding the work of the charter and
4 unification commission. Notice of such hearings shall be advertised in the same manner as
5 required for hearings held by the charter and unification commission. Representatives of the
6 charter and unification commission shall be invited to present the final report to said
7 governing authorities.

8 **SECTION 9.**

9 (a) The charter and unification commission shall complete its studies and shall prepare,
10 complete, and file any proposed charter no later than August 31, 2003; provided, however,
11 that the above-described time period may be extended for such additional periods of time as
12 may be authorized by a resolution duly adopted by the governing authority of the City of
13 Savannah and by a similar resolution being duly adopted by the governing authority of the
14 County of Chatham and may also be extended by an Act of the General Assembly and shall
15 be automatically extended for a period of time equal to the period of time that any proposed
16 charter shall be under consideration by the United States Department of Justice or by any
17 courts.

18 (b) Certified copies of the charter shall be filed by the charter and unification commission
19 with the clerks of the governing authorities of the City of Savannah and the County of
20 Chatham and shall be authenticated by the signature of the chairperson of the charter and
21 unification commission. Such copies shall be public records and shall be available for
22 inspection or examination by any interested person.

23 (c) The charter and unification commission shall also make available a copy of the charter
24 to every daily or weekly newspaper published in Chatham County and to each radio or
25 television station operating within the county. The commission shall take such other steps,
26 within the limitation of its available funds, as it deems reasonable and appropriate to inform
27 the public throughout the county of the contents of the proposed charter. The charter and
28 unification commission shall also cause a summary of the proposed charter to be printed in
29 pamphlets or booklets and made available for general distribution throughout the county.

30 (d) The charter and unification commission is authorized to adopt such rules and regulations
31 as it deems necessary or desirable to carry out its powers and perform its duties and
32 functions.

33 (e) Following the completion of the proposed charter by the charter and unification
34 commission and prior to the time of filing or submission thereof as provided in this Act, the
35 same shall be presented for review by the United States Department of Justice as may be
36 required by law. The failure of any proposed charter submitted by the charter and unification

1 commission to the Department of Justice to obtain preclearance by the Department of Justice
 2 shall not prevent the charter and unification commission from revising said charter in a
 3 manner so as to enable the proposed charter to meet Department of Justice objections with
 4 respect thereof, and the charter and unification commission is empowered to redraft any such
 5 proposed charter in such manner so as to meet requirements for the Department of Justice's
 6 approval in the event that any initial proposed charter fails to obtain Department of Justice
 7 approval.

8 **SECTION 10.**

9 (a) A certified copy of the proposed charter shall be submitted by the commission to the
 10 election superintendent of Chatham County, and it shall be the duty of such superintendent
 11 to call and hold a referendum election for ratification or rejection of the proposed charter as
 12 provided in Section 11 of this Act.

13 (b) The charter and unification commission shall be abolished by operation of law at
 14 midnight of the day the results of the special referendum election on the proposed charter
 15 become final and effective pursuant to the laws of the State of Georgia.

16 **SECTION 11.**

17 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after
 18 receipt of preclearance, or the usual notice of no current objections, by the United States
 19 Department of Justice of such proposed charter, it shall be the duty of the election
 20 superintendent of Chatham County to call a special election for approval or rejection of the
 21 proposed charter. The election superintendent shall set the date of the election for the earliest
 22 date therefor permissible under general law falling on or after the date of the general election
 23 to be held in November, 2002. The election superintendent shall cause the date and purpose
 24 of the election to be published once a week for two calendar weeks immediately preceding
 25 the date thereof in the official organ of Chatham County. The ballot shall have written or
 26 printed thereon the following:

27 "() YES Shall the charter reorganizing and consolidating the governments of the City
 28 of Savannah and the County of Chatham and creating a single county-wide
 29 () NO government to supersede and replace those governments be approved?"

30 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those
 31 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such
 32 question by the qualified voters of Chatham County residing within the corporate limits of
 33 the City of Savannah and the votes cast on such question by the qualified voters of Chatham
 34 County shall be counted separately. If more than one-half of the votes cast by the qualified
 35 voters of Chatham County residing within the corporate limits of the City of Savannah are

1 for approval of the charter and if more than one-half of the total votes cast by the qualified
2 voters residing within the unincorporated areas of Chatham County are for approval of the
3 charter, then the charter shall become effective. Otherwise, it shall be void and of no force
4 and effect. The expense of such election shall be borne equally by the City of Savannah and
5 the County of Chatham.

6 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
7 O.C.G.A., the "Georgia Election Code," except to the extent specifically provided otherwise
8 by this Act.

9 (d) The election superintendent shall certify the returns to the Secretary of State. The
10 election superintendent shall also furnish a certified copy of the charter to the Secretary of
11 State. The Secretary of State shall issue his or her proclamation showing and declaring the
12 result of the election on the approval or rejection of the charter. One copy of the
13 proclamation shall be attached to the copy of the charter certified to the Secretary of State.
14 One copy of the proclamation shall be delivered to the secretary or clerk of the governing
15 authority of the City of Savannah, who shall attach the same to the copy of the charter
16 previously certified to him or her. One copy of the proclamation shall be delivered to the
17 clerk of the governing authority of the County of Chatham, who shall attach the same to the
18 copy of the charter previously certified to him or her.

19 (e) Whenever a charter for the consolidation of the governments of the City of Savannah and
20 the County of Chatham has been adopted, the above-certified copies thereof, with the
21 proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate
22 original copies of the charter of the consolidated government for all purposes. The certified
23 copy of the charter and proclamation deposited with the secretary of the governing authority
24 of the City of Savannah and the certified copy of the charter and proclamation deposited with
25 the clerk of the governing authority of the County of Chatham shall subsequently be
26 delivered by them to the successor government. The successor government may issue
27 certified copies of the charter and any copy so certified shall be deemed a duplicate original
28 copy of the charter of the consolidated government for all purposes. The Secretary of State
29 is authorized to issue certified copies of the charter on file with him or her, and copies so
30 certified by him or her shall be deemed duplicate original copies of the charter of the
31 consolidated government for all purposes.

32

SECTION 12.

33 In the event the proposed single county-wide government charter is approved by voters as
34 provided in Section 11 of this Act, an election shall be held in accordance with the provisions
35 of the charter to elect the members of the governing authority of the county-wide
36 government. Upon the election of the members of the governing authority and their taking

1 office as the governing authority of the county-wide government, the existing governments
2 of the City of Savannah and the County of Chatham shall stand abolished, all in accordance
3 with the provisions of the charter of the new county-wide government.

4 **SECTION 13.**

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

7 **SECTION 14.**

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