

House Bill 907 (FLOOR SUBSTITUTE)

By: Representatives Knox of the 28th and Reese of the 85th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners of Forsyth County, approved June 30,
2 1964 (Ga. L. 1964, Ex. Sess., p. 2225), as amended, so as to change the manner of electing
3 the chairperson and other members of the board of commissioners; to provide for terms of
4 office; to provide that the members of the board elected from commissioner districts shall be
5 elected by a majority vote of the electors of the entire county; to provide that the chairperson
6 shall be elected by a majority vote of the electors of the entire county voting in an election
7 for such office; to change the provisions relating to the compensation of the chairperson and
8 other members of the board of commissioners; to provide for transition; to provide for related
9 matters; to provide for a referendum; to provide for effective dates; to provide for automatic
10 repeal under certain conditions; to require submission of this Act to the United States
11 Attorney General for certain approval; to repeal conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 An Act creating a board of commissioners of Forsyth County, approved June 30, 1964 (Ga.
15 L. 1964, Ex. Sess., p. 2225), as amended, is amended by striking Section 1 in its entirety and
16 inserting in lieu thereof a new Section 1 to read as follows:

17 **"SECTION 1.**

18 (a) There is created in and for the County of Forsyth, a board of commissioners to be
19 elected and organized as hereinafter provided, which board of commissioners, also known
20 as the 'board', shall constitute the governing authority of said county and shall exercise the
21 powers, duties, and responsibilities specified herein and imposed upon said officers by the
22 laws of the State of Georgia.

23 (b)(1) Except as otherwise provided in paragraph (2) of this subsection, at the first
24 meeting of the board in January each year, the board shall elect one of its members as

1 chairperson. Such member shall serve as chairperson through December 31 of said year
2 and until a new chairperson is elected in the following year.

3 (2) The provisions of paragraph (1) of this subsection shall no longer apply after the term
4 of the chairperson elected in 2002 is completed on December 31, 2002. On and after
5 January 1, 2003, the chairperson shall be elected as provided in Section 2 of this Act."

6 **SECTION 2.**

7 Said Act is further amended by striking Section 2 in its entirety and inserting in lieu thereof
8 a new Section 2 to read as follows:

9 "SECTION 2.

10 (a) The members of the board of commissioners of Forsyth County serving on January 1,
11 2002, and members appointed or elected to fill vacancies in the membership of such board
12 shall continue to serve out their terms of office and, except as otherwise provided in this
13 Act, be representative of the districts from which elected as such districts existed at the
14 time of their election.

15 (b)(1) For the purpose of electing the chairperson to the board of commissioners
16 beginning with the general election in 2002 and continuing thereafter, District 1 shall
17 consist of all of Forsyth County and shall be designated Post 1. This shall be the district
18 from which the chairperson is elected.

19 (2)(A) Except for the position of chairperson as provided in paragraph (1) of this
20 subsection, for the purpose of electing the other members to the board of
21 commissioners beginning with the general election in 2002 and continuing thereafter,
22 Forsyth County shall be divided into four commissioner districts. Those districts shall
23 consist of the described territory of Forsyth County attached to this Act and made a part
24 hereof and further identified as 'Operator:local Client:forsyth Plan:forsythcc2001.'

25 (B) For purposes of this paragraph:

26 (i) The terms 'tract,' 'block,' and 'block group' shall mean and describe the same
27 geographical boundaries as provided in the report of the Bureau of the Census for the
28 United States decennial census of 1990 for the State of Georgia;

29 (ii) Any part of Forsyth County which is not included in any commissioner district
30 described in this paragraph shall be included within that commissioner district
31 contiguous to such part which contains the least population according to the United
32 States decennial census of 1990 for the State of Georgia; and

33 (iii) Any part of Forsyth County which is described in this paragraph as being
34 included in a particular commissioner district shall nevertheless not be included
35 within such commissioner district if such part is not contiguous to such commissioner

1 district. Such noncontiguous part shall instead be included within that commissioner
 2 district contiguous to such part which contains the least population according to the
 3 United States decennial census of 1990 for the State of Georgia.

4 (c) On and after January 1, 2003, the members elected to Posts 2, 4, and 5 from
 5 Commissioner Districts 2, 4, and 5 at the 2000 general election shall be designated as the
 6 members of the board of commissioners from new Commissioner Districts 2, 4, and 5
 7 created in this section until new members are elected at the 2004 general election from such
 8 districts by the electors of the entire county.

9 (d) Beginning with the general election in 2002, and quadrennially thereafter, one member
 10 of the board of commissioners shall be elected from Commissioner District 3 and a
 11 member shall be elected from District 1 who shall be the chairperson of the board of
 12 commissioners. At the general election in 2004, and quadrennially thereafter, there shall
 13 be elected one member each from Commissioner Districts 2, 4, and 5. Members elected
 14 pursuant to this subsection and their successors shall take office on the first day of January
 15 following their election for terms of office of four years and until their successors are
 16 elected and qualified.

17 (e) A commissioner elected from Commissioner District 2, 3, 4, or 5 shall be a resident of
 18 the commissioner district which he or she seeks to represent at the time of qualifying for
 19 office and shall be required to remain a resident of said district from which he or she was
 20 elected during his or her term of office. The chairperson shall be a resident of the county.
 21 A member of the board elected from Commissioner District 2, 3, 4, or 5 shall be elected
 22 by a majority vote of the electors of the entire county. The chairperson shall also be elected
 23 by a majority vote of the electors of the entire county voting in an election for such office.
 24 Positions on the board shall be Post 1, the chairperson, and Posts 2, 3, 4, and 5 which shall
 25 correspond with Commissioner Districts 2, 3, 4, and 5, and all candidates for membership
 26 on the board shall designate the post for which they are offering. The members of the board
 27 shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21
 28 of the O.C.G.A., known as the 'Georgia Election Code.'

29 (f) It is the intent of the General Assembly that the commissioner districts provided for in
 30 subsection (b) of this Act shall be reapportioned based on the population figures applicable
 31 to Forsyth County contained in the 2000 United States decennial census prior to the
 32 holding of elections as authorized in this section."

33 SECTION 3.

34 Said Act is further amended by striking in its entirety subsection (a) of Section 7 and
 35 inserting in lieu thereof a new subsection (a) to read as follows:

1 **SECTION 6.**

2 Pursuant to Section 5 of the Federal Voting Rights Act of 1965, as amended, it shall be the
3 duty of the attorney of the Forsyth County Board of Commissioners to submit this Act to the
4 United States Attorney General for approval.

5 **SECTION 7.**

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