

Senate Bill 228

By: Senator Harbison of the 15<sup>th</sup>

**AS PASSED**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To create and establish the Cusseta-Chattahoochee County Charter and Unification  
 2 Commission; to provide for a short title; to provide for definitions; to provide for the  
 3 appointment of the members of said commission; to provide for the organizational meeting  
 4 of the charter and unification commission and for the election of a chairperson; to provide  
 5 for the powers and duties of said commission; to provide that the charter and unification  
 6 commission shall be authorized to employ a staff to assist it in carrying out its powers and  
 7 duties; to provide for the expenses of the charter and unification commission and for the  
 8 payment of those expenses by the governing authorities of the City of Cusseta and the  
 9 County of Chattahoochee; to provide that said commission shall be authorized to study all  
 10 matters relating to the governments of the County of Chattahoochee and the City of Cusseta  
 11 and all matters relating to the establishment of a single county-wide government with powers  
 12 and jurisdiction throughout the territorial limits of Chattahoochee 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 "Cusseta-Chattahoochee County Charter  
 20 and Unification Commission Act" and is enacted pursuant to the authority granted by Article  
 21 IX, Section III, Paragraph II of the Constitution of the State of Georgia.

22 **SECTION 2.**

23 As used in this Act, the following terms shall have the meanings ascribed to them unless the  
 24 context clearly requires otherwise:

25 (1) "Charter and unification commission" or "commission" shall mean the  
 26 Cusseta-Chattahoochee County Charter and Unification Commission provided for in this  
 27 Act.

1 (2) "Governing authority of the City of Cusseta" shall mean the mayor and city council  
2 of the City of Cusseta, a municipal corporation of the State of Georgia.

3 (3) "Governing authority of the County of Chattahoochee" shall mean the Board of  
4 Commissioners of Chattahoochee County, a political subdivision of the State of Georgia.

### 5 SECTION 3.

6 (a) There is created the Cusseta-Chattahoochee County Charter and Unification  
7 Commission, which shall consist of 17 members to be appointed within 30 days of the  
8 effective date of this Act as provided in this section.

9 (b) The governing authority of the City of Cusseta shall appoint seven members to the  
10 charter and unification commission who shall be citizens of the City of Cusseta at the time  
11 of such appointment and for the duration of their respective terms as members of such  
12 commission.

13 (c) The governing authority of the County of Chattahoochee shall appoint seven members  
14 to the charter and unification commission who shall be citizens of unincorporated  
15 Chattahoochee County at the time of such appointment and for the duration of their  
16 respective terms as members of such commission.

17 (d) The 14 members of the charter and unification commission provided for in subsections  
18 (b) and (c) of this section shall jointly appoint three members to the charter and unification  
19 commission who shall be citizens of Chattahoochee County at the time of such appointment  
20 and for the duration of their entire terms as members of such commission.

21 (e) If a governing authority refuses or fails to appoint a member of the commission as  
22 required by this section, the senior superior court judge of the Chattahoochee Judicial Circuit  
23 shall make such appointment within ten days following the expiration of the 30 day period  
24 allowed for appointments provided for in subsection (a) of this section.

25 (f) None of the members of said charter and unification commission shall hold any other  
26 elective public office.

27 (g) To be eligible for appointment as a member of the charter and unification commission,  
28 a person must be at least 21 years of age and shall have been a resident of the State of  
29 Georgia for a period of at least five years and registered as an elector to vote in  
30 Chattahoochee County for a period of at least two years prior to his or her appointment.

31 (h) If a member of the charter and unification commission should die, become disabled,  
32 remove his or her residence and place of domicile to a place outside the territorial limits of  
33 the appointing jurisdiction, resign, or become unable or decline to serve for any reason  
34 whatever as a member of the charter and unification commission, said commission shall  
35 declare a vacancy in his or her office as a member of such commission and within 15 days

1 thereafter the governing authority or authorities that appointed that member shall appoint a  
2 successor promptly to fill such vacancy.

3 (i) 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 Chattahoochee County with a duplicate original of such certificate being transmitted to, and  
6 filed with, the chairperson or the secretary of the charter and unification commission.

7 (j) 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 (k) 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 (l) 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 Chattahoochee, extending to members of such  
25 governing authority of the County of Chattahoochee, and what is commonly referred to as  
26 "public official's liability insurance coverage," to the same extent and as nearly as practicable  
27 with identical coverage and limits as afforded to the individual members of the governing  
28 authority of the County of Chattahoochee. Any and all additional premium amounts payable  
29 by the County of Chattahoochee due to the extension of such coverage to the members of the  
30 charter and unification commission and its appointees, agents, employees, and staff shall be  
31 paid, when due and payable, one-half by the County of Chattahoochee and one-half by the  
32 City of Cusseta, which payments shall be made in addition to all other amounts otherwise  
33 payable under the provisions of this Act.

34 (m) The governing authority of the County of Chattahoochee, the governing authority of the  
35 City of Cusseta, and the governing authority of any county-wide government created under  
36 a 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 4.**

5 (a) The charter and unification commission shall hold an organizational meeting not less  
6 than 30 days nor more than 45 days after the date this Act becomes effective. Any three or  
7 more members of the charter and unification commission, composed of at least one member  
8 appointed by the governing authority of the City of Cusseta and one member appointed by  
9 the governing authority of the County of Chattahoochee, shall call such organizational  
10 meeting. The call of such organizational meeting shall designate the time, date, and place  
11 that such organizational meeting shall be held.

12 (b) The first order of business at the organizational meeting shall be the designation, by the  
13 majority vote of those members present, of a temporary chairperson to preside until a  
14 permanent chairperson is elected. The second order of business at the organizational meeting  
15 shall be the election of a permanent chairperson who shall be elected by the majority vote of  
16 all members of the charter and unification commission.

17 (c) The charter and unification commission shall be authorized to elect a secretary, who need  
18 not be a member of the commission, and such other officers from the membership of the  
19 charter and unification commission as it shall deem necessary. The charter and unification  
20 commission shall be further authorized to employ such staff as may be required to assist it  
21 in studying all matters relating to the government of the City of Cusseta and the County of  
22 Chattahoochee and in drafting a charter. The charter and unification commission shall not  
23 employ any person who holds any elective public office.

24 (d) The members of the charter and unification commission shall not receive per diem or  
25 other compensation for their services, but the members shall be reimbursed for actual  
26 expenses incurred by them in carrying out their duties. The staff employed by the  
27 commission shall be paid compensation as determined by the commission within the limits  
28 of funds available to it. The governing authority of the City of Cusseta and the governing  
29 authority of the County of Chattahoochee are authorized to expend public funds in carrying  
30 out the provisions of this Act and shall share equally the expense thereof. Each of the said  
31 governing authorities shall initially appropriate up to \$5,000.00 for the charter and  
32 unification commission and the treasurer or other fiscal authority of each of those governing  
33 authorities shall honor, from time to time, vouchers or warrants signed by the chairperson of  
34 the charter and unification commission for amounts up to an aggregate total of such amount.  
35 The governing authorities shall appropriate such additional funds in equal amounts as may

1 be necessary to meet the expenses of the charter and unification commission, provided that  
2 such additional expenditures shall be first approved by both governing authorities.

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

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

14

#### **SECTION 5.**

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

**SECTION 6.**

1  
2 (a) The charter so drafted shall be submitted to the qualified voters of Chattahoochee County  
3 for approval or rejection of the referendum provided for in Section 10 of this Act.

4 (b) The General Assembly delegates its powers to the charter and unification commission  
5 to draft such a charter which may include any provisions necessary to effectuate its purposes.  
6 Without limiting the generality of the foregoing, the proposed charter may provide for any  
7 one or more, or a combination, of the matters listed below. Where it is indicated that an item  
8 shall be included, the inclusion of that particular item shall be mandatory:

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

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

24 (3) The charter may provide for the abolishment, modification, consolidation, or merger  
25 of any court unless otherwise prohibited by the Constitution or general law;

26 (4) The charter may provide for the abolishment, modification, consolidation, or merger  
27 of any public authorities and special service districts located within Chattahoochee  
28 County created by law and for the transfer of any powers, duties, and obligations of such  
29 authorities and districts to the new county-wide government or to any agency thereof or  
30 from one such authority or special service district to another in such manner as said  
31 charter shall provide unless otherwise prohibited by the Constitution or general law;

32 (5) The charter may provide for the abolishment, modification, consolidation, or merger  
33 of any one or more public offices or positions of public employment of any municipality  
34 merged in the county-wide government and the County of Chattahoochee and any public  
35 authorities or special service districts located or operating within Chattahoochee County  
36 unless otherwise prohibited by the Constitution or general law. The charter may provide

1 for administrative division or changes with reference to the duties and responsibilities of  
2 any public office or official as the charter and unification commission shall deem  
3 necessary for the efficient functioning of the new county-wide government;

4 (6) The charter shall provide for the creation of the governing authority of the new single  
5 county-wide government, including the number of members of the governing authority,  
6 their powers, duties, terms of office, manner, and time of election or appointment,  
7 compensation, method of removal, and all other matters incidental or necessary to the  
8 creation of said county-wide governing authority. The charter shall provide for the name  
9 or names of the new county-wide government and governing authority;

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

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

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

24 (10) The charter may provide for the transfer to the new county-wide government of  
25 assets, contracts, and franchises of all governmental units and any public authorities and  
26 special service districts which are merged with the new county-wide government or are  
27 altered by the charter;

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

30 (12) The charter shall provide for the method or methods by which it may be amended.  
31 The General Assembly expressly reserves the right to amend any charter adopted  
32 pursuant to this Act. The charter may provide for an additional method or methods by  
33 which the charter may be amended and shall provide for any amendments adopted by any  
34 such other method or methods to be filed with the Secretary of State so that they may be  
35 published in the *Georgia Laws*;

36 (13) The charter shall provide for the repeal of conflicting laws; and

1 (14) The charter may contain such other provisions as are necessary and needful to  
2 achieve the objectives of consolidation of the governments and functions of the City of  
3 Cusseta and the County of Chattahoochee and the creation of a successor government.

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

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

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

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

1 of testimony, or the production of items as in cases of contempt committed in the presence  
2 of the court and as in cases pending before the court.

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

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

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

10 (3) Abolish the office of sheriff, clerk of superior court, or tax commissioner.

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

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

18

#### **SECTION 7.**

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

33 (b) Following issuance of the commission's final written report, the governing authorities  
34 of the City of Cusseta and the County of Chattahoochee shall each hold and conduct a public  
35 hearing to determine the sentiments of their citizens regarding the work of the charter and  
36 unification commission. Notice of such hearings shall be advertised in the same manner as

1 required for hearings held by the charter and unification commission. Representatives of the  
2 charter and unification commission shall be invited to present the final report to said  
3 governing authorities.

4

#### SECTION 8.

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

14 (b) Certified copies of the charter shall be filed by the charter and unification commission  
15 with the clerks of the governing authorities of the City of Cusseta and the County of  
16 Chattahoochee and shall be authenticated by the signature of the chairperson of the charter  
17 and unification commission. Such copies shall be public records and shall be available for  
18 inspection or examination by any interested person.

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

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

29 (e) Following the completion of the proposed charter by the charter and unification  
30 commission and prior to the time of filing or submission thereof as provided in this Act, the  
31 same shall be presented for review by the United States Department of Justice as may be  
32 required by law. The failure of any proposed charter submitted by the charter and unification  
33 commission to the Department of Justice to obtain preclearance by the Department of Justice  
34 shall not prevent the charter and unification commission from revising said charter in a  
35 manner so as to enable the proposed charter to meet Department of Justice objections with  
36 respect thereof, and the charter and unification commission is empowered to redraft any such

1 proposed charter in such manner so as to meet requirements for the Department of Justice's  
 2 approval in the event that any initial proposed charter fails to obtain Department of Justice  
 3 approval.

4 **SECTION 9.**

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

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

12 **SECTION 10.**

13 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after  
 14 receipt of preclearance, or the usual notice of no current objections, by the United States  
 15 Department of Justice of such proposed charter, it shall be the duty of the election  
 16 superintendent of Chattahoochee County to call a special election for approval or rejection  
 17 of the proposed charter. The election superintendent shall set the date of the election for the  
 18 earliest date therefor permissible under general law after the filing of any proposed charter  
 19 as provided for in Section 8 of this Act. The election superintendent shall cause the date and  
 20 purpose of the election to be published once a week for two calendar weeks immediately  
 21 preceding the date thereof in the official organ of Chattahoochee County. The ballot shall  
 22 have written or printed thereon the following:

23 "( ) YES Shall the charter reorganizing and consolidating the governments of the City  
 24 of Cusseta and the County of Chattahoochee and creating a single  
 25 ( ) NO county-wide government to supersede and replace those governments be  
 approved?"

26 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those  
 27 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such  
 28 question by the qualified voters of Chattahoochee County residing within the corporate limits  
 29 of the City of Cusseta and the votes cast on such question by the qualified voters of  
 30 Chattahoochee County shall be counted separately. If more than one-half of the votes cast  
 31 by the qualified voters of Chattahoochee County residing within the corporate limits of the  
 32 City of Cusseta are for approval of the charter and if more than one-half of the total votes  
 33 cast by the qualified voters residing within both the incorporated and unincorporated areas  
 34 of Chattahoochee County are for approval of the charter, then the charter shall become

1 effective. Otherwise, it shall be void and of no force and effect. The expense of such  
2 election shall be borne equally by the City of Cusseta and the County of Chattahoochee.

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

6 (d) A qualified voter, as used in this Act, shall mean a voter of Chattahoochee County  
7 qualified to vote for members of the General Assembly of Georgia. The election  
8 superintendent shall certify the returns to the Secretary of State. The election superintendent  
9 shall also furnish a certified copy of the charter to the Secretary of State. The Secretary of  
10 State shall issue his or her proclamation showing and declaring the result of the election on  
11 the approval or rejection of the charter. One copy of the proclamation shall be attached to  
12 the copy of the charter certified to the Secretary of State. One copy of the proclamation shall  
13 be delivered to the secretary or clerk of the governing authority of the City of Cusseta, who  
14 shall attach the same to the copy of the charter previously certified to him or her. One copy  
15 of the proclamation shall be delivered to the clerk of the governing authority of the County  
16 of Chattahoochee, who shall attach the same to the copy of the charter previously certified  
17 to him or her.

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

31

### **SECTION 11.**

32 In the event the proposed single county-wide government charter is approved by voters as  
33 provided in Section 10 of this Act, an election shall be held in accordance with the provisions  
34 of the charter to elect the members of the governing authority of the county-wide  
35 government. Upon the election of the members of the governing authority and their taking  
36 office as the governing authority of the county-wide government, the existing governments

1 of the City of Cusseta and the County of Chattahoochee shall stand abolished, all in  
2 accordance with the provisions of the charter of the new county-wide government.

3 **SECTION 12.**

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

6 **SECTION 13.**

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