

Senate Bill 122

By: Senator Harbison of the 15th

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 with two of those seven members being members of the
11 city council or the mayor of the City of Cusseta at the time of their appointments and for the
12 duration of their entire terms as members of the charter and unification commission and with
13 five of the seven members being citizens of the City of Cusseta at the time of such
14 appointment and for the duration of their respective terms as members of such commission.

15 (c) The governing authority of the County of Chattahoochee shall appoint seven members
16 to the charter and unification commission with two of those seven members being members
17 of the Board of Commissioners of the County of Chattahoochee at the time of their
18 appointments and for the duration of their entire terms as members of the charter and
19 unification commission and with five of the seven members being citizens of Chattahoochee
20 County at the time of such appointment and for the duration of their respective terms as
21 members of such commission.

22 (d) The governing authorities of the City of Cusseta and the County of Chattahoochee shall
23 jointly appoint three members to the charter and unification commission who shall be
24 citizens of Chattahoochee County at the time of such appointment and for the duration of
25 their entire terms as members of such commission.

26 (e) If a governing authority refuses or fails to appoint a member of the commission as
27 required by this section, the senior superior court judge of the Chattahoochee Judicial Circuit
28 shall make such appointment.

29 (f) None of the members of said charter and unification commission, who is not a member
30 of the governing authority of the County of Chattahoochee or the City of Cusseta shall hold
31 an elective or appointive office.

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

1 (h) If a member of the charter and unification commission should die, become disabled,
2 remove his or her residence and place of domicile to a place outside the territorial limits of
3 the appointing jurisdiction, resign, or become unable or decline to serve for any reason
4 whatever as a member of the charter and unification commission, said commission shall
5 declare a vacancy in his or her office as a member of such commission and within 15 days
6 thereafter the governing authority or authorities that appointed that member shall appoint a
7 successor promptly to fill such vacancy.

8 (i) A certificate of appointment shall be issued by the appointing authority of each member
9 of the charter and unification commission and filed in the office of the Probate Court of
10 Chattahoochee County with a duplicate original of such certificate being transmitted to, and
11 filed with, the chairperson or the secretary of the charter and unification commission.

12 (j) A majority of the members of the charter and unification commission shall constitute a
13 quorum for the transaction of business. Such quorum shall not be applicable with respect to
14 any committees or subcommittees which, at the discretion of the charter and unification
15 commission, may be appointed. A majority of the members of each such committee or
16 subcommittee shall constitute a quorum for the conduct of its business.

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

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

1 City of Cusseta, which payments shall be made in addition to all other amounts otherwise
2 payable under the provisions of this Act.

3 (m) The governing authority of the County of Chattahoochee, the governing authority of the
4 City of Cusseta, and the governing authority of any county-wide government created under
5 a charter adopted pursuant to this Act are authorized and directed to expend funds for fees,
6 costs, and expenses incurred in providing for the defense of the members of the charter and
7 unification commission arising out of their activity as members of such commission and in
8 providing for the defense of any proposed charter submitted by the commission, whether
9 prior to the referendum thereon or after the referendum thereon is conducted.

10

SECTION 4.

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

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

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

30 (d) The members of the charter and unification commission shall not receive per diem or
31 other compensation for their services, but the members shall be reimbursed for actual
32 expenses incurred by them in carrying out their duties. The staff employed by the
33 commission shall be paid compensation as determined by the commission within the limits
34 of funds available to it. The governing authority of the City of Cusseta and the governing
35 authority of the County of Chattahoochee are authorized to expend public funds in carrying
36 out the provisions of this Act and shall share equally the expense thereof. Each of the said

1 governing authorities shall initially appropriate not less than \$5,000.00 for the charter and
2 unification commission and the treasurer or other fiscal authority of each of those governing
3 authorities shall honor, from time to time, vouchers or warrants signed by the chairperson of
4 the charter and unification commission for amounts up to an aggregate total of such amount.

5 The governing authorities shall appropriate such additional funds in equal amounts as may
6 be necessary to meet the expenses of the charter and unification commission, provided that
7 such additional expenditures shall be first approved by both governing authorities.

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

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

19

SECTION 5.

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

1 in writing together with reasons why such recommendations will make government
2 operations more efficient.

3 **SECTION 6.**

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

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

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

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

26 (3) The charter may provide for the abolishment, modification, consolidation, or merger
27 of any court, except for the Superior Court, the State Court, the Probate Court, and the
28 Magistrate Court of Chattahoochee County;

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

35 (5) The charter may provide for the abolishment, modification, consolidation, or merger
36 of any one or more public offices or positions of public employment of any municipality

1 merged in the county-wide government and the County of Chattahoochee and any public
2 authorities or special service districts located or operating within Chattahoochee County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30 (d) The charter and unification commission shall have all the powers of the superior courts
31 to compel the attendance of witnesses before the commission and any of its committees,
32 subcommittees, or advisory committees; to compel witnesses to testify thereat; and to
33 subpoena any person or entity and all such books, records, data, papers, documents, and other
34 tangible items which may be deemed by the commission to be material to any question or
35 issue deemed by it to be relevant to the duties or prerogatives imposed upon or granted to the
36 commission by this Act. Such subpoenas shall be issued in the name of the commission,
37 shall be signed by either the chairperson or the secretary of the commission, and shall be

1 served in the manner provided by law for the service of subpoenas in civil cases pending in
 2 the superior courts. Witnesses subject to such subpoenas shall be entitled to the same
 3 compensation as witnesses attending superior court, which compensation shall be collected
 4 in the same manner as that of witnesses in the superior courts except that such compensation
 5 shall be paid from funds of the commission. Should any such subpoenaed person or witness
 6 fail or refuse to answer questions propounded or fail or refuse to produce any books, records,
 7 data, papers, documents, or other tangible items required to be produced by the commission,
 8 except upon a legal excuse which would relieve such person of such obligation in a civil case
 9 pending in the superior court, the person so failing or refusing shall be guilty of contempt and
 10 may be cited by the commission to appear before a judge of the Superior Court of
 11 Chattahoochee County. The judge of said court shall have the same power and jurisdiction
 12 to punish the person cited for contempt and to require and compel the attendance, the giving
 13 of testimony, or the production of items as in cases of contempt committed in the presence
 14 of the court and as in cases pending before the court.

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

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

21 (2) Alter or affect the status of the Chattahoochee County Industrial Development
 22 Authority or any provisions by which such body is authorized or transfer any of its
 23 powers, duties, or obligations;

24 (3) Alter or affect the status of the Chattahoochee County Airport Authority or any
 25 provisions by which such body is authorized or transfer any of its powers, duties, or
 26 obligations;

27 (4) Impair or diminish any pension or retirement rights;

28 (5) Abolish the office of sheriff, clerk of superior court, or tax commissioner; or

29 (6) Impair or diminish any homestead or other exemptions from taxation now or
 30 hereafter existing under the Constitution of the State of Georgia.

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

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

SECTION 7.

1
2 (a) The charter and unification commission shall be required to hold at least two public
3 hearings to determine the sentiment of the citizens of the City of Cusseta and the County of
4 Chattahoochee regarding the work of the charter and unification commission. The first
5 public hearing shall be held within 30 days of the issuance of the commission's final written
6 report on the feasibility of establishing a single county-wide government within
7 Chattahoochee County, and a second public hearing shall be held within 15 days of the
8 submission of any proposed charter for such consolidated government to the Chattahoochee
9 County Board of Elections. The charter and unification commission is authorized to hold
10 more than two public hearings if it determines that additional public hearings are desirable.
11 The charter and unification commission shall cause the date, time, and place of each such
12 hearing to be advertised in the official organ of Chattahoochee County twice during the week
13 next preceding the week in which the public hearing is held. The charter and unification
14 commission shall cause to be made a transcript of each public hearing held and shall file the
15 same in its minutes and records.

16 (b) Following issuance of the commission's final written report, the governing authorities
17 of the City of Cusseta and the County of Chattahoochee shall each hold and conduct a public
18 hearing to determine the sentiments of their citizens regarding the work of the charter and
19 unification commission. Notice of such hearings shall be advertised in the same manner as
20 required for hearings held by the charter and unification commission. Representatives of the
21 charter and unification commission shall be invited to present the final report to said
22 governing authorities.

SECTION 8.

23
24 (a) The charter and unification commission shall complete its studies and shall prepare,
25 complete, and file any proposed charter no later than August 31, 2003; provided, however,
26 the above-described time period may be extended for such additional periods of time as may
27 be authorized by a resolution duly adopted by the governing authority of the City of Cusseta
28 and by a similar resolution being duly adopted by the governing authority of the County of
29 Chattahoochee and may also be extended by an Act of the General Assembly and shall be
30 automatically extended for a period of time equal to the period of time that any proposed
31 charter shall be under consideration by the United States Department of Justice or by any
32 courts.

33 (b) Certified copies of the charter shall be filed by the charter and unification commission
34 with the clerks of the governing authorities of the City of Cusseta and the County of
35 Chattahoochee and shall be authenticated by the signature of the chairperson of the charter

1 and unification commission. Such copies shall be public records and shall be available for
2 inspection or examination by any interested person.

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

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

13 (e) Following the completion of the proposed charter by the charter and unification
14 commission and prior to the time of filing or submission thereof as provided in this Act, the
15 same shall be presented for review by the United States Department of Justice as may be
16 required by law. The failure of any proposed charter submitted by the charter and unification
17 commission to the Department of Justice to obtain preclearance by the Department of Justice
18 shall not prevent the charter and unification commission from revising said charter in a
19 manner so as to enable the proposed charter to meet Department of Justice objections with
20 respect thereof, and the charter and unification commission is empowered to redraft any such
21 proposed charter in such manner so as to meet requirements for the Department of Justice's
22 approval in the event that any initial proposed charter fails to obtain Department of Justice
23 approval.

24 **SECTION 9.**

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

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

32 **SECTION 10.**

33 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after
34 receipt of preclearance, or the usual notice of no current objections, by the United States
35 Department of Justice of such proposed charter, it shall be the duty of the election

1 superintendent of Chattahoochee County to call a special election for approval or rejection
2 of the proposed charter. The election superintendent shall set the date of the election for the
3 earliest date therefor permissible under general law after the filing of any proposed charter
4 as provided for in Section 8 of this Act. The election superintendent shall cause the date and
5 purpose of the election to be published once a week for two calendar weeks immediately
6 preceding the date thereof in the official organ of Chattahoochee County. The ballot shall
7 have written or printed thereon the following:

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

11 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those
12 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such
13 question by the qualified voters of Chattahoochee County residing within the corporate limits
14 of the City of Cusseta and the votes cast on such question by the qualified voters of
15 Chattahoochee County shall be counted separately. If more than one-half of the votes cast
16 by the qualified voters of Chattahoochee County residing within the corporate limits of the
17 City of Cusseta are for approval of the charter and if more than one-half of the total votes
18 cast by the qualified voters residing within the unincorporated areas of Chattahoochee
19 County are for approval of the charter, then the charter shall become effective. Otherwise,
20 it shall be void and of no force and effect. The expense of such election shall be borne
21 equally by the City of Cusseta and the County of Chattahoochee.

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

25 (d) A qualified voter, as used in this Act, shall mean a voter of Chattahoochee County
26 qualified to vote for members of the General Assembly of Georgia. The election
27 superintendent shall certify the returns to the Secretary of State. The election superintendent
28 shall also furnish a certified copy of the charter to the Secretary of State. The Secretary of
29 State shall issue his or her proclamation showing and declaring the result of the election on
30 the approval or rejection of the charter. One copy of the proclamation shall be attached to
31 the copy of the charter certified to the Secretary of State. One copy of the proclamation shall
32 be delivered to the secretary or clerk of the governing authority of the City of Cusseta, who
33 shall attach the same to the copy of the charter previously certified to him or her. One copy
34 of the proclamation shall be delivered to the clerk of the governing authority of the County
35 of Chattahoochee, who shall attach the same to the copy of the charter previously certified
36 to him or her.

1 (e) Whenever a charter for the consolidation of the governments of the City of Cusseta and
2 the County of Chattahoochee has been adopted, the above-certified copies thereof, with the
3 proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate
4 original copies of the charter of the consolidated government for all purposes. The certified
5 copy of the charter and proclamation deposited with the secretary of the governing authority
6 of the City of Cusseta and the certified copy of the charter and proclamation deposited with
7 the clerk of the governing authority of the County of Chattahoochee shall subsequently be
8 delivered by them to the successor government. The successor government may issue
9 certified copies of the charter and any copy so certified shall be deemed a duplicate original
10 copy of the charter of the consolidated government for all purposes. The Secretary of State
11 is authorized to issue certified copies of the charter on file with him or her, and copies so
12 certified by him or her shall be deemed duplicate original copies of the charter of the
13 consolidated government for all purposes.

14

SECTION 11.

15 In the event the proposed single county-wide government charter is approved by voters as
16 provided in Section 10 of this Act, an election shall be held in accordance with the provisions
17 of the charter to elect the members of the governing authority of the county-wide
18 government. Upon the election of the members of the governing authority and their taking
19 office as the governing authority of the county-wide government, the existing governments
20 of the City of Cusseta and the County of Chattahoochee shall stand abolished, all in
21 accordance with the provisions of the charter of the new county-wide government.

22

SECTION 12.

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

25

SECTION 13.

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