

Senate Bill 278

By: Senator Williams of the 19th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To reconstitute the Board of Commissioners of Telfair County; to provide for commissioner
2 districts; to provide for definitions and inclusions; to provide for continuation in office of
3 current members; to provide for election and terms of office of subsequent members; to
4 provide for oaths of office and surety bonds; to provide for the filling of vacancies; to
5 provide for the compensation and expenses of the chairperson and members of the board; to
6 provide for the compensation of the clerk and other county employees; to provide for regular
7 and special meetings; to provide for a vice chairperson; to provide for a quorum; to provide
8 for a clerk; to provide for formal bids for certain purchases; to provide for a superintendent
9 of roads and bridges; to provide for audits of county finances and financial records; to
10 provide for the powers, duties, and authority of the chairperson and members of the board;
11 to provide for receipt of contributions for public roads and bridges; to provide for a quarterly
12 report for receipt and disbursement of funds; to provide for term limits; to repeal an Act
13 approved August 27, 1931 (Ga. L. 1931, p. 566), as amended; to provide for submission of
14 this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to
15 provide for related matters; to repeal conflicting laws; and for other purposes.

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

17 **SECTION 1.**

18 The Board of Commissioners of Telfair County existing immediately prior to the effective
19 date of this Act which was created by an order of the United States District Court of the
20 Southern District of Georgia, Dublin Division, entered on October 26, 1988, in Civil Action
21 No. CV 387-25, as amended by subsequent orders of said court entered on December 17,
22 1990, in Civil Action No. CV 386-61 and August 1, 1991, in Civil Action No. CV 386-61,
23 is continued in existence but on and after the effective date of this Act, shall be constituted
24 as provided in this Act.

SECTION 2.

2 As used in this Act, the term "board," means the Board of Commissioners of Telfair County,
3 including the chairperson and all members.

SECTION 3.

5 (a) Those members of the Board of Commissioners of Telfair County who are serving as
6 such immediately prior to the effective date of this Act and any person selected to fill a
7 vacancy in any such office shall continue to serve as such members until the regular
8 expiration of their respective terms of office and upon the election and qualification of their
9 respective successors. On and after the effective date of this Act, the Board of
10 Commissioners of Telfair County shall consist of five members all of whom shall be elected
11 from commissioner districts described in subsection (b) of this section.

12 (b) For purposes of electing members of the board of commissioners, Telfair County is
13 divided into five commissioner districts. One member of the board shall be elected from
14 each such district. The five commissioner districts shall be and correspond to those five
15 numbered districts described in and attached to and made a part of this Act and further
16 identified as Plan Name: telfcc2 Plan Type: Local User: linda Administrator: Telfair Co.

17 (c) When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean
18 and describe the same geographical boundaries as provided in the report of the Bureau of the
19 Census for the United States decennial census of 2000 for the State of Georgia. The separate
20 numeric designations in a Tract description which are underneath a "BG" heading shall mean
21 and describe individual Blocks within a Block Group as provided in the report of the Bureau
22 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
23 part of Telfair County which is not included in any such district described in that attachment
24 shall be included within that district contiguous to such part which contains the least
25 population according to the United States decennial census of 2000 for the State of Georgia.
26 Any part of Telfair County which is described in that attachment as being in a particular
27 district shall nevertheless not be included within such district if such part is not contiguous
28 to such district. Such noncontiguous part shall instead be included within that district
29 contiguous to such part which contains the least population according to the United States
30 decennial census of 2000 for the State of Georgia. Except as otherwise provided in the
31 description of any commissioner district, whenever the description of such district refers to
32 a named city, it shall mean the geographical boundaries of that city as shown on the census
33 map for the United States decennial census of 2000 for the State of Georgia.

SECTION 4.

1 (a) No person shall be a member of the board if that person is ineligible for such office
2 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that
3 office.

4 (b) In order to be elected as a member of the board from a commissioner district, a person
5 must receive the number of votes cast as required by general law for that office in that district
6 only. Only electors who are residents of that commissioner district may vote for a member
7 of the board for that district. At the time of qualifying for election as a member of the board
8 from a commissioner district, each candidate for such office shall specify the commissioner
9 district for which that person is a candidate. A person elected or appointed as a member of
10 the board from a commissioner district must attain residency in the district the person seeks
11 to represent at least by the time the person qualifies as a candidate for the position and must
12 continue to reside in that district during that person's term of office or that office shall
13 become vacant.

SECTION 5.

15 The members of the reconstituted Board of Commissioners of Telfair County shall be elected
16 as provided in this subsection. The first members from Commissioner Districts 2, 3, and 4
17 shall be elected at the general election on the Tuesday next following the first Monday in
18 November, 2004. Those members of the board elected thereto from Commissioner Districts
19 2, 3, and 4 in 2004 shall take office the first day of January immediately following that
20 election and shall serve for initial terms of office which expire December 31, 2008, and upon
21 the election and qualification of their respective successors. The first members from
22 Commissioner Districts 1 and 5 shall be elected at the general election on the Tuesday next
23 following the first Monday in November, 2006. Those members of the board elected thereto
24 from Commissioner Districts 1 and 5 in 2006 shall take office the first day of January
25 immediately following that election and shall serve for initial terms of office which expire
26 December 31, 2010, and upon the election and qualification of their respective successors.
27 Those and all future successors to members of the board whose terms of office are to expire
28 shall be elected at the time of the state-wide general election immediately preceding the
29 expiration of such terms, shall take office the first day of January immediately following that
30 election, and shall serve for terms of office of four years each. Members of the board shall
31 serve for the terms of office specified therefor in this subsection and until their respective
32 successors are elected and qualified.

34 (b) All members of the board who are elected thereto shall be nominated and elected in
35 accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

- 1 (c) Commissioner Districts 1, 2, 3, 4, and 5, as they exist immediately prior to the effective
2 date of this Act, shall continue to be designated as Commissioner Districts 1, 2, 3, 4, and 5,
3 respectively, but as newly described under this Act, and on and after the effective date of this
4 Act, such members of the board serving from those former commissioner districts shall be
5 deemed to be serving from and representing their respective districts as newly described
6 under this Act.
- 7 (d) Any vacancy in office upon the board which occurs for any reason shall be filled
8 pursuant to Code Section 36-5-21 of the O.C.G.A.

9 **SECTION 6.**

- 10 (a) The members of the board shall elect one of their number to serve as chairperson of the
11 board. The chairperson shall serve in that capacity at the pleasure of the board.
12 (b) At its first meeting each year, or as soon thereafter as practicable, the board shall choose
13 one of the members as vice chairperson, and such vice chairperson shall hold his or her office
14 until his or her successor is elected. Nothing in this section shall prevent the reelection of
15 any vice chairperson.

16 **SECTION 7.**

- 17 In addition to the oath required of all county officers, the commissioners shall take an
18 additional oath to perform the duties of their office truly and faithfully, to the best of their
19 skill and knowledge, and to account for all money, property, and effects of such county,
20 going into their possession, custody, or control and or expended by or under their direction.

21 **SECTION 8.**

- 22 Before entering upon the discharge of their duties, each member of the board of
23 commissioners shall give bond in the sum of \$25,000.00 except the chairperson of said board
24 who shall give bond in the sum of \$50,000.00 with some responsible surety company
25 authorized to do business in Georgia, as his or her surety, payable to and approved by the
26 judge of the probate court of the county and conditioned for the faithful performance of the
27 duties of the office and the full and true accounting for all moneys, funds, and effects of said
28 county coming into his or her hands or going into his or her custody or possession to be filed
29 in the office of the judge of the probate court and be there recorded and safely kept. The
30 premiums on said bonds shall be paid by the county.

SECTION 9.

1 (a) The salary and expense allowance for the chairperson and the other members of the board
2 shall be the same as immediately prior to the effective date of this Act and may be changed
3 pursuant to Code Section 36-5-28 of the O.C.G.A.

4 (b) The clerk and other county employees shall be compensated in an amount to be
5 determined by the board. The board shall conduct periodic evaluations of all employees and
6 compensation of employees shall be based upon length of employment, job performance, and
7 special training or other requirements for the job.

8 (c) The total compensation to the chairperson, the county commissioners, and employees
9 shall be paid from the funds of Telfair County. No members of said board shall receive any
10 other compensation for any services or expenses incurred within the Telfair County but may
11 be reimbursed for their expenses as provided for in this subsection. Should it become
12 necessary for any member of said board to transact business for the county outside the limits
13 of the county, then his or her expenses shall be paid out of the general funds of the county
14 when and only after said itemized expense account has been approved by a majority of the
15 board.

SECTION 10.

17 (a) The board shall hold at least one regular meeting each month, and the initial meeting
18 shall be properly advertised so that the public will be notified and may appear before the
19 board for any purpose. The board may conduct special meetings at any time, provided all
20 members of the board shall have been notified of such special meeting which shall be open
21 to the public.

22 (b) The vice chairperson shall, in the absence or disqualification of the chairperson or during
23 any vacancy in office of chairperson, perform and discharge all duties of the chairperson, and
24 in the event of a vacancy in the office of vice chairperson the same shall be filled by the
25 board at its next regular meeting after such vacancy becomes known. The chairperson shall
26 be the chief executive of the board. He or she shall see that all orders, resolutions, and rules
27 of the board are faithfully filled and impartially executed and enforced and that all the
28 officers, employees, and agents of said board faithfully and impartially discharge the duties
29 required of them. The chairperson shall have the general supervision of the affairs of the
30 county, acting under orders of the board, and shall preside at all meetings of the board. The
31 chairperson shall have the power to convene the board in extra session upon his or her own
32 motion or upon written request of two other members of the board and shall do so whenever
33 two other members make such request in writing.

SECTION 11.

1 Any three members of board shall constitute a quorum. The affirmative vote of three
2 members shall be necessary for any action by the board, and the chairperson shall have the
3 right to vote on all matters before the board.

SECTION 12.

5 The board is authorized to elect a clerk. Any citizen of the county, not a member of the
6 board, shall be eligible to hold the office of clerk of the board and shall receive a salary for
7 his or her services to be fixed by the board, which salary shall be paid in equal monthly
8 installments. The clerk before entering upon his or her duties shall give bond, with some
9 responsible surety company authorized to do business in Georgia, as his or her surety in the
10 sum of \$50,000.00, to be approved by the board with the premium on such bond to be paid
11 by the county, payable to the judge of the probate court and his or her successors in office
12 and conditioned for the faithful performance of his or her duties as such clerk and to account
13 for any and all funds, property, or effects which may come into his or her hands as such clerk
14 or otherwise, which bond shall be filed with the judge of the probate court and recorded on
15 his or her minutes and may be sued on in like manner as the bonds of the commissioners.
16 The clerk shall keep minutes of all meetings of the board, an inventory of all properties, and
17 such books and records as may be required of the clerk by the board and do such other acts
18 and things as may be required of the clerk by law or by the board. The clerk shall serve at the
19 pleasure of the board.

SECTION 13.

21 The board, either itself or by its duly appointed agent, shall purchase all equipment, material,
22 and supplies necessary for said county, of such kind and quality and in such quantities as
23 may be needed, and, wherever practicable, purchases of all equipment, materials, and
24 supplies shall be by competitive bids, which bids shall be kept on file in the office of the
25 board and subject to inspection by the grand jury or other interested citizens. All purchases
26 shall be charged to Telfair County; and before bills therefor are submitted to the board for
27 approval, they shall be audited and payment therefor recommended by the parties making
28 such purchase; and, if approved by the board at a regular meeting of the board, such approval
29 shall be endorsed on such bills by the chairperson and a list thereof entered upon the minutes
30 of the board, and when this is done warrants therefor shall be regularly drawn, which
31 warrants shall be signed by the chairperson and clerk as all other warrants drawn on the
32 treasury shall be signed before payment thereof is made, except that in the absence of the
33 chairperson, the vice chairperson shall be authorized to sign warrants. No purchases shall

1 be paid for or be reimbursed by Telfair County without approval prior to purchase by the
2 board or its duly appointed purchasing agent.

SECTION 14.

4 The board may at its discretion, and when it deems necessary, select a superintendent of
5 roads and bridges. The superintendent shall give his or her entire time to said duties as such
6 superintendent and shall not engage in any other business. The superintendent shall receive
7 such salary as may be fixed by the board and shall hold his or her position at the pleasure of
8 the board. The chairperson shall not be authorized to serve simultaneously as superintendent
9 of roads and bridges.

SECTION 15.

11 The board may have the books and accounts of the tax commissioner; custodian of all county
12 funds; sheriff; superintendent of schools; board of commissioners; and such other officers
13 as may be necessary audited by a certified public accountant of this state after its takes
14 charge of the affairs of the county to cover such period as it deems advisable and every year
15 thereafter. Such audit shall be filed in the office of the board and shall at all times be subject
16 to inspection by any citizen or taxpayer of the county. A summary of the audit shall be
17 published in the official organ of Telfair County within 30 days after it shall have been
18 completed.

SECTION 16.

20 The board shall have and it is vested with exclusive jurisdiction and control over the
21 following:

- 22 (1) Directing, controlling, and caring for all the property of the county according to law;
23 (2) Levying taxes according to law;
24 (3) Establishing, altering, or abolishing public roads, private roads, private ways, bridges,
25 and ferries, according to law;
26 (4) Establishing, abolishing, or changing election precincts and militia districts according
27 to law;
28 (5) Supervising the tax commissioner's books and in allowing the insolvent lists for the
29 county, according to law;
30 (6) Settling all claims against the county; examining and auditing all claims and accounts
31 of officers having the care, management, keeping, collecting, or disbursement of money
32 belonging to the county or appropriating for its use or benefit and bringing them to
33 settlement; and especially it is charged with frequently examining and auditing the books
34 of all officers through whose hands any county funds much pass; it may require from all

- 1 such officers, subject to an examination, such reports as may be necessary to keep such
2 board fully informed at all times of the financial condition of the county;
- 3 (7) Controlling, caring for, and managing the convicts of the county, according to law;
- 4 (8) Making rules, regulations, and provisions for the support of the poor of the county,
5 according to law;
- 6 (9) Promoting and preserving the public health of the county, with authority to
7 quarantine against contagious diseases and epidemics, according to law;
- 8 (10) Regulating and fixing license fees as may be provided by law;
- 9 (11) Bringing and defending actions in the name of Telfair County;
- 10 (12) Exercising the power of eminent domain in the manner described by law;
- 11 (13) Generally having and exercising all powers vested previously in the former board
12 when sitting for county purposes;
- 13 (14) Exercising such other powers as are granted by law or as may be indispensable to
14 the jurisdiction over county matters or county finance;
- 15 (15) Selecting and appointing all officers of the county whose election or appointment
16 is not otherwise fixed by law, such as superintendent and guards and public work forces,
17 janitor of the court house, superintendent of the pauper farm should one be established,
18 county physician and health officer, tax assessors, and county police officers, and other
19 officers and guards as needed and authorized by law;
- 20 (16) Employing a competent attorney at law, resident of the county, as county attorney
21 to advise the board and represent the county in such matters as the board may direct, who
22 shall be paid such salary or compensation as the board may direct, out of the regular
23 funds of the county, with authority of the board to fix his or her term of office or to
24 discharge him or her at any time; and
- 25 (17) Regulating peddling licenses, according to law.

26 **SECTION 17.**

27 The board may receive contributions for the improvement of the public roads or bridges of
28 the county from persons who own property along the same or from any other person or
29 persons or from the state government or the United States government or from any
30 corporation or firm who may be interested in the improvement of the roads and bridges, and
31 such contributions when received shall be used for the improvement of the roads or bridges
32 designated by the contributor.

SECTION 18.

Item 24 of the court order described in Section 1 of this Act which described certain prohibited activities regarding financial interest in the sale or purchase of any article to or from the county by members of the board or the clerk or receiving financial consideration in connection with purchases or contracts which constituted crimes shall be of no force and effect. Such matters shall be regulated as provided by general law, including, but not limited to, Chapter 10 of Title 16 of the O.C.G.A. or Chapter 10 of Title 45 of the O.C.G.A.

SECTION 19.

The board shall publish not less than quarterly a report for all receipts and disbursements of county funds.

SECTION 20.

No member of the board shall be eligible to succeed himself or herself after having served two successive terms in office, nor shall any such member who is ineligible to succeed himself or herself be eligible to hold any other elective county office within a four-year period following the date of the expiration of his or her second successive term.

SECTION 21.

An Act creating the office of commissioner of roads and revenues for the County of Telfair, approved August 27, 1931 (Ga. L. 1931, p. 566), as amended, is repealed in its entirety.

SECTION 22.

The Board of Commissioners of Telfair County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 23.

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

1 Plan Name: telfcc2 Plan Type: Local User: linda Administrator: Telfair Co.

2 Redistricting Plan Components Report

3 District 001

4 Telfair County

5 Tract: 9501

6 BG: 1

7 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

8 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035

9 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047

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11 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071

12 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083

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14 BG: 2

15 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032

16 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044

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19 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083

20 2084 2085 2086 2087 2088 2089 2090 2091 2092 2093 2094 2095

21 BG: 3

22 3000 3002 3003 3004 3005 3007 3008 3010 3011 3012 3013 3014

23 3015 3016 3017 3018 3025 3034 3035 3036 3037 3038 3039 3040

24 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3075 3076

25 BG: 4

26 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013

27 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023 4024 4025

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29 District 002

30 Telfair County

31 Tract: 9501

32 BG: 1

33 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

34 1090 1091 1092 1093 1094 1095 1096 1097 1098 1099 1100 1101

1 1102 1103 1104 1105 1106 1107 1108 1109 1110 1111 1112 1113
2 1114 1115 1116 1117 1118 1119 1120 1121 1122 1123 1124 1125
3 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135 1136 1137
4 1138 1139 1140 1141 1142 1148 1149 1150 1151 1998 1999
5 Tract: 9504
6 BG: 1
7 BG: 2
8 2000 2001 2002 2003 2020 2021 2022 2023 2024 2025 2026 2027
9 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039
10 2040 2041 2042 2043 2044 2045 2046 2047 2072 2073

11 District 003
12 Telfair County
13 Tract: 9501
14 BG: 1
15 1143 1144 1145 1146 1147 1152 1153 1154 1155 1156 1157 1158
16 1159 1160 1161 1162
17 Tract: 9502
18 BG: 1
19 1070 1071
20 BG: 2
21 2032 2033 2034 2038 2039 2040 2041 2042 2043 2044 2045 2046
22 2047 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058
23 2059 2060 2061 2062 2063 2064 2065 2066 2067 2068 2069 2070
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25 2083 2084 2085 2086 2092 2093 2094 2095 2096 2097 2098 2099
26 2100 2993 2994 2995 2996 2997 2998 2999
27 Tract: 9503
28 Tract: 9504
29 BG: 2
30 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
31 2016 2017 2018 2019 2048 2049 2050 2051 2052 2053 2054 2055
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33 2068 2069 2070 2071 2998 2999

1 District 004
2 Telfair County
3 Tract: 9501
4 BG: 2
5 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
6 2012 2013 2014 2015 2016 2017 2018 2020 2067 2068 2070 2999
7 BG: 3
8 3006 3009 3041 3042 3077 3078 3079 3080 3081 3083
9 BG: 5
10 5027 5028 5029 5030 5031 5032 5033 5034 5035 5036 5037 5038
11 5039 5040 5045 5046 5055 5056 5057 5059 5060 5061 5062 5063
12 5064 5065 5066 5067 5068 5069 5070 5071 5072 5073 5074 5075
13 5076 5077 5078 5079 5080 5081 5082 5083 5084 5085 5086 5087
14 5088 5089 5090 5091 5092 5093 5094
15 Tract: 9502
16 BG: 1
17 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
18 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
19 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
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22 1061 1062 1063 1064 1065
23 BG: 2
24 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
25 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
26 2024 2025 2026 2027 2028 2029 2030 2031 2035 2036 2037 2087
27 2088 2089 2090 2091

28 District 005
29 Telfair County
30 Tract: 9501
31 BG: 3
32 3001 3019 3020 3021 3022 3023 3024 3026 3027 3028 3029 3030
33 3031 3032 3033 3053 3054 3055 3056 3057 3058 3059 3060 3061
34 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071 3072 3073
35 3074 3082 3084 3085 3086 3087 3088 3089 3090 3091 3092 3093
36 3094 3095 3096 3097 3098 3099 3100 3101 3102 3103 3104 3105

1 3106 3107 3108 3109 3110 3111 3112 3113
2 BG: 4
3 4000 4001 4034 4035 4036 4037 4038 4043 4044 4045 4046 4047
4 4048 4049 4050 4051 4052 4053 4054 4055 4056 4057 4058 4059
5 4060 4061 4062 4063 4064 4065 4066 4067 4068 4069
6 BG: 5
7 5000 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011
8 5012 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023
9 5024 5025 5026 5041 5042 5043 5044 5047 5048 5049 5050 5051
10 5052 5053 5054 5058 5095
11 Tract: 9502
12 BG: 1
13 1000 1066 1067 1068 1069