

Senate Bill 362

By: Senator Golden of the 8th

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend and supersede the laws pertaining to the governing authority of Lowndes County;
2 to provide for a Board of Commissioners of Lowndes County; to provide for the powers of
3 the board of commissioners, the composition of the board of commissioners, election
4 districts, qualifications of commissioners, terms of office for commissioners, filling
5 vacancies, meetings, a quorum, the responsibilities of the chairperson, a vice chairperson and
6 the vice chairperson's responsibilities; to provide for oaths, bonds, budgets, audits, a county
7 manager, a clerk, minutes, compensation and expenses of commissioners, submission for
8 approval pursuant to the federal Voting Rights Act of 1965, severability, an effective date,
9 the repeal of existing enabling legislation and other conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The Board of Commissioners of Lowndes County ("the board") which existed on January
13 1, 2003, is continued in existence as the governing authority of Lowndes County but on and
14 after January 1, 2005, shall be constituted as provided in this Act.

15 **SECTION 2.**

16 The board shall have the power and authority to fix and establish by appropriate resolution
17 entered on its minutes policies, rules, and regulations governing all matters reserved to the
18 jurisdiction of the board. Such policies, rules, and regulations, when so adopted with proper
19 entry thereof made on the minutes of the board, shall be conclusive and binding. The board
20 shall exercise only those administrative powers which are necessarily and properly incident
21 to its functions as a policy-making or rule-making body or which are necessary to compel
22 enforcement of its adopted resolutions. The following powers are vested in the board and
23 reserved to its exclusive jurisdiction:

24 (1) To levy taxes;

25 (2) To fix fees;

- 1 (3) To make appropriations;
- 2 (4) To fix rates and charges for services provided by the county;
- 3 (5) To authorize the incurring of indebtedness;
- 4 (6) To order work done where the cost is to be assessed against benefited property and
5 to fix the basis for such assessment;
- 6 (7) To authorize and provide for the execution of contracts;
- 7 (8) To establish, alter, open, close, build, repair, or abolish public roads and bridges,
8 according to law; provided, however, that the chairperson shall have the authority to
9 adopt subdivision plats when the requirement established by the Board for subdivisions
10 is met;
- 11 (9) To accept for the county the provisions of any optional statute where the statute
12 permits its acceptance by the governing authority of the county;
- 13 (10) To exercise all powers, duties, and authority in respect to zoning and planning;
- 14 (11) To create and change the boundaries of special taxing districts authorized by law;
- 15 (12) To fix the bonds of county officers where same are not fixed by statute;
- 16 (13) To enact any ordinances or other legislation which the county may be given
17 authority to enact;
- 18 (14) To determine the priority of capital improvements;
- 19 (15) To call elections for the voting of bonds;
- 20 (16) To appoint retained legal counsel and an independent county auditor and provide
21 for their compensation;
- 22 (17) To exercise all of the power and authority which is or may be vested in the board
23 by the Constitution or laws of this state; and
- 24 (18) To exercise all power and authority formerly vested in the board.

25 **SECTION 3.**

- 26 (a) Those four members of the board who are serving as such on December 31, 2003, and
27 any person selected to fill a vacancy in any such office shall continue to serve as such
28 members until the regular expiration of their respective terms of office, which shall expire
29 December 31, 2004, and upon the election and qualification of their respective successors.
30 On and after January 1, 2005, the board shall consist of four members, three of whom shall
31 be elected from commissioner districts described in subsection (b) of this section and the
32 fourth of whom shall be the chairperson who is elected at large.
- 33 (b) For purposes of electing members of the board other than the chairperson, Lowndes
34 County is divided into three commissioner districts. One member of the board shall be
35 elected from each such district. The three commissioner districts shall be and correspond to
36 those three numbered districts described in and attached to and made a part of this Act and

1 further identified as Plan Name: lowndescck9r Plan Type: Local User: Blake
 2 Administrator: Lowndes.

3 (c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and
 4 describe the same geographical boundaries as provided in the report of the Bureau of the
 5 Census for the United States decennial census of 2000 for the State of Georgia. The separate
 6 numeric designations in a Tract description which are underneath a 'BG' heading shall mean
 7 and describe individual Blocks within a Block Group as provided in the report of the Bureau
 8 of the Census for the United States decennial census of 2000 for the State of Georgia. Any
 9 part of Lowndes County which is not included in any such district described in that
 10 attachment shall be included within that district contiguous to such part which contains the
 11 least population according to the United States decennial census of 2000 for the State of
 12 Georgia. Any part of Lowndes County which is described in that attachment as being in a
 13 particular district shall nevertheless not be included within such district if such part is not
 14 contiguous to such district. Such noncontiguous part shall instead be included within that
 15 district contiguous to such part which contains the least population according to the United
 16 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in
 17 the description of any commissioner district, whenever the description of such district refers
 18 to a named city, it shall mean the geographical boundaries of that city as shown on the census
 19 map for the United States decennial census of 2000 for the State of Georgia.

20

SECTION 4.

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

24 (b) In order to be elected or appointed as a member of the board from a commissioner
 25 district, a person must have that person's legal residence in that district and, if elected, must
 26 receive the number of votes cast as required by general law for that office in that district only
 27 and not at large. Only electors who are residents of that commissioner district may vote for
 28 a member of the board for that district. At the time of qualifying for election as a member
 29 of the board from a commissioner district, each candidate for such office shall specify the
 30 commissioner district for which that person is a candidate. A person elected or appointed as
 31 a member of the board from a commissioner district must continue to reside in that district
 32 during that person's term of office or that office shall become vacant.

33 (c) The member of the board who is chairperson of the board may reside anywhere within
 34 Lowndes County and, if elected, must receive the number of votes cast for that office as
 35 required by general law in the entire county. The chairperson must continue to reside within
 36 the county during that person's term of office or that office shall become vacant.

SECTION 5.

1
2 (a) The members of the reconstituted board shall be elected as provided in this subsection.
3 The first members of the board elected under this Act shall be elected at the November
4 general election on the Tuesday next following the first Monday in November, 2004. The
5 chairperson and that member of the board elected thereto as district representative from
6 Commissioner District 1 in 2004 shall take office the first day of January immediately
7 following that election and shall serve for initial terms of office which expire December 31,
8 2008, and upon the election and qualification of their respective successors. Those members
9 of the board elected thereto as district representatives from Commissioner Districts 2 and 3
10 in 2004 shall take office the first day of January immediately following that election and
11 shall serve for initial terms of office which expire December 31, 2006, and upon the election
12 and qualification of their respective successors. All future successors to members of the
13 board whose terms of office are to expire shall be elected at the time of the November
14 general election immediately preceding the expiration of such terms, shall take office the first
15 day of January immediately following that election, and shall serve for terms of office of four
16 years each. Members of the board shall serve for the terms of office specified therefor in this
17 subsection and until their respective successors are elected and qualified.

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

20 (c) Commissioner Districts 1, 2, and 3, as they exist on January 1, 2003, shall continue to
21 be designated as Commissioner Districts 1, 2, and 3, respectively, but as newly described
22 under this Act, and on and after the date this Act becomes effective such members of the
23 board who are district representatives serving from those former commissioner districts shall
24 be deemed to be serving from and representing their respective districts as newly described
25 under this Act.

SECTION 6.

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27 When a vacancy occurs on the board under the laws of this state and the unexpired term of
28 office exceeds six months in duration, it shall be the duty of the election superintendent of
29 the county to call a special election to elect a successor and fill the vacancy in not less than
30 30 nor more than 60 days. The election shall be held as provided by the Georgia Election
31 Code, and the cost of the election shall be defrayed by proper county authorities. If the
32 unexpired term to be filled is six months or less in duration in the case of the term of a
33 district representative, the chairperson shall nominate and the board shall approve a successor
34 to fill the unexpired term, and in the case of the term of the chairperson, the remaining
35 members of the board shall elect a successor to fill the unexpired term of the chairperson.

1 Persons elected or appointed to fill a vacancy in office shall serve out the unexpired term and
2 until a successor is elected and qualified.

3 **SECTION 7.**

4 The board shall hold a minimum of one regular meeting per month for the transaction of
5 business as may legitimately come before it. The board may convene in special meetings on
6 the call of the chairperson, as the business of the board may require. The district
7 representatives may at any time convene a special meeting of the board upon call by any one
8 of them as the business of the board may require, provided the chairperson is unable or fails
9 to call such meeting upon request.

10 **SECTION 8.**

11 The chairperson and any two district members shall constitute a quorum. In the absence of
12 the chairperson, all three district representatives shall constitute a quorum.

13 **SECTION 9.**

14 The chairperson shall be the official head of the board. The chairperson shall cause an
15 agenda to be established for and preside at all meetings of the board unless absent. The
16 chairperson shall have all the rights, powers, duties, and responsibilities of a member of the
17 board, including the right and power to make motions and nominations, except that the
18 chairperson shall not vote on matters before the board except to express unanimity or where
19 there is an equal division on the question. The chairperson may serve as a member of boards,
20 commissions, and committees required by law or requested by the board and shall perform
21 such other duties as may be required by law.

22 **SECTION 10.**

23 The board shall elect one of the district representatives to serve as vice chairperson. The vice
24 chairperson shall cause an agenda to be established for and preside at all meetings at which
25 the chairperson is absent. In such event, the vice chairperson shall retain all of his or her
26 rights, duties, powers, and responsibilities as a district representative, including the right to
27 make motions and to vote on matters before the board.

28 **SECTION 11.**

29 Before entering upon the discharge of their duties, the chairperson and district representatives
30 shall subscribe to an oath for the true and faithful performance of their duties and that they
31 are not the holders of any unaccounted for public funds.

SECTION 12.

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2 The chairperson shall give a satisfactory surety bond, as determined by the judge of the
3 Probate Court of Lowndes County, and payable to the judge of the Probate Court of Lowndes
4 County and filed in the office of the judge of the Probate Court of Lowndes County, in the
5 sum of \$50,000.00, conditioned upon the faithful performance of the duties of the office.
6 Each representative shall give like bond in the sum of \$25,000.00. The costs of said bonds
7 shall be paid from county funds.

SECTION 13.

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9 The board shall adopt and operate under annual budgets in accordance with the laws of this
10 state.

SECTION 14.

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12 The board shall provide for and cause to be made annual audits in accordance with the laws
13 of this state.

SECTION 15.

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15 The board may create in and for Lowndes County the office of county manager and vest in
16 such office powers, duties, and responsibilities of an administrative nature in accordance with
17 the laws of this state.

SECTION 16.

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19 The board may appoint a clerk in and for Lowndes County consistent with the laws of this
20 state. The clerk shall be a resident of Lowndes County. Before entering upon the discharge
21 of his or her duties, the clerk shall give a satisfactory surety bond, as determined by the judge
22 of the Probate Court of Lowndes County, and payable to the judge of the Probate Court of
23 Lowndes County and filed in the office of the judge of the Probate Court of Lowndes
24 County, in the sum of \$50,000.00, conditioned upon the faithful performance of his or her
25 duties as clerk and to account for any and all funds, property, or effects which may come into
26 his or her hands as clerk or otherwise. The costs of such bond shall be paid from county
27 funds.

SECTION 17.

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29 The board shall cause minutes of its meetings to be kept in accordance with the laws of this
30 state.

SECTION 18.

1
2 Salaries, compensation, expenses, and expenses in the nature of compensation to which
3 members of the board serving on the effective date of this Act are currently entitled shall
4 continue in full force and effect. Salaries, compensation, expenses, and expenses in the
5 nature of compensation to which members of the board are thereafter entitled shall be fixed
6 pursuant to the laws of this state.

SECTION 19.

7
8 The governing authority of Lowndes County shall through its legal counsel cause this Act
9 to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended;
10 and such submission shall be made to the United States Department of Justice or filed with
11 the appropriate court no later than 45 days after the date on which this Act is approved by
12 the Governor or otherwise becomes law without such approval.

SECTION 20.

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14 This Act shall become effective on the first day of the month following the month in which
15 it is approved by the Governor or in which it becomes law without such approval.

SECTION 21.

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17 In the event any provision of this Act is unconstitutional or cannot be implemented under
18 federal law, the remaining provisions of this Act shall remain valid and of full force and
19 effect.

SECTION 22.

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21 The Act creating the Board of Commissioners of Lowndes County, Georgia, approved
22 February 12, 1945 (Ga. L. 1945, p. 639), and all amendments thereto, and all other laws and
23 parts of laws in conflict with this Act, are repealed.

1 Plan Name: lowndescwk9r Plan Type: Local User: Blake Administrator: Lowndes

2 Redistricting Plan Components Report

3 District 001

4 Lowndes County

5 Tract: 101.02

6 BG: 1

7 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

8 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

9 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035

10 1036 1037 1040 1041 1042 1043 1044 1045 1046 1047 1048

11 BG: 2

12 2000 2001 2002 2003 2004 2005 2006 2007 2008 2014 2015 2018

13 2019

14 Tract: 104.02

15 BG: 3

16 Tract: 105

17 BG: 1

18 1019

19 BG: 2

20 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2013 2014

21 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026

22 2027 2028 2029

23 Tract: 106.01

24 BG: 3

25 Tract: 106.02

26 BG: 1

27 1004 1005 1006 1007 1008 1010 1011 1012 1013 1014 1015 1016

28 1017 1018

29 BG: 2

30 BG: 3

31 3000 3001 3002 3003 3004 3005

32 Tract: 106.03

33 Tract: 107

34 BG: 1

35 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
2 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
3 1036 1037 1038
4 BG: 2
5 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
6 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
7 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
8 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047
9 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059
10 2063 2067 2068 2069 2070 2071 2072
11 Tract: 108
12 BG: 1
13 BG: 2
14 BG: 3
15 BG: 4
16 BG: 5
17 Tract: 109
18 Tract: 110
19 Tract: 113.01
20 BG: 1
21 1012 1013 1014 1015 1016 1017 1018 1019 1020
22 BG: 3
23 3000 3001 3006 3007 3017 3018
24 BG: 4
25 4019 4020 4021 4022 4026 4027 4028 4029
26 Tract: 113.02
27 BG: 1
28 1017 1018 1019 1026 1027 1028 1029 1030 1031 1032 1033 1034
29 1035 1036 1037 1038 1039
30 BG: 2
31 BG: 3
32 Tract: 114.01
33 BG: 1
34 1002 1003 1004 1005 1006 1011 1012 1013 1014
35 BG: 2
36 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2012
37 2014

1 Tract: 114.02
 2 BG: 1
 3 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 4 1012 1013 1029 1030 1031 1032
 5 BG: 2
 6 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 7 2012 2013 2014 2015 2016 2017 2018 2019 2029 2030 2031 2032
 8 2996 2997 2998 2999

9 District 002

10 Lowndes County

11 Tract: 101.01
 12 Tract: 101.02
 13 BG: 1
 14 1038 1039 1049 1050
 15 BG: 2
 16 2009 2010 2011 2012 2013 2016 2017
 17 BG: 3
 18 Tract: 101.03
 19 Tract: 102.01
 20 BG: 1
 21 BG: 2
 22 BG: 3
 23 3000 3001 3002 3003 3004 3005
 24 Tract: 102.02
 25 Tract: 103.01
 26 Tract: 103.02
 27 Tract: 104.01
 28 Tract: 104.02
 29 BG: 1
 30 BG: 2
 31 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 32 2012 2013 2014 2015 2016 2026 2027 2028
 33 Tract: 106.01
 34 BG: 1
 35 BG: 2
 36 Tract: 106.02

- 1 BG: 1
- 2 1000 1001 1002 1003 1009 1019 1020
- 3 BG: 3
- 4 3006 3007 3008 3009 3010 3011

- 5 District 003
- 6 Lowndes County
- 7 Tract: 102.01
- 8 BG: 3
- 9 3006
- 10 Tract: 104.02
- 11 BG: 2
- 12 2017 2018 2019 2020 2021 2022 2023 2024 2025 2029 2030 2031
- 13 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043
- 14 2044 2045 2046 2047 2048
- 15 Tract: 105
- 16 BG: 1
- 17 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
- 18 1012 1013 1014 1015 1016 1017 1018
- 19 BG: 2
- 20 2010 2011 2012
- 21 Tract: 107
- 22 BG: 1
- 23 1039 1040
- 24 BG: 2
- 25 2060 2061 2062 2064 2065 2066
- 26 BG: 3
- 27 Tract: 108
- 28 BG: 6
- 29 Tract: 111
- 30 Tract: 112
- 31 Tract: 113.01
- 32 BG: 1
- 33 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
- 34 1021 1022
- 35 BG: 2
- 36 BG: 3

1 3002 3003 3004 3005 3008 3009 3010 3011 3012 3013 3014 3015
2 3016
3 BG: 4
4 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
5 4012 4013 4014 4015 4016 4017 4018 4023 4024 4025
6 Tract: 113.02
7 BG: 1
8 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
9 1012 1013 1014 1015 1016 1020 1021 1022 1023 1024 1025
10 Tract: 114.01
11 BG: 1
12 1000 1001 1007 1008 1009 1010 1015 1016 1017 1018 1019 1020
13 1021 1022 1023 1024
14 BG: 2
15 2011 2013
16 BG: 3
17 Tract: 114.02
18 BG: 1
19 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
20 1026 1027 1028 1033 1034 1035 1036 1037 1038 1039 1040 1041
21 1042 1043
22 BG: 2
23 2020 2021 2022 2023 2024 2025 2026 2027 2028 2033 2034 2035
24 2036 2037 2038 2039 2040 2041
25 BG: 3
26 Tract: 114.03
27 Tract: 115
28 Tract: 116