

Senate Bill 137

By: Senator Schaefer of the 50th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act to create the office of Commissioner of Towns County, approved March
2 14, 1984 (Ga. L. 1984, p. 4130), as amended, so as to reconstitute the board of
3 commissioners of Towns County and revise and restate the law relating to the board; to
4 provide for continuation in office of the present sole county commissioner; to provide for the
5 establishment of commissioner districts; to provide for the election and terms of office for
6 subsequent members; to provide for filling vacancies; to provide for the powers, duties, and
7 authority of the chairperson and members of the board; to provide for regular and special
8 meetings; to provide for annual audits of county finances and financial records; to provide
9 for a quarterly report for receipts and disbursements of funds; to provide for related matters;
10 to provide for submission of this Act for preclearance under the federal Voting Rights Act
11 of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 An Act to create the office of Commissioner of Towns County, approved March 14, 1984
15 (Ga. L. 1984, p. 4130), as amended, is amended by striking Section 1 and all other
16 substantive sections of said Act and inserting in place thereof the following revision and
17 restatement of the law relating to the Board of Commissioners of Towns County:

18 **"SECTION 1.**

19 The office of the sole county commissioner of Towns County which exists on January 1,
20 2005, is continued in existence as the governing authority of Towns County until December
21 31, 2006. On and after January 1, 2007, a board of commissioners shall be constituted as
22 provided in this Act and shall be the ruling authority of Towns County. The incumbent sole
23 county commissioner shall become and remain chairperson of the newly constituted board
24 of commissioners until the expiration of his present term of office on December 31, 2008.

SECTION 2.

- 1
- 2 (a) The Board of Commissioners of Towns County shall be composed of five members.
- 3 (b) The member of the board who is the chairperson of the board may reside anywhere
- 4 within Towns County and, if elected, must receive the number of votes cast for that office
- 5 as required by general law in the entire county. The chairperson must continue to reside
- 6 within the county during that person's term of office, or that office shall become vacant.
- 7 (c) For purposes of electing members of the board of commissioners, other than the
- 8 chairperson, Towns County is divided into four commissioner districts. One member of the
- 9 board shall be elected from each district. The four commissioner districts shall be and
- 10 correspond to those four numbered districts described in and attached to and made a part of
- 11 this Act and further identified as Plan Name: TOWNSP1 Plan Type: Local User: staff
- 12 Administrator: Towns.
- 13 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and
- 14 describe the same geographical boundaries as provided in the report of the Bureau of the
- 15 Census for the United States decennial census of 2000 for the State of Georgia. The separate
- 16 numeric designations in a Tract description which are underneath a 'BG' heading shall mean
- 17 and describe individual Blocks within a Block Group as provided in the report of the Bureau
- 18 of the census for the United States decennial census of 2000 for the State of Georgia. Any
- 19 part of Towns County which is not included in any such district described in that attachment
- 20 shall be included within that district contiguous to such part which contains the least
- 21 population according to the United States decennial census of 2000 for the State of Georgia.
- 22 Any part of Towns County which is described in that attachment as being in a particular
- 23 district shall nevertheless not be included within such district if such part is not contiguous
- 24 to such district. Such noncontiguous part shall instead be included within that district
- 25 contiguous to such part which contains the least population according to the United States
- 26 decennial census of 2000 for the State of Georgia.
- 27 (e) In order to be elected as a member of the board from a commissioner district, a person
- 28 must receive the number of votes cast as required by general law for that office in that district
- 29 only. Only electors who are residents of that commissioner district may vote for a member
- 30 of the board for that district. At the time of qualifying for election as a member of the board
- 31 from a commissioner district, each candidate for such office shall specify the commissioner
- 32 district for which that person is a candidate. A person elected or appointed as a member of
- 33 the board from a commissioner district must continue to reside in that district during that
- 34 person's term of office or that office shall become vacant.
- 35 (f) All members of the board who are elected thereto shall be nominated and elected in
- 36 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

1 (g) 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 (h) The first members of the board of commissioners elected under this Act shall be elected
5 in the general election of November 2006.

6 (i) The terms of office of members elected from Commissioner Districts 1 and 3 shall expire
7 December 31, 2008, when their successors are elected and qualified. The terms of office of
8 members elected from Commissioner Districts 2 and 4 shall expire December 31, 2010,
9 when their successors are elected and qualified. Successors to members so elected shall be
10 elected at the general election next preceding the expiration of such terms of office and shall
11 take office on January 1 following their election for terms of four years and until their
12 successors are elected and qualified.

13 SECTION 3.

14 When a vacancy occurs in the board of commissioners, and the unexpired term of office
15 exceeds six months, it shall be the duty of the judge of the probate court to call a special
16 election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days,
17 as prescribed in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' If the
18 unexpired term to be filled is less than six months in duration, the judge of the superior court
19 of the county shall have the power to appoint a successor to fill the unexpired term.

20 SECTION 4.

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

28 (b) The board shall exercise all power and authority formerly vested in the sole county
29 commissioner.

30 (c) The board shall have such duties, powers, and authority which is or may be vested in the
31 board by the Constitution or general laws of this state, including, but not limited to, the
32 following:

- 33 (1) To levy taxes;
34 (2) To fix fees;
35 (3) To make appropriations;

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

25 SECTION 5.

- 26 (a) The chairperson shall be the official head of the board.
- 27 (b) The chairperson shall cause an agenda to be established for and preside at all meetings
- 28 of the board unless absent.
- 29 (c) The chairperson shall have all the rights, powers, duties, and responsibilities of a member
- 30 of the board, including the right and power to make motions and nominations, except that the
- 31 chairperson shall not vote on matters before the board except to express unanimity or where
- 32 there is equal division on the question.
- 33 (d) The chairperson may serve as a member of boards, commissions, and committees
- 34 required by law or requested by the board and shall perform such other duties as may be
- 35 required by law.

1 (e) The board shall elect one of the members to serve as vice chairperson. The vice
2 chairperson shall cause an agenda to be established for and preside at all meetings at which
3 the chairperson is absent. In such event, the vice chairperson shall retain all of his or her
4 rights, duties, powers, and responsibilities as a member of the board, including the right to
5 make motions and to vote on matters before the board.

6 **SECTION 6.**

7 (a) Before entering upon the discharge of their duties, the members shall subscribe to an oath
8 for the true and faithful performance of their duties, and to uphold the laws and constitutions
9 of the State of Georgia and the United States of America.

10 (b) The board shall hold a minimum of one regular meeting per month for the transaction
11 of business as may legitimately come before it. Special meetings may be convened. Public
12 notice of the time, place, and dates shall be published and posted in a conspicuous place at
13 least 24 hours in advance of the meeting and such notice shall be provided to the legal organ
14 of the county in which public notices of sheriffs sales are published.

15 (c) The board shall cause minutes of its meetings to be kept. A book of resolutions, acts,
16 motions, rulings, and ordinances shall be kept. These records shall be available for public
17 inspection in accordance with the laws of the State of Georgia.

18 (d) The public shall at all times be afforded access to meetings declared open to the public
19 and all matter shall be transacted in accordance with Chapter 14 of Title 50 of the O.C.G.A.

20 **SECTION 7.**

21 (a) The board shall adopt and operate under annual budgets.

22 (b) The board shall provide for and cause to be made annual audits in accordance with the
23 laws of the State of Georgia.

24 (c) The board shall provide for and cause detailed reviews of all receipts and expenditures
25 by each department or cost center on a quarterly basis. Such reviews shall show actual
26 amounts versus the budget and prior years. Significant variances shall be detailed to the
27 board's satisfaction."

28 **SECTION 2.**

29 The governing authority of Towns County shall through its legal counsel cause this Act to
30 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
31 such submission shall be made to the United States Department of Justice or filed with the
32 appropriate court no later than 60 days after the date on which this Act is approved by the
33 Governor or otherwise becomes law without such approval.

1

SECTION 3.

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

1 Plan Name: TOWNSP1 Plan Type: Local User: staff Administrator: Towns

2

3 Redistricting Plan Components Report

4 District 001

5 Towns County

6 Tract: 9601

7 BG: 1

8 BG: 2

9 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

10 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023

11 2024 2025 2026 2027 2030 2031 2032 2033 2034 2035 2036 2037

12 2038 2039 2040 2041 2042 2043

13 BG: 3

14 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052 3053

15 3054

16 District 002

17 Towns County

18 Tract: 9601

19 BG: 2

20 2028 2029

21 BG: 3

22 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

23 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023

24 3024 3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035

25 3036 3037 3038 3039 3040 3041

26 Tract: 9602

27 BG: 1

28 BG: 2

29 2010 2011 2013 2014 2015 2016 2017 2018 2020 2023 2024 2025

30 2026 2027

31 Tract: 9603

32 BG: 3

33 3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087 3089

34 3090 3996

1 District 003
 2 Towns County
 3 Tract: 9602
 4 BG: 2
 5 2079 2084 2997
 6 Tract: 9603
 7 BG: 1
 8 1033 1034 1035 1036 1037 1038 1039 1040 1043 1044 1100 1101
 9 1996
 10 BG: 2
 11 BG: 3
 12 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 13 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023
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 17 3060 3061 3062 3063 3064 3065 3066 3067 3068 3069 3070 3071
 18 3072 3073 3074 3075 3076 3088 3997 3998 3999

 19 District 004
 20 Towns County
 21 Tract: 9602
 22 BG: 2
 23 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2012 2019
 24 2021 2022 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037
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 32 2124 2125 2126 2127 2998 2999
 33 Tract: 9603
 34 BG: 1
 35 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 36 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

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8 1120 1121 1122 1123 1124 1997 1998 1999