

House Bill 1298 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To create and establish the Preston-Weston-Webster 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 Preston, the City of
9 Weston, and the County of Webster; to provide that said commission shall be authorized to
10 study all matters relating to the governments of the County of Webster, the City of Preston,
11 and the City of Weston and all matters relating to the establishment of a single county-wide
12 government with powers and jurisdiction throughout the territorial limits of Webster County;
13 to provide for the submission of such proposed county-wide government charter to the
14 qualified voters for approval or rejection; to provide for the conduct of such election and for
15 the certification of the results thereof; to provide for all procedures and other matters
16 connected with the foregoing; to provide an effective date; to repeal conflicting laws; and for
17 other purposes.

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

19 **SECTION 1.**

20 This Act shall be known and may be cited as the "Preston-Weston-Webster County Charter
21 and Unification Commission Act" and is enacted pursuant to the authority granted by Article
22 IX, Section III, Paragraph II of the Constitution of the State of Georgia.

23 **SECTION 2.**

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

1 (1) "Charter and unification commission" or "commission" shall mean the
2 Preston-Weston-Webster County Charter and Unification Commission provided for in
3 this Act.

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

6 (3) "Governing authority of the City of Weston" shall mean the mayor and city council
7 of the City of Weston, a municipal corporation of the State of Georgia.

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

10 SECTION 3.

11 (a) There is created the Preston-Weston-Webster County Charter and Unification
12 Commission, which shall consist of nine members to be appointed within 45 days of the
13 effective date of this Act as provided in this section.

14 (b) Within 30 days of the effective date of this Act as provided in this section, the governing
15 authority of the City of Preston shall appoint two members to the charter and unification
16 commission who shall be citizens of the City of Preston at the time of such appointment and
17 for the duration of their respective terms as members of such commission.

18 (c) Within 30 days of the effective date of this Act as provided in this section, the governing
19 authority of the City of Weston shall appoint one member to the charter and unification
20 commission who shall be a citizen of the City of Weston at the time of such appointment and
21 for the duration of his or her term as a member of such commission.

22 (d) Within 30 days of the effective date of this Act as provided in this section, the governing
23 authority of the County of Webster shall appoint four members to the charter and unification
24 commission who shall be citizens of unincorporated Webster County at the time of such
25 appointment and for the duration of their respective terms as members of such commission.

26 (e) The seven members of the charter and unification commission provided for in
27 subsections (b), (c), and (d) of this section shall jointly appoint two members to the charter
28 unification commission who shall be citizens of Webster County at the time of such
29 appointment and for the duration of their entire terms as members of such commission.

30 (f) If a governing authority or the commission refuses or fails to appoint a member of the
31 commission as required by this section, the senior superior court judge of the Southwestern
32 Judicial Circuit shall make such appointment within ten days following the expiration of the
33 45 day period allowed for appointments provided for in subsection (a) of this section.

34 (g) No member of the charter and unification commission shall hold any other elective
35 public office.

- 1 (h) To be eligible for appointment as a member of the charter and unification commission,
2 a person must be at least 21 years of age and shall have been a resident of the State of
3 Georgia for a period of at least five years and registered as an elector to vote in Webster
4 County for a period of at least two years prior to his or her appointment.
- 5 (i) If a member of the charter and unification commission should die, become disabled,
6 remove his or her residence and place of domicile to a place outside the territorial limits of
7 the appointing jurisdiction, resign, or become unable or decline to serve for any reason
8 whatever as a member of the charter and unification commission, said commission shall
9 declare a vacancy in his or her office as a member of such commission and within 15 days
10 thereafter the governing authority that appointed that member or the commission, if the
11 member was appointed by the commission, shall appoint a successor promptly to fill such
12 vacancy.
- 13 (j) A certificate of appointment shall be issued by the appointing entity of each member of
14 the charter and unification commission and filed in the office of the Probate Court of
15 Webster County with a duplicate original of such certificate being transmitted to, and filed
16 with, the chairperson or the secretary of the charter and unification commission.
- 17 (k) A majority of the members of the charter and unification commission shall constitute a
18 quorum for the transaction of business. Such quorum shall not be applicable with respect to
19 any committees or subcommittees which, at the discretion of the charter and unification
20 commission, may be appointed. A majority of the members of each such committee or
21 subcommittee shall constitute a quorum for the conduct of its business.
- 22 (l) The charter and unification commission may appoint advisory committees or
23 subcommittees from among the general populace to advise it with respect to its work;
24 provided, however, that the charter and unification commission may not delegate any of the
25 duties, powers, or obligations imposed upon the commission and granted to it by this Act to
26 any such advisory committee or subcommittee. Any such advisory committee or
27 subcommittee so appointed shall serve at the discretion of the commission and shall serve
28 subject to such terms, conditions, and charges as may be imposed upon it by the commission.
- 29 (m) All persons who shall, from time to time, serve as members of the charter and
30 unification commission or its committees or subcommittees and all agents, employees, and
31 staff appointed or hired by the charter and unification commission from time to time shall
32 be afforded coverage and shall be included in the insured class, under the provision of such
33 policies, riders, or other insurance contracts from time to time in force and held by the
34 governing authority of the County of Webster, extending to members of such governing
35 authority of the County of Webster, and what is commonly referred to as "public official's
36 liability insurance coverage," to the same extent and as nearly as practicable with identical
37 coverage and limits as afforded to the individual members of the governing authority of the

1 County of Webster. Any and all additional premium amounts payable by the County of
2 Webster due to the extension of such coverage to the members of the charter and unification
3 commission and its appointees, agents, employees, and staff shall be paid, when due and
4 payable, one-third by the County of Webster, one-third by the City of Preston, and one-third
5 by the City of Weston, which payments shall be made in addition to all other amounts
6 otherwise payable under the provisions of this Act.

7 (n) The governing authority of the County of Webster, the governing authority of the City
8 of Preston, the governing authority of the City of Weston, and the governing authority of any
9 county-wide government created under a charter adopted pursuant to this Act are authorized
10 and directed to expend funds for fees, costs, and expenses incurred in providing for the
11 defense of the members of the charter and unification commission arising out of their activity
12 as members of such commission and in providing for the defense of any proposed charter
13 submitted by the commission, whether prior to the referendum thereon or after the
14 referendum thereon is conducted.

15 **SECTION 4.**

16 (a) The charter and unification commission shall hold an organizational meeting not less
17 than 30 days nor more than 45 days after the date this Act becomes effective. Any three or
18 more members of the charter and unification commission, composed of at least one member
19 appointed by the governing authority of the City of Preston, one member appointed by the
20 governing authority of the City of Weston, and one member appointed by the governing
21 authority of the County of Webster, shall call such organizational meeting. The call of such
22 organizational meeting shall designate the time, date, and place that such organizational
23 meeting shall be held.

24 (b) The first order of business at the organizational meeting shall be the designation, by the
25 majority vote of those members present, of a temporary chairperson to preside until a
26 permanent chairperson is elected. The second order of business at the organizational meeting
27 shall be to jointly appoint two members to the charter and unification commission as
28 provided for in subsection (e) of Section 3 of this Act. The third order of business at the
29 organizational meeting shall be the election of a permanent chairperson, who shall be elected
30 by the majority vote of all members of the charter and unification commission.

31 (c) The charter and unification commission shall be authorized to elect a secretary, who need
32 not be a member of the commission, and such other officers from the membership of the
33 charter and unification commission as it shall deem necessary. The charter and unification
34 commission shall be further authorized to employ such staff as may be required to assist it
35 in studying all matters relating to the governments of the City of Preston, the City of Weston,

1 and the County of Webster and in drafting a charter. The charter and unification commission
2 shall not employ any person who holds any elective public office.

3 (d) The members of the charter and unification commission shall not receive per diem or
4 other compensation for their services, but the members shall be reimbursed for actual
5 expenses incurred by them in carrying out their duties. The staff employed by the
6 commission shall be paid compensation as determined by the commission within the limits
7 of funds available to it. The governing authority of the City of Preston, the governing
8 authority of the City of Weston, and the governing authority of the County of Webster are
9 authorized to expend public funds in carrying out the provisions of this Act and shall share
10 equally the expense thereof. The governing authority of the City of Preston, the governing
11 authority of the City of Weston, and the governing authority of the County of Webster shall
12 initially appropriate up to \$5,000.00 for the charter and unification commission and the
13 treasurer or other fiscal authority of each of those governing authorities shall honor, from
14 time to time, vouchers or warrants signed by the chairperson of the charter and unification
15 commission for amounts up to an aggregate total of such amount. The governing authorities
16 shall appropriate such additional funds in equal amounts as may be necessary to meet the
17 expenses of the charter and unification commission, provided that such additional
18 expenditures shall be first approved by each of the governing authorities.

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

22 (f) All public officials and employees of the City of Preston, the City of Weston, and the
23 County of Webster upon request shall furnish the charter and unification commission with
24 all documents, books, records, data, and information necessary or appropriate in the opinion
25 of the charter and unification commission for it to carry out its duties, except for information
26 that is confidential or privileged by law; shall furnish such other assistance and aid to the
27 commission as it shall request; and shall appear and give testimony, at the request of the
28 commission, before the commission or before any of its committees, subcommittees, or
29 advisory committees.

30 **SECTION 5.**

31 The commission shall be authorized to study all matters relating to the governments of the
32 City of Preston, the City of Weston, and the County of Webster and all matters relating to
33 the establishment of a single county-wide government with powers and jurisdiction
34 throughout the territorial limits of Webster County. The commission shall upon completion
35 of its study issue a written report of its findings, conclusions, and recommendations. If, after
36 conducting such study, the charter and unification commission shall deem it to be in the best

1 interests of the governments proposed to be affected, the commission shall draft a proposed
2 charter creating a single county-wide government, and if such charter is approved by the
3 voters under the provisions of this Act, then the newly created county-wide government shall
4 supersede and replace the existing governments of the City of Preston, the City of Weston,
5 and the County of Webster and may also supersede and replace any public authorities and
6 special service districts located and operating within Webster County. If the charter and
7 unification commission does not deem it to be in the best interests of the governments
8 proposed to be affected to recommend the establishment of a single county-wide government
9 but concludes from its study that it is feasible to consolidate specific governmental services,
10 programs, and activities, then the commission may issue such findings, conclusions, and
11 recommendations in writing together with reasons why such recommendations will make
12 government operations more efficient.

13 SECTION 6.

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

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

21 (1) The charter shall provide for the abolishment of the existing governments of the City
22 of Preston and the County of Webster and for the creation of a new single government
23 which may have all powers formerly exercised by the City of Preston and the County of
24 Webster and such other powers as may be necessary or desirable. The charter may
25 provide for the abolishment of the existing government of the City of Weston and the
26 transfer at all powers formerly exercised by the City of Weston to the new single
27 government. The new single government may be given, and may have, such rights,
28 privileges, exemptions, preferences, discretions, immunities, powers, duties, and
29 liabilities as are now or hereafter granted to, or vested in, municipalities or counties or
30 both by the Constitution and laws of the State of Georgia. The form and composition of
31 the new government shall be as the charter shall provide;

32 (2) The charter may authorize the new government to continue to be eligible to have,
33 hold, enjoy, and be entitled to any assistance, credits, benefits, moneys, grants,
34 grants-in-aid, funds, loans, aid, appropriations, and matching funds to the same extent
35 that any municipality or county of the State of Georgia now or may hereafter enjoy or

1 possess under the Constitution and laws of the State of Georgia or by other provisions of
2 law or under any present or future state or federal programs;

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

5 (4) The charter may provide for the abolishment, modification, consolidation, or merger
6 of any public authorities and special service districts located within Webster County
7 created by law and for the transfer of any powers, duties, and obligations of such
8 authorities and districts to the new county-wide government or to any agency thereof or
9 from one such authority or special service district to another in such manner as the charter
10 shall provide unless otherwise prohibited by the Constitution or general law;

11 (5) The charter may provide for the abolishment, modification, consolidation, or merger
12 of any one or more public offices or positions of public employment of any municipality
13 merged in the county-wide government and the County of Webster and any public
14 authorities or special service districts located or operating within Webster County unless
15 otherwise prohibited by the Constitution or general law. The charter may provide for
16 administrative division or changes with reference to the duties and responsibilities of any
17 public office or official as the charter and unification commission shall deem necessary
18 for the efficient functioning of the new county-wide government;

19 (6) The charter shall provide for the creation of the governing authority of the new
20 county-wide government, including the number of members of the governing authority,
21 their powers, duties, terms of office, manner, and time of election or appointment,
22 compensation, method of removal, and all other matters incidental or necessary to the
23 creation of the county-wide governing authority. The charter shall provide for the name
24 or names of the new county-wide government and governing authority;

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

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

33 (9) The charter may provide for the assumption by the new government of all bonded
34 indebtedness and all other obligations of whatever kind of all governmental units, public
35 authorities, and special service districts which are altered by the charter and a method by
36 which the new county-wide government shall assume the payment of any obligations

1 issued under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond
2 Law," or other similar legislation;

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

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

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

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

16 (14) The charter may contain such other provisions as are necessary and needful to
17 achieve the objectives of consolidation of the governments and functions of the City of
18 Preston, the City of Weston, and the County of Webster and the creation of a successor
19 government.

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

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

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

33 (d) The charter and unification commission shall have all the powers of the superior courts
34 to compel the attendance of witnesses before the commission and any of its committees,
35 subcommittees, or advisory committees; to compel witnesses to testify thereat; and to
36 subpoena any person or entity and all such books, records, data, papers, documents, and other
37 tangible items which may be deemed by the commission to be material to any question or

1 issue deemed by it to be relevant to the duties or prerogatives imposed upon or granted to the
2 commission by this Act. Such subpoenas shall be issued in the name of the commission,
3 shall be signed by either the chairperson or the secretary of the commission, and shall be
4 served in the manner provided by law for the service of subpoenas in civil cases pending in
5 the superior courts. Witnesses subject to such subpoenas shall be entitled to the same
6 compensation as witnesses attending superior court, which compensation shall be collected
7 in the same manner as that of witnesses in the superior courts except that such compensation
8 shall be paid from funds of the commission. Should any such subpoenaed person or witness
9 fail or refuse to answer questions propounded or fail or refuse to produce any books, records,
10 data, papers, documents, or other tangible items required to be produced by the commission,
11 except upon a legal excuse which would relieve such person of such obligation in a civil case
12 pending in the superior court, the person so failing or refusing shall be guilty of contempt and
13 may be cited by the commission to appear before a judge of the Southwestern Judicial
14 Circuit. The judge of such court shall have the same power and jurisdiction to punish the
15 person cited for contempt and to require and compel the attendance, the giving of testimony,
16 or the production of items as in cases of contempt committed in the presence of the court and
17 as in cases pending before the court.

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

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

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

25 (3) Abolish the office of sheriff, clerk of court, judge of probate court, or tax
26 commissioner.

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

33 (g) The powers granted in this Act to the charter and unification commission by the General
34 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 Preston, the City of Weston,
4 and the County of Webster regarding the work of the charter and unification commission.
5 The first public hearing shall be held within 30 days of the issuance of the commission's final
6 written report on the feasibility of establishing a single county-wide government within
7 Webster County, and a second public hearing shall be held within 15 days of the submission
8 of any proposed charter for such consolidated government to the Webster County Board of
9 Elections. The charter and unification commission is authorized to hold more than two
10 public hearings if it determines that additional public hearings are desirable. The charter and
11 unification commission shall cause the date, time, and place of each such hearing to be
12 advertised in the official organ of Webster County once a week for two consecutive weeks
13 during the two weeks next preceding the week in which the public hearing is held. The
14 charter and unification commission shall cause to be made a transcript of each public hearing
15 held and shall file the 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 Preston, the City of Weston, and the County of Webster shall each hold and
18 conduct a public hearing to determine the sentiments of their citizens regarding the work of
19 the charter and unification commission. Notice of such hearings shall be advertised in the
20 same manner as required for hearings held by the charter and unification commission.
21 Representatives of the charter and unification commission shall be invited to present the final
22 report to such 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, 2008; provided, however,
26 that the above-described time period may be extended for such additional periods of time as
27 may be authorized by resolutions duly adopted by the governing authority of the City of
28 Preston and the governing authority of the County of Webster and may also be extended by
29 an Act of the General Assembly and shall be automatically extended for a period of time
30 equal to the period of time that any proposed charter shall be under consideration by the
31 United States Department of Justice or by any courts.

32 (b) Certified copies of the charter shall be filed by the charter and unification commission
33 with the clerks or secretaries of the governing authorities of the City of Preston, the City of
34 Weston, and the County of Webster and shall be authenticated by the signature of the
35 chairperson of the charter and unification commission. Such copies shall be public records
36 and shall be available for inspection or examination by any interested person.

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

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

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

22 **SECTION 9.**

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

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

30 **SECTION 10.**

31 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after
32 receipt of preclearance, or the usual notice of no current objections, by the United States
33 Department of Justice of such proposed charter, it shall be the duty of the election
34 superintendent of Webster County to call a special election for approval or rejection of the
35 proposed charter. The election superintendent shall set the date of the election for the earliest

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

6 "() YES Shall the charter reorganizing and consolidating the governments of the City
 7 of Preston, the City of Weston, and the County of Webster and creating a
 8 () NO single county-wide government to supersede and replace those governments
 9 be approved?"

10 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those
 11 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such
 12 question by the qualified voters of Webster County residing within the corporate limits of the
 13 City of Preston and the votes cast on such question by the qualified voters of Webster County
 14 shall be counted separately. If more than one-half of the votes cast by the qualified voters
 15 of Webster County residing within the corporate limits of the City of Preston are for approval
 16 of the charter and if more than one-half of the total votes cast by the qualified voters residing
 17 within both the incorporated and unincorporated areas of Webster County are for approval
 18 of the charter, then the charter shall become effective as to the City of Preston and Webster
 19 County. Otherwise, it shall be void and of no force and effect. In addition, the votes cast on
 20 such question by the qualified voters of Webster County residing within the corporate limits
 21 of the City of Weston shall be counted separately. If more than one-half of the votes cast by
 22 the qualified voters of Webster County residing within the corporate limits of City of Weston
 23 are for approval of the charter and if more than one-half of the votes cast by the qualified
 24 voters of Webster County residing within the corporate limits of the City of Preston are for
 25 approval of the charter and if more than one-half of the total votes cast by the qualified voters
 26 residing within both incorporated and unincorporated areas of Webster County are for
 27 approval of the charter, then the charter of the City of Weston shall be revoked upon the
 28 election of members of the single county-wide governing authority and the City of Weston
 29 shall be abolished. The expense of such election shall be borne equally by the City of
 30 Preston, the City of Weston, and the County of Webster.

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

34 (d) A qualified voter, as used in this Act, shall mean a voter of Webster County qualified to
 35 vote for members of the General Assembly of Georgia. The election superintendent shall
 36 certify the returns to the Secretary of State. The election superintendent shall also furnish
 37 a certified copy of the charter to the Secretary of State. The Secretary of State shall issue his

1 or her proclamation showing and declaring the result of the election on the approval or
2 rejection of the charter. One copy of the proclamation shall be attached to the copy of the
3 charter certified to the Secretary of State. One copy of the proclamation shall be delivered
4 to the secretary or clerk of the governing authority of the City of Preston, who shall attach
5 the same to the copy of the charter previously certified to him or her. One copy of the
6 proclamation shall be delivered to the clerk of the governing authority of the County of
7 Webster, who shall attach the same to the copy of the charter previously certified to him or
8 her. If the charter was approved by the City of Preston and the County of Webster and was
9 approved by the City of Weston, one copy of the proclamation shall be delivered to the
10 secretary or clerk of the governing authority of the City of Weston, who shall attach the same
11 to the copy of the charter previously certified to him or her.

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

27

SECTION 11.

28 In the event the proposed single county-wide government charter is approved by voters as
29 provided in Section 10 of this Act, an election shall be held in accordance with the provisions
30 of the charter to elect the members of the governing authority of the county-wide
31 government. Upon the election of the members of the governing authority and their taking
32 office as the governing authority of the county-wide government, the existing governments
33 of the City of Preston; the City of Weston, if the voters of the City of Weston approved such
34 charter as provided in Section 10 of this Act; and the County of Webster shall stand
35 abolished, all in accordance with the provisions of the charter of the new county-wide
36 government.

1 **SECTION 12.**

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

4 **SECTION 13.**

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