

House Bill 741

By: Representatives Floyd of the 99<sup>th</sup> and Marin of the 96<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Gwinnett County, approved  
2 January 31, 1968 (Ga. L. 1968, p. 2003), as amended, particularly by an Act approved April  
3 25, 2002 (Ga. L. 2002, p. 4258), so as to reconstitute the board of commissioners; to provide  
4 for two additional districts; to provide for definitions and inclusions; to provide for  
5 continuation in office of the current chairperson and members; to provide for election and  
6 terms of office of subsequent members; to change quorum provisions; to provide for the  
7 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as  
8 amended; to provide for related matters; to provide for effective dates; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the board of commissioners of Gwinnett County, approved January 31, 1968  
13 (Ga. L. 1968, p. 2003), as amended, particularly by an Act approved April 25, 2002 (Ga. L.  
14 2002, p. 4258), is amended by revising Section 3 to read as follows:

15 "SECTION 3.

16 (a) Until January 1, 2009, the Board of Commissioners of Gwinnett County shall consist  
17 of four members and a chairperson. On and after January 1, 2009, the Board of  
18 Commissioners of Gwinnett County shall consist of six members and a chairperson. The  
19 chairperson shall be elected by the qualified voters of the entire county and may reside in  
20 any district in Gwinnett County, but each candidate for membership on the board shall be  
21 a resident of the commissioner district created by this section which he or she offers to  
22 represent and shall be elected by the qualified voters of such district. The chairperson and  
23 members of the board of commissioners shall be elected by majority vote.

24 (b) The Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four  
25 numbered districts described in and attached to an Act approved April 25, 2002 (Ga. L.

1 2002, p. 4258) and further identified as Plan Name: senate(revised) Plan Type: Local  
2 User: Gina Administrator: Gwinnett. Districts 5 and 6 shall be and correspond to those  
3 two numbered districts described in and attached to and made a part of this Act and further  
4 identified as Plan Name: gwincc02sup07 Plan Type: Local User: Gina Administrator  
5 H099.

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

24 (d)(1) The members of the reconstituted Board of Commissioners of Gwinnett County  
25 shall be elected as provided in this subsection. The chairperson and those members of  
26 the board elected from Commissioner Districts 1, 3, and 5 shall be elected at the general  
27 election on the Tuesday next following the first Monday in November, 2008. The  
28 chairperson and those members of the board elected from Commissioner Districts 1, 3,  
29 and 5 shall take office the first day of January immediately following that election and  
30 shall serve for initial terms of office which expire December 31, 2012, and upon the  
31 election and qualification of their respective successors.

32 (2) The first board member from Commissioner District 6 shall be elected in the general  
33 election on the Tuesday next following the first Monday in November, 2008, and shall  
34 take office the first day of January immediately following that election and shall serve for  
35 an initial term of office which expires December 31, 2010, and upon the election and  
36 qualification of the board member's successor.

1 (3) The members from Commissioner Districts 2, 4, and 6 shall be elected at the general  
2 election on the Tuesday next following the first Monday in November, 2010. Those  
3 members of the board elected from Commissioner Districts 2, 4, and 6 shall take office  
4 the first day of January immediately following that election and shall serve for initial  
5 terms of office which expire December 31, 2014, and upon the election and qualification  
6 of their respective successors.

7 (4) Those and all future successors to members of the board whose terms of office are  
8 to expire shall be elected at the time of the state-wide general election preceding the  
9 expiration of such terms, shall take office the first day of January immediately following  
10 that election, and shall serve for terms of office of four years each. Members of the board  
11 shall serve for the terms of office specified in this subsection and until their respective  
12 successors are elected and qualified.

13 (e) Notwithstanding those changes in description of commissioner districts which became  
14 effective at the same time this section becomes effective and notwithstanding the district  
15 residency requirement for candidates in subsection (a) of this section, members of the  
16 board serving on the effective date of this Act shall complete the term for which they were  
17 elected and until their successors are elected and qualified.

18 (f) Commissioner Districts 1, 2, 3, and 4, as they exist on July 1, 2007, shall continue to  
19 be designated as Commissioner Districts 1, 2, 3, and 4 respectively, but as newly described  
20 under this Act; and on and after July 1, 2007, such members of the board serving from  
21 those former commissioner districts shall be deemed to be serving from and representing  
22 their respective districts as newly described under this Act.

23 (g) All members of the board shall be nominated and elected in accordance with Chapter  
24 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

## 25 **SECTION 2.**

26 Said Act is further amended by revising Section 9 to read as follows:

### 27 "SECTION 9.

28 The board of commissioners shall hold regular meetings on the first and third Tuesdays of  
29 each month at 10:00 A.M. and on the fourth Tuesday of each month at 7:00 P.M. Work  
30 sessions will be held on the second and fourth Tuesdays of each month at a time to be  
31 designated by the board of commissioners. At the evening meetings on the fourth Tuesday,  
32 the board of commissioners shall hear applications for rezoning. These meetings, work  
33 sessions, and other meetings shall be held at the county seat or such other location within  
34 the county as the board of commissioners designates and shall be open to the public. The  
35 board of commissioners shall be authorized to change the scheduled time of the regular

1 meetings and the day and time of the work sessions by duly adopted resolution, provided  
2 that notice of such change shall be published in a newspaper of general circulation and in  
3 the official county organ for three weeks within a period of 60 days prior to the adoption  
4 of the resolution. The board of commissioners may hold such additional meetings as shall  
5 be necessary when called by the chairperson or any three members of the board of  
6 commissioners, provided all members shall have been notified at least three days in  
7 advance of such special meeting. No official action shall be taken by the board of  
8 commissioners except in a meeting which is open to the public. The chairperson and any  
9 four members of the board of commissioners, or any five members of the board of  
10 commissioners, exclusive of the chairperson, shall constitute a quorum. No official action  
11 shall be taken except upon the affirmative vote of at least five members of the board of  
12 commissioners. The chairperson shall be entitled to the same voting rights as other  
13 members of the board of commissioners on questions considered by the board."

14 **SECTION 3.**

15 It shall be the duty of the attorney of the Board of Commissioners of Gwinnett County to  
16 submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965,  
17 as amended.

18 **SECTION 4.**

19 This Act shall become effective upon its approval by the Governor or upon its becoming law  
20 without such approval, except Section 2 of this Act shall become effective January 1, 2009.

21 **SECTION 5.**

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