

House Bill 1390

By: Representatives Floyd of the 99<sup>th</sup>, Thomas of the 100<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, so as to reconstitute the board of  
3 commissioners; to provide for two additional districts; to provide for definitions and  
4 inclusions; to provide for continuation in office of the current chairperson and members; to  
5 provide for election and terms of office of subsequent members; to change quorum  
6 provisions; to provide for the submission of this Act for preclearance under the federal  
7 Voting Rights Act of 1965, as amended; to provide for related matters; to provide for  
8 effective dates; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 An Act creating the board of commissioners of Gwinnett County, approved January 31, 1968  
12 (Ga. L. 1968, p. 2003), as amended, is amended by revising Section 3 to read as follows:

13 "SECTION 3.

14 (a) The Board of Commissioners of Gwinnett County as it exists immediately prior to  
15 January 1, 2011, is continued in existence, but on and after January 1, 2011, the Board of  
16 Commissioners of Gwinnett County shall be constituted as provided in this Act. The  
17 chairperson shall be elected by the qualified voters of the entire county and may reside in  
18 any district in Gwinnett County, but each candidate for membership on the board shall be  
19 a resident of the commissioner district created by this section which he or she offers to  
20 represent and shall be elected by the qualified voters of such district. The chairperson and  
21 members of the board of commissioners shall be elected by majority vote.

22 (b) Those members of the Board of Commissioners of Gwinnett County who are serving  
23 as such on December 31, 2010, and any person selected to fill a vacancy in any such office  
24 shall continue to serve as such members until the regular expiration of their respective  
25 terms of office and upon the election and qualification of their respective successors. On

26 and after January 1, 2011, the Board of Commissioners of Gwinnett County shall consist  
27 of six commissioners all of whom shall be elected from commissioner districts described  
28 in this section and a chairperson and who is elected at large as provided in this section.

29 (c) The six commissioner districts shall be and correspond to those six numbered districts  
30 described in and attached to and made a part of this Act and further identified as Plan  
31 Name: gwcc6distp1 Plan Type: Local User: Gina Administrator: Gwinnett.

32 (d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
33 and describe the same geographical boundaries as provided in the report of the Bureau of  
34 the Census for the United States decennial census of 2000 for the State of Georgia. The  
35 separate numeric designations in a Tract description which are underneath a 'BG' heading  
36 shall mean and describe individual Blocks within a Block Group as provided in the report  
37 of the Bureau of the Census for the United States decennial census of 2000 for the State of  
38 Georgia. Any part of Gwinnett County which is not included in any such district described  
39 in that attachment shall be included within that district contiguous to such part which  
40 contains the least population according to the United States decennial census of 2000 for  
41 the State of Georgia. Any part of Gwinnett County which is described in that attachment  
42 as being in a particular district shall nevertheless not be included within such district if such  
43 part is not contiguous to such district. Such noncontiguous part shall instead be included  
44 within that district contiguous to such part which contains the least population according  
45 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise  
46 provided in the description of any commissioner district, whenever the description of such  
47 district refers to a named city, it shall mean the geographical boundaries of that city as  
48 shown on the census map for the United States decennial census of 2000 for the State of  
49 Georgia.

50 (e)(1) The members of the Board of Commissioners of Gwinnett County shall be elected  
51 as provided in this subsection. The chairperson and those members of the board elected  
52 from Commissioner Districts 1 and 3 shall be elected at the general election on the  
53 Tuesday next following the first Monday in November, 2012. The chairperson and those  
54 members of the board elected from Commissioner Districts 1 and 3 shall take office the  
55 first day of January immediately following that election and shall serve for initial terms  
56 of office which expire December 31, 2016, and upon the election and qualification of  
57 their respective successors.

58 (2) The members of the board from Commissioner Districts 2, 4, 5, and 6 shall be elected  
59 at the general election on the Tuesday next following the first Monday in November,  
60 2010. Those members of the board elected from Commissioner Districts 2, 4, 5, and 6  
61 shall take office the first day of January immediately following that election and shall

62 serve for initial terms of office which expire December 31, 2014, and upon the election  
63 and qualification of their respective successors.

64 (3) Those and all future successors to members of the board whose terms of office are  
65 to expire shall be elected at the time of the state-wide general election preceding the  
66 expiration of such terms, shall take office the first day of January immediately following  
67 that election, and shall serve for terms of office of four years each. Members of the board  
68 shall serve for the terms of office specified in this subsection and until their respective  
69 successors are elected and qualified.

70 (f) Commissioner Districts 1, 2, 3, and 4, as they exist on July 1, 2010, shall continue to  
71 be designated as Commissioner Districts 1, 2, 3, and 4 respectively.

72 (g) All members of the board shall be nominated and elected in accordance with Chapter  
73 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

74 **SECTION 2.**

75 Said Act is further amended by striking in its entirety the attachment thereto containing the  
76 descriptions of the four commissioner districts which is identified as Plan Name:  
77 senate(revised) Plan Type: Local User: Gina Administrator: Gwinnett.

78 **SECTION 3.**

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

80 "SECTION 9.

81 The board of commissioners shall hold regular meetings on the first and third Tuesdays of  
82 each month at 10:00 A.M. and on the fourth Tuesday of each month at 7:00 P.M. Work  
83 sessions will be held on the second and fourth Tuesdays of each month at a time to be  
84 designated by the board of commissioners. At the evening meetings on the fourth Tuesday,  
85 the board of commissioners shall hear applications for rezoning. These meetings, work  
86 sessions, and other meetings shall be held at the county seat or such other location within  
87 the county as the board of commissioners designates and shall be open to the public. The  
88 board of commissioners shall be authorized to change the scheduled time of the regular  
89 meetings and the day and time of the work sessions by duly adopted resolution, provided  
90 that notice of such change shall be published in a newspaper of general circulation and in  
91 the official county organ for three weeks within a period of 60 days prior to the adoption  
92 of the resolution. The board of commissioners may hold such additional meetings as shall  
93 be necessary when called by the chairperson or any three members of the board of  
94 commissioners, provided all members shall have been notified at least three days in  
95 advance of such special meeting. No official action shall be taken by the board of

96 commissioners except in a meeting which is open to the public. The chairperson and any  
97 four members of the board of commissioners, or any five members of the board of  
98 commissioners, exclusive of the chairperson, shall constitute a quorum. No official action  
99 shall be taken except upon the affirmative vote of at least five members of the board of  
100 commissioners. The chairperson shall be entitled to the same voting rights as other  
101 members of the board of commissioners on questions considered by the board."

102 **SECTION 4.**

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

108 **SECTION 5.**

109 This section and Section 4 of this Act and those provisions of this Act necessary for the  
110 election of members of the Board of Commissioners of Gwinnett County in 2010 shall  
111 become effective upon the approval of this Act by the Governor or upon its becoming law  
112 without such approval. The remaining provisions of this Act shall become effective  
113 January 1, 2011.

114 **SECTION 6.**

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