

House Bill 791

By: Representative Cheokas of the 134<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To create and establish the Ellaville-Schley County Charter and Unification Commission;  
2 to provide for a short title; to provide for definitions; to provide for the appointment of the  
3 members of said commission; to provide for the organizational meeting of the charter and  
4 unification commission and for the election of a chairperson; to provide for the powers and  
5 duties of said commission; to provide that the charter and unification commission shall be  
6 authorized to employ a staff to assist it in carrying out its powers and duties; to provide for  
7 the expenses of the charter and unification commission and for the payment of those  
8 expenses by the governing authorities of the City of Ellaville and the County of Schley; to  
9 provide that said commission shall be authorized to study all matters relating to the  
10 governments of the County of Schley and the City of Ellaville and all matters relating to the  
11 establishment of a single county-wide government with powers and jurisdiction throughout  
12 the territorial limits of Schley County; to provide for the submission of such proposed  
13 county-wide government charter to the qualified voters for approval or rejection; to provide  
14 for the conduct of such election and for the certification of the results thereof; to provide for  
15 all procedures and other matters connected with the foregoing; to provide an effective date;  
16 to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

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

22 **SECTION 2.**

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

H. B. 791

25 (1) "Charter and unification commission" or "commission" shall mean the  
26 Ellaville-Schley County Charter and Unification Commission provided for in this Act.

27 (2) "Governing authority of the City of Ellaville" shall mean the mayor and city council  
28 of the City of Ellaville, a municipal corporation of the State of Georgia.

29 (3) "Governing authority of the County of Schley" shall mean the Board of  
30 Commissioners of Schley County, a political subdivision of the State of Georgia.

31 **SECTION 3.**

32 (a) There is created the Ellaville-Schley County Charter and Unification Commission, which  
33 shall consist of 9 members to be appointed within 30 days of the effective date of this Act  
34 as provided in this section.

35 (b) The governing authority of the City of Ellaville shall appoint the mayor and two  
36 members to the charter and unification commission who shall be citizens of the City of  
37 Ellaville at the time of such appointment and for the duration of their respective terms as  
38 members of such commission.

39 (c) The governing authority of the County of Schley shall appoint the commission chair and  
40 two members to the charter and unification commission who shall be citizens of  
41 unincorporated Schley County at the time of such appointment and for the duration of their  
42 respective terms as members of such commission.

43 (d) The six members of the charter and unification commission provided for in  
44 subsections (b) and (c) of this section shall jointly appoint three members to the charter and  
45 unification commission who shall be citizens of Schley County at the time of such  
46 appointment and for the duration of their entire terms as members of such commission.

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

51 (f) None of the members of said charter and unification commission shall hold any other  
52 elective public office, except the mayor and the commission chair.

53 (g) To be eligible for appointment as a member of the charter and unification commission,  
54 a person must be at least 21 years of age and shall have been a resident of the State of  
55 Georgia for a period of at least five years and registered as an elector to vote in Schley  
56 County for a period of at least two years prior to his or her appointment.

57 (h) If a member of the charter and unification commission should die, become disabled,  
58 remove his or her residence and place of domicile to a place outside the territorial limits of  
59 the appointing jurisdiction, resign, or become unable or decline to serve for any reason  
60 whatever as a member of the charter and unification commission, said commission shall

61 declare a vacancy in his or her office as a member of such commission and within 15 days  
62 thereafter the governing authority or authorities that appointed that member shall appoint a  
63 successor promptly to fill such vacancy.

64 (i) A certificate of appointment shall be issued by the appointing authority of each member  
65 of the charter and unification commission and filed in the office of the Probate Court of  
66 Schley County with a duplicate original of such certificate being transmitted to, and filed  
67 with, the chairperson or the secretary of the charter and unification commission.

68 (j) A majority of the members of the charter and unification commission shall constitute a  
69 quorum for the transaction of business. Such quorum shall not be applicable with respect to  
70 any committees or subcommittees which, at the discretion of the charter and unification  
71 commission, may be appointed. A majority of the members of each such committee or  
72 subcommittee shall constitute a quorum for the conduct of its business.

73 (k) The charter and unification commission may appoint advisory committees or  
74 subcommittees from among the general populace to advise it with respect to its work;  
75 provided, however, that the charter and unification commission may not delegate any of the  
76 duties, powers, or obligations imposed upon the commission and granted to it by this Act to  
77 any such advisory committee or subcommittee. Any such advisory committee or  
78 subcommittee so appointed shall serve at the discretion of the commission and shall serve  
79 subject to such terms, conditions, and charges as may be imposed upon it by the commission.

80 (l) All persons who shall, from time to time, serve as members of the charter and unification  
81 commission or its committees or subcommittees and all agents, employees, and staff  
82 appointed or hired by the charter and unification commission from time to time shall be  
83 afforded coverage and shall be included in the insured class, under the provision of such  
84 policies, riders, or other insurance contracts from time to time in force and held by the  
85 governing authority of the County of Schley, extending to members of such governing  
86 authority of the County of Schley, and what is commonly referred to as "public official's  
87 liability insurance coverage," to the same extent and as nearly as practicable with identical  
88 coverage and limits as afforded to the individual members of the governing authority of the  
89 County of Schley. Any and all additional premium amounts payable by the County of Schley  
90 due to the extension of such coverage to the members of the charter and unification  
91 commission and its appointees, agents, employees, and staff shall be paid, when due and  
92 payable, one-half by the County of Schley and one-half by the City of Ellaville, which  
93 payments shall be made in addition to all other amounts otherwise payable under the  
94 provisions of this Act.

95 (m) The governing authority of the County of Schley, the governing authority of the City  
96 of Ellaville, and the governing authority of any county-wide government created under a  
97 charter adopted pursuant to this Act are authorized and directed to expend funds for fees,

98 costs, and expenses incurred in providing for the defense of the members of the charter and  
99 unification commission arising out of their activity as members of such commission and in  
100 providing for the defense of any proposed charter submitted by the commission, whether  
101 prior to the referendum thereon or after the referendum thereon is conducted.

102

#### SECTION 4.

103 (a) The charter and unification commission shall hold an organizational meeting not less  
104 than 30 days nor more than 45 days after the date this Act becomes effective. Any three or  
105 more members of the charter and unification commission, composed of at least one member  
106 appointed by the governing authority of the City of Ellaville and one member appointed by  
107 the governing authority of the County of Schley, shall call such organizational meeting. The  
108 call of such organizational meeting shall designate the time, date, and place that such  
109 organizational meeting shall be held. All state laws regarding open meetings and open  
110 records shall be applicable to meetings held pursuant to this subsection.

111 (b) The first order of business at the organizational meeting shall be the designation, by the  
112 majority vote of those members present, of a temporary chairperson to preside until a  
113 permanent chairperson is elected. The second order of business at the organizational meeting  
114 shall be the election of a permanent chairperson who shall be elected by the majority vote of  
115 all members of the charter and unification commission.

116 (c) The charter and unification commission shall be authorized to elect a secretary, who need  
117 not be a member of the commission, and such other officers from the membership of the  
118 charter and unification commission as it shall deem necessary. The charter and unification  
119 commission shall be further authorized to employ such staff as may be required to assist it  
120 in studying all matters relating to the government of the City of Ellaville and the County of  
121 Schley and in drafting a charter.

122 (d) The members of the charter and unification commission shall not receive per diem or  
123 other compensation for their services, but the members shall be reimbursed for actual  
124 expenses incurred by them in carrying out their duties. The staff employed by the  
125 commission shall be paid compensation as determined by the commission within the limits  
126 of funds available to it. The governing authority of the City of Ellaville and the governing  
127 authority of the County of Schley are authorized to expend public funds in carrying out the  
128 provisions of this Act and shall share equally the expense thereof. Each of the said governing  
129 authorities shall initially appropriate up to \$5,000.00 for the charter and unification  
130 commission and the treasurer or other fiscal authority of each of those governing authorities  
131 shall honor, from time to time, vouchers or warrants signed by the chairperson of the charter  
132 and unification commission for amounts up to an aggregate total of such amount. The  
133 governing authorities shall appropriate such additional funds in equal amounts as may be

134 necessary to meet the expenses of the charter and unification commission, provided that such  
135 additional expenditures shall be first approved by both governing authorities.

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

139 (f) All public officials and employees of the City of Ellaville and the County of Schley upon  
140 request shall furnish the charter and unification commission with all documents, books,  
141 records, data, and information necessary or appropriate in the opinion of the charter and  
142 unification commission for it to carry out its duties, except for information that is  
143 confidential or privileged by law and shall furnish such other assistance and aid to the  
144 commission as it shall request and shall also appear and give testimony, at the request of the  
145 commission, before the commission or before any of its committees, subcommittees, or  
146 advisory committees.

147 **SECTION 5.**

148 The commission shall be authorized to study all matters relating to the governments of the  
149 City of Ellaville and the County of Schley and all matters relating to the establishment of a  
150 single county-wide government with powers and jurisdiction throughout the territorial limits  
151 of Schley County. The commission shall upon completion of its study issue a written report  
152 of its findings, conclusions, and recommendations. If, after conducting such study, the  
153 charter and unification commission shall deem it to be in the best interests of the  
154 governments proposed to be affected, said commission shall draft a proposed charter creating  
155 a single county-wide government, and if such charter is approved by the voters under the  
156 provisions of this Act, then the newly created county-wide government shall supersede and  
157 replace the existing governments of the City of Ellaville and the County of Schley and may  
158 also supersede and replace any public authorities and special service districts located and  
159 operating within Schley County. If the charter and unification commission does not deem  
160 it to be in the best interests of the governments proposed to be affected to recommend the  
161 establishment of a single county-wide government but concludes from its study that it is  
162 feasible to consolidate specific governmental services, programs, and activities, then the  
163 commission may issue such findings, conclusions, and recommendations in writing together  
164 with reasons why such recommendations will make government operations more efficient.

165 **SECTION 6.**

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

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

173 (1) The charter shall provide for the abolishment of the existing governments of the City  
174 of Ellaville and the County of Schley and for the creation of a new single government  
175 which may have all powers formerly exercised by the City of Ellaville and the County  
176 of Schley and such other powers as may be necessary or desirable. The new single  
177 government may be given, and may have, such rights, privileges, exemptions,  
178 preferences, discretions, immunities, powers, duties, and liabilities as are now or hereafter  
179 granted to, or vested in, municipalities or counties or both by the Constitution and laws  
180 of the State of Georgia. The form and composition of the new government shall be as the  
181 charter shall provide;

182 (2) The charter may authorize the new government to continue to be eligible to have,  
183 hold, enjoy, and be entitled to any assistance, credits, benefits, moneys, grants,  
184 grants-in-aid, funds, loans, aid, appropriations, and matching funds to the same extent  
185 that any municipality or county of the State of Georgia now or may hereafter enjoy or  
186 possess under the Constitution and laws of the State of Georgia or by other provisions of  
187 law or under any present or future state or federal programs;

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

190 (4) The charter may provide for the abolishment, modification, consolidation, or merger  
191 of any public authorities and special service districts located within Schley County  
192 created by law and for the transfer of any powers, duties, and obligations of such  
193 authorities and districts to the new county-wide government or to any agency thereof or  
194 from one such authority or special service district to another in such manner as said  
195 charter shall provide unless otherwise prohibited by the Constitution or general law;

196 (5) The charter may provide for the abolishment, modification, consolidation, or merger  
197 of any one or more public offices or positions of public employment of any municipality  
198 merged in the county-wide government and the County of Schley and any public  
199 authorities or special service districts located or operating within Schley County unless  
200 otherwise prohibited by the Constitution or general law. The charter may provide for  
201 administrative division or changes with reference to the duties and responsibilities of any  
202 public office or official as the charter and unification commission shall deem necessary  
203 for the efficient functioning of the new county-wide government;

- 204 (6) The charter shall provide for the creation of the governing authority of the new single  
205 county-wide government, including the number of members of the governing authority,  
206 their powers, duties, terms of office, manner, and time of election or appointment,  
207 compensation, method of removal, and all other matters incidental or necessary to the  
208 creation of said county-wide governing authority. The charter shall provide for the name  
209 or names of the new county-wide government and governing authority;
- 210 (7) The charter may provide for the creation of the various departments, boards, bureaus,  
211 offices, commissions, and positions of public employment of the new county-wide  
212 government and for any matters necessary or incidental thereto;
- 213 (8) The charter shall provide for the creation of special tax districts consisting of the  
214 territory lying within the former boundaries of the affected governments for the purpose  
215 of the successor county-wide government levying a tax therein sufficient to retire any  
216 bonded indebtedness of such governments which is outstanding on the effective date of  
217 the abolishment of such government;
- 218 (9) The charter may provide for the assumption by the new government of all bonded  
219 indebtedness and all other obligations of whatever kind of all governmental units, public  
220 authorities, and special service districts which are altered by said charter and a method  
221 by which the new county-wide government shall assume the payment of any obligations  
222 issued under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond  
223 Law," or other similar legislation;
- 224 (10) The charter may provide for the transfer to the new county-wide government of  
225 assets, contracts, and franchises of all governmental units and any public authorities and  
226 special service districts which are merged with the new county-wide government or are  
227 altered by the charter;
- 228 (11) The charter may provide the purposes for which the new county-wide government  
229 or governing authority or any agency thereof may levy taxes;
- 230 (12) The charter shall provide for the method or methods by which it may be amended.  
231 The General Assembly expressly reserves the right to amend any charter adopted  
232 pursuant to this Act. The charter may provide for an additional method or methods by  
233 which the charter may be amended and shall provide for any amendments adopted by any  
234 such other method or methods to be filed with the Secretary of State so that they may be  
235 published in the *Georgia Laws*;
- 236 (13) The charter shall provide for the repeal of conflicting laws; and
- 237 (14) The charter may contain such other provisions as are necessary and needful to  
238 achieve the objectives of consolidation of the governments and functions of the City of  
239 Ellaville and the County of Schley and the creation of a successor government.

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

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

248 (2) Any successor government created and established shall, without the necessity or  
249 formality of deed, bill of sale, or other instrument of transfer, be and become the owner  
250 of all property, assets, and rights previously belonging to the City of Ellaville and the  
251 County of Schley and any other authorities or special service districts merged into the  
252 new government.

253 (d) The charter and unification commission shall have all the powers of the superior courts  
254 to compel the attendance of witnesses before the commission and any of its committees,  
255 subcommittees, or advisory committees; to compel witnesses to testify thereat; and to  
256 subpoena any person or entity and all such books, records, data, papers, documents, and other  
257 tangible items which may be deemed by the commission to be material to any question or  
258 issue deemed by it to be relevant to the duties or prerogatives imposed upon or granted to the  
259 commission by this Act. Such subpoenas shall be issued in the name of the commission,  
260 shall be signed by either the chairperson or the secretary of the commission, and shall be  
261 served in the manner provided by law for the service of subpoenas in civil cases pending in  
262 the superior courts. Witnesses subject to such subpoenas shall be entitled to the same  
263 compensation as witnesses attending superior court, which compensation shall be collected  
264 in the same manner as that of witnesses in the superior courts except that such compensation  
265 shall be paid from funds of the commission. Should any such subpoenaed person or witness  
266 fail or refuse to answer questions propounded or fail or refuse to produce any books, records,  
267 data, papers, documents, or other tangible items required to be produced by the commission,  
268 except upon a legal excuse which would relieve such person of such obligation in a civil case  
269 pending in the superior court, the person so failing or refusing shall be guilty of contempt and  
270 may be cited by the commission to appear before a judge of the Superior Court of Schley  
271 County. The judge of said court shall have the same power and jurisdiction to punish the  
272 person cited for contempt and to require and compel the attendance, the giving of testimony,  
273 or the production of items as in cases of contempt committed in the presence of the court and  
274 as in cases pending before the court.

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

277 (1) Alter or affect the status of the Schley County School System or the Schley County  
 278 Board of Education or any provision of the Constitution or laws of the State of Georgia  
 279 by which the Schley County School System is constituted, empowered, or preserved or  
 280 to transfer any of its powers, duties, or obligations;

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

282 (3) Abolish the office of sheriff, clerk of superior court probate judge, or tax  
 283 commissioner.

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

289 (g) The powers granted in this Act to the charter and unification commission by the General  
 290 Assembly are remedial in nature and shall be liberally construed to effectuate their purpose.

291 **SECTION 7.**

292 (a) The charter and unification commission shall be required to hold at least two public  
 293 hearings to determine the sentiment of the citizens of the City of Ellaville and the County of  
 294 Schley regarding the work of the charter and unification commission. The first public  
 295 hearing shall be held not less than 30 days prior to the issuance of the commission's final  
 296 written report on the feasibility of establishing a single county-wide government within  
 297 Schley County, and a second public hearing shall be held not less than 15 days prior to the  
 298 submission of any proposed charter for such consolidated government to the Schley County  
 299 Board of Elections. The charter and unification commission is authorized to hold more than  
 300 two public hearings if it determines that additional public hearings are desirable. The charter  
 301 and unification commission shall cause the date, time, and place of each such hearing to be  
 302 advertised in the official organ of Schley County once a week for the two consecutive weeks  
 303 preceding the week in which the public hearing is held. The charter and unification  
 304 commission shall cause to be made a transcript of each public hearing held and shall file the  
 305 same in its minutes and records.

306 (b) Following issuance of the commission's final written report, the governing authorities  
 307 of the City of Ellaville and the County of Schley shall each hold and conduct a public hearing  
 308 to determine the sentiments of their citizens regarding the work of the charter and unification  
 309 commission. Notice of such hearings shall be advertised in the same manner as required for  
 310 hearings held by the charter and unification commission. Representatives of the charter and  
 311 unification commission shall be invited to present the final report to said governing  
 312 authorities.

**SECTION 8.**

313

314 (a) The charter and unification commission shall complete its studies and shall prepare,  
315 complete, and file any proposed charter no later than December 31, 2009; provided, however,  
316 that the above-described time period may be extended for such additional periods of time as  
317 may be authorized by a resolution duly adopted by the governing authority of the City of  
318 Ellaville and by a similar resolution being duly adopted by the governing authority of the  
319 County of Schley and may also be extended by an Act of the General Assembly and shall be  
320 automatically extended for a period of time equal to the period of time that any proposed  
321 charter shall be under consideration by the United States Department of Justice or by any  
322 courts.

323 (b) Certified copies of the charter shall be filed by the charter and unification commission  
324 with the clerks of the governing authorities of the City of Ellaville and the County of Schley  
325 and shall be authenticated by the signature of the chairperson of the charter and unification  
326 commission. Such copies shall be public records and shall be available for inspection or  
327 examination by any interested person.

328 (c) The charter and unification commission shall also make available a copy of the charter  
329 to every daily or weekly newspaper published in Schley County and to each radio or  
330 television station operating within the county. The commission shall take such other steps,  
331 within the limitation of its available funds, as it deems reasonable and appropriate to inform  
332 the public throughout the county of the contents of the proposed charter. The charter and  
333 unification commission shall also cause a summary of the proposed charter to be printed in  
334 pamphlets or booklets and made available for general distribution throughout the county.

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

338 (e) Following the completion of the proposed charter by the charter and unification  
339 commission and prior to the time of filing or submission thereof as provided in this Act, the  
340 same shall be presented for review by the United States Department of Justice as may be  
341 required by law. The failure of any proposed charter submitted by the charter and unification  
342 commission to the Department of Justice to obtain preclearance by the Department of Justice  
343 shall not prevent the charter and unification commission from revising said charter in a  
344 manner so as to enable the proposed charter to meet Department of Justice objections with  
345 respect thereof, and the charter and unification commission is empowered to redraft any such  
346 proposed charter in such manner so as to meet requirements for the Department of Justice's  
347 approval in the event that any initial proposed charter fails to obtain Department of Justice  
348 approval.

349

**SECTION 9.**

350 (a) A certified copy of the proposed charter shall be submitted by the commission to the  
 351 election superintendent of Schley County, and it shall be the duty of such superintendent to  
 352 call and hold a referendum election for ratification or rejection of the proposed charter as  
 353 provided in Section 10 of this Act.

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

357

**SECTION 10.**

358 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after  
 359 receipt of preclearance, or the usual notice of no current objections, by the United States  
 360 Department of Justice of such proposed charter, it shall be the duty of the election  
 361 superintendent of Schley County to call a special election for approval or rejection of the  
 362 proposed charter. The election superintendent shall set the date of the election for the earliest  
 363 date therefor permissible under general law after the filing of any proposed charter as  
 364 provided for in Section 8 of this Act. The election superintendent shall cause the date and  
 365 purpose of the election to be published once a week for two calendar weeks immediately  
 366 preceding the date thereof in the official organ of Schley County. The ballot shall have  
 367 written or printed thereon the following:

368 "( ) YES Shall the charter reorganizing and consolidating the governments of the City  
 369 of Ellaville and the County of Schley and creating a single county-wide  
 370 ( ) NO government to supersede and replace those governments be approved?"

371 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those  
 372 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such  
 373 question by the qualified voters of Schley County residing within the corporate limits of the  
 374 City of Ellaville and the votes cast on such question by the qualified voters of Schley County  
 375 shall be counted separately. If more than one-half of the votes cast by the qualified voters  
 376 of Schley County residing within the corporate limits of the City of Ellaville are for approval  
 377 of the charter and if more than one-half of the total votes cast by the qualified voters residing  
 378 within both the incorporated and unincorporated areas of Schley County are for approval of  
 379 the charter, then the charter shall become effective. Otherwise, it shall be void and of no  
 380 force and effect. The expense of such election shall be borne equally by the City of Ellaville  
 381 and the County of Schley.

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

385 (d) A qualified voter, as used in this Act, shall mean a voter of Schley County qualified to  
386 vote for members of the General Assembly of Georgia. The election superintendent shall  
387 certify the returns to the Secretary of State. The election superintendent shall also furnish  
388 a certified copy of the charter to the Secretary of State. The Secretary of State shall issue his  
389 or her proclamation showing and declaring the result of the election on the approval or  
390 rejection of the charter. One copy of the proclamation shall be attached to the copy of the  
391 charter certified to the Secretary of State. One copy of the proclamation shall be delivered  
392 to the secretary or clerk of the governing authority of the City of Ellaville, who shall attach  
393 the same to the copy of the charter previously certified to him or her. One copy of the  
394 proclamation shall be delivered to the clerk of the governing authority of the County of  
395 Schley, who shall attach the same to the copy of the charter previously certified to him or  
396 her.

397 (e) Whenever a charter for the consolidation of the governments of the City of Ellaville and  
398 the County of Schley has been adopted, the above-certified copies thereof, with the  
399 proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate  
400 original copies of the charter of the consolidated government for all purposes. The certified  
401 copy of the charter and proclamation deposited with the secretary of the governing authority  
402 of the City of Ellaville and the certified copy of the charter and proclamation deposited with  
403 the clerk of the governing authority of the County of Schley shall subsequently be delivered  
404 by them to the successor government. The successor government may issue certified copies  
405 of the charter and any copy so certified shall be deemed a duplicate original copy of the  
406 charter of the consolidated government for all purposes. The Secretary of State is authorized  
407 to issue certified copies of the charter on file with him or her, and copies so certified by him  
408 or her shall be deemed duplicate original copies of the charter of the consolidated  
409 government for all purposes.

410

#### **SECTION 11.**

411 In the event the proposed single county-wide government charter is approved by voters as  
412 provided in Section 10 of this Act, an election shall be held in accordance with the provisions  
413 of the charter to elect the members of the governing authority of the county-wide  
414 government. Upon the election of the members of the governing authority and their taking  
415 office as the governing authority of the county-wide government, the existing governments  
416 of the City of Ellaville and the County of Schley shall stand abolished, all in accordance with  
417 the provisions of the charter of the new county-wide government.

418 **SECTION 12.**

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

421 **SECTION 13.**

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