

House Bill 1110

By: Representative Dickey of the 140th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the unified government of Roberta-Crawford County; to provide for
2 boundaries and districts; to provide for powers and duties; to provide for organization,
3 qualifications, election, terms, compensation, and filling of vacancies; to provide for
4 associated offices, departments, agencies, and personnel; to provide for budgets and financial
5 matters; to provide for a transition period; to provide for the repeal of certain Acts; to provide
6 for a referendum; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 ARTICLE I
10 UNIFICATION, CREATION, BOUNDARIES, STATUS, POWERS,
11 AND SPECIAL SERVICES DISTRICTS OF
12 ROBERTA-CRAWFORD COUNTY

13 SECTION 1-1-1.
14 Unification of county and city: name.

15 (a) The governmental and corporate powers, duties, and functions now vested in the
16 governing authority of the City of Roberta, a municipal corporation incorporated by an Act
17 of the General Assembly of Georgia, approved April 7, 1976 (Ga. L. 1976, p. 4127), as
18 amended, are hereby unified with the governmental and corporate powers, duties, and
19 functions of Crawford County. This unification shall result in the creation and establishment
20 of a single county-wide government with powers and jurisdiction throughout the territorial
21 limits of Crawford County. Such county-wide government shall be a new political entity,
22 a body politic and corporate, and a political subdivision of the state to be known as
23 Roberta-Crawford County, Georgia. Roberta-Crawford County shall have all the
24 governmental and corporate powers, duties, and functions previously held by and vested in

25 the City of Roberta and in Crawford County, and also the powers, duties, and functions
26 provided in this charter.

27 (b) Roberta-Crawford County shall be a public corporation; shall have perpetual existence;
28 shall adopt a common seal; shall, without the necessity or formality of a deed, bill of sale,
29 or other instrument of transfer, own, possess, and hold all the properties of whatsoever kind
30 or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and
31 personal property theretofore owned, possessed, enjoyed, or held by the City of Roberta or
32 Crawford County; and by the name of Roberta-Crawford County, Georgia, shall be capable
33 of suing and being sued when authorized by this charter and by the Constitution and laws of
34 the State of Georgia.

35 (c) On January 1, 2018, the political subdivision known as Crawford County, Georgia, and
36 the municipal corporation known as the City of Roberta, Georgia, shall be unified and
37 merged into the new political entity created by this charter.

38 (d) The unification of the governments of the City of Roberta and Crawford County is
39 authorized pursuant to the provisions of Article IX, Section III, Paragraph II(a) of the
40 Constitution of the State of Georgia.

41 **SECTION 1-1-2.**

42 Boundaries.

43 Roberta-Crawford County, Georgia, shall embrace the total area included within the existing
44 territorial limits of Crawford County as such limits are established on the effective date of
45 this charter, provided that such limits may be altered and changed from time to time as
46 provided by the Constitution and laws of the State of Georgia pertaining to counties.

47 **SECTION 1-1-3.**

48 Status as municipal corporation and county.

49 Roberta-Crawford County, Georgia, shall be deemed to be both a municipal corporation and
50 a county throughout the total territorial limits of such government.

51 **SECTION 1-1-4.**

52 Powers.

53 (a) Roberta-Crawford County, Georgia, shall have all rights, powers, duties, privileges, and
54 authority, whether express or implied, that may now be vested in or hereafter granted to

55 counties, municipal corporations, or both by the Constitution and laws of the State of
56 Georgia.

57 (b) In addition to the rights, duties, powers, privileges, and authority expressly conferred by
58 this charter, the unified government of Roberta-Crawford County shall have the right, duty,
59 power, privilege, and authority to exercise and enjoy all other powers, duties, functions,
60 rights, privileges, and immunities necessary and proper to promote or protect the safety,
61 health, peace, security, and general welfare of the government and its inhabitants and to
62 exercise all implied powers necessary to carry into execution all powers granted in this
63 charter as fully and completely as if such powers were fully enumerated in this charter, and
64 to do and perform all of the acts pertaining to its property, affairs, and local government
65 which are necessary or proper in the legitimate exercise of its corporate powers and
66 governmental duties and functions.

67 (c) No enumeration of any right, duty, power, privilege, or authority shall be construed as
68 limiting or abolishing any right, duty, power, privilege, or authority set forth in this charter.

69 **SECTION 1-1-5.**

70 Establishment of special services districts.

71 The governing authority of Roberta-Crawford County shall possess the authority to establish
72 special services districts. All special services districts shall be created, expanded, merged,
73 consolidated, or reduced only by an ordinance duly adopted by the governing authority of
74 Roberta-Crawford County under such general rules, procedures, regulations, requirements,
75 and specifications as established by the governing authority. No new special services district
76 shall be created or existing such districts expanded, abolished, merged, consolidated, or
77 reduced without providing an opportunity for interested persons to be heard at a public
78 hearing. Notice of the proposed expansion, abolition, merger, consolidation, or reduction of
79 a services district and of the required public hearing shall be published once a week for two
80 weeks in the official legal organ of Roberta-Crawford County.

113 district contiguous to such part which contains the least population according to the United
114 States decennial census of 2010 for the State of Georgia.

115 (4) Except as otherwise provided in the description of any district, whenever the
116 description of such district refers to a named city, it shall mean the geographical boundaries
117 of that city as shown on the census map for the United States decennial census of 2010 for
118 the State of Georgia.

119 **SECTION 2-1-3.**

120 Terms and qualifications.

121 (a) The initial term of office of the commissioners elected from Districts 2, 3, and 4 shall be
122 from January 1, 2018, through December 31, 2018, and until their respective successors are
123 elected and qualified. Members shall take office on the first day of January immediately
124 following their election and serve until their successors are elected and qualified. The initial
125 term of office for commissioners elected from Districts 1 and 5 shall be from January 1,
126 2018, through December 31, 2020, and until their respective successors are elected and
127 qualified. Members shall take office on the first day of January immediately following their
128 election and serve until their successors are elected and qualified. Successors shall be elected
129 in partisan elections coinciding with the November general election immediately preceding
130 the expiration of the term of office.

131 (b) Other than as provided in subsection (a) of this section, subsequent terms of office shall
132 be for four years. Members shall take office on the first day of January immediately
133 following their election and serve until their successors are elected and qualified. Successors
134 to those elected to the initial terms of office shall be elected in partisan elections coinciding
135 with the November general election immediately preceding the expiration of their term of
136 office.

137 (c) Each candidate for the board of commissioners shall specify the district for which such
138 person is offering for election. Each successful candidate for commissioner shall be elected
139 by a majority of the qualified electors voting in such district. No person shall be eligible for
140 election or appointment to the board of commissioners unless such person shall, on or before
141 the date of election or appointment to such office, have attained the age of 21, be a qualified
142 elector of Roberta-Crawford County, have been a resident of Roberta-Crawford County for
143 at least one year prior to the election, and shall be a resident of the district from which such
144 person offers as a candidate. Failure of a member to continue to reside within the district
145 from which elected or appointed during such member's term of office shall result in forfeiture
146 of office.

147 **SECTION 2-1-4.**

148 Powers.

149 All powers of Roberta-Crawford County, including any such powers which may hereafter
 150 be conferred by amendment of this charter or by the Constitution or laws of Georgia, shall
 151 be vested in the Board of Commissioners of Roberta-Crawford County, except as otherwise
 152 provided by law or by this charter. The board shall provide by ordinance for the exercise of
 153 such powers and for the performance of all duties and obligations imposed on
 154 Roberta-Crawford County, Georgia, by law.

155 **SECTION 2-1-5.**

156 Chairperson; vice-chairperson; powers; duties; term limits; vacancies.

157 (a) A chairperson shall be elected by the members of the board from among the members
 158 of the board at the first board meeting in January, 2018, and at the first board meeting in
 159 January each year thereafter. The chairperson shall be the executive head of the unified
 160 government and shall have such other powers and duties as may be provided by ordinance
 161 or resolution that are not in conflict with this charter. Specifically, the chairperson shall:

- 162 (1) Preside over all meetings of the board of commissioners;
- 163 (2) Serve as the ceremonial head of Roberta-Crawford County, Georgia, and as its official
 164 representative to federal, state, and local governmental bodies and officials;
- 165 (3) Call special meetings of the commission as provided by this charter;
- 166 (4) Where allowed by state law, appoint and remove, with a majority vote of the
 167 commission, the attorney for the unified government, members of all boards and authorities
 168 of the unified government, and members of committees of the commission;
- 169 (5) Sign orders, checks, and warrants for payment of money subject to the policies and
 170 procedures adopted by the board of commissioners;
- 171 (6) Execute all contracts, deeds, and other obligations of the unified government; and
- 172 (7) Perform any other duties and exercise any other powers required by state or federal law
 173 or authorized by a duly adopted ordinance that is not in conflict with this charter.

174 (b) The chairperson shall be authorized to vote on any matter before the board of
 175 commissioners in the same manner as any other member of the board. The chairperson shall
 176 not have the power to veto any ordinance or resolution duly enacted or adopted by the board
 177 of commissioners.

178 (c) At their first meeting in January each year, the commissioners shall also elect a
 179 vice-chairperson to serve for a term of one year. In the absence of the chairperson for any
 180 cause, the vice-chairperson shall preside over meetings and discharge the duties of the

181 chairperson. If a vacancy occurs in the position of chairperson, the vice-chairperson shall
 182 assume the duties and receive the compensation of chairperson until a successor is elected
 183 or appointed and sworn into office, as provided in Section 2-1-7 of this charter.

184 **SECTION 2-1-6.**

185 Compensation.

186 (a) The members of the board of commissioners shall be compensated at the base rate of
 187 \$1,000.00 per month from funds of Roberta-Crawford County.

188 (b) The chairperson of the board of commissioners shall be compensated at the base rate of
 189 \$1,100.00 per month from funds of Roberta-Crawford County.

190 (c) The chairperson and members of the board of commissioners shall be eligible for such
 191 benefits as authorized under Code Sections 36-1-11.1, 36-5-27, 36-5-28, and 36-5-29 and
 192 subsection (a) of Code Section 36-35-4 of the O.C.G.A.

193 (d) In addition to the salary, commissioners shall be reimbursed, under such regulations and
 194 limitations as may be adopted by the board of commissioners, for direct expenses incurred
 195 in carrying out the duties and responsibilities of the unified government.

196 (e) The salary of members of the commission may be changed by ordinance or resolution,
 197 in the manner specified for county governing authorities in Code Section 36-5-24 of the
 198 O.C.G.A. or any similar future general law of the State of Georgia.

199 (f) Nothing in this section shall be construed to prohibit the commission from exercising its
 200 home rule powers as established in Code Section 36-35-4 of the O.C.G.A.

201 **SECTION 2-1-7.**

202 Vacancies.

203 (a) The office of a commissioner shall become vacant if a member ceases to reside in the
 204 district from which elected or upon a member's death, resignation, or removal from office
 205 or forfeiture of office upon the occurrence of any event specified by the Constitution of the
 206 State of Georgia, Title 45 of the O.C.G.A., or any other applicable law, now existing or
 207 hereafter enacted.

208 (b)(1) In the event that the office of a commissioner becomes vacant for any reason, a
 209 successor shall be selected as provided in paragraphs (2) and (3) of this subsection.

210 (2) If there are more than 12 months remaining in the unexpired term, the position shall
 211 be filled by special election at the next permissible date for a special election. The special
 212 election shall be called by the election superintendent as provided by general law. Any

213 person so elected must possess the same qualifications for election as set forth in
214 subsection (c) of Section 2-1-3 of this charter.

215 (3) If less than 12 months remain in the unexpired term, the board of commissioners shall
216 appoint a successor to fill the unexpired term. Any person so appointed must possess the
217 same qualifications as for election set forth in subsection (c) of Section 2-1-3 of this
218 charter.

219 Chapter 2 - Organization and Procedure

220 SECTION 2-2-1.

221 Oath; rules; records; meetings; quorum; emergency ordinances.

222 (a) The board of commissioners shall hold its organizational meetings on the first working
223 day in January following the general election. At or before such meetings, the newly elected
224 or reelected commissioners shall each take the following oath of office, to be administered
225 by the judge of the probate court:

226 "I do solemnly swear or affirm that I will well and truly perform the duties of the office of
227 commissioner of Roberta-Crawford County, Georgia, and that I will support and defend
228 the charter thereof and the Constitution and laws of the State of Georgia and of the United
229 States."

230 (b) The board shall determine its own rules and order of business as it deems appropriate to
231 govern the conduct and procedures of its meetings, provided that the board shall comply with
232 the open and public meeting requirements of Chapter 14 of Title 50 of the O.C.G.A. The
233 board shall provide for the keeping of minutes of its proceedings which shall be a public
234 record.

235 (c) The board shall meet twice a month on a regularly scheduled day and time as voted on
236 by the board during the first meeting of the year. No additional notice shall be required to
237 be given for any regular meeting.

238 (d) The board may hold such special meetings as it deems necessary or proper. Special
239 meetings may be held on the call of the chairperson or any two or more commissioners upon
240 no less than 24 hours written notice to each member at the usual place of business or
241 residence of such member. Notice of special meetings must be provided for as specified by
242 Code Section 50-14-1 of the O.C.G.A.

243 (e) The board of commissioners shall establish by ordinance procedures for the convening
244 of emergency meetings.

245 (f) The presence of three members of the board of commissioners, including the chairperson
246 or vice-chairperson who shall preside over the meeting, shall constitute a quorum for the

247 transaction of business. No official act which is to have the force and effect of law shall be
 248 valid or binding unless adopted by the affirmative vote of a majority of the board of
 249 commissioners then serving in office.

250 (g) To meet a public emergency threatening life, health, property, or public safety, the board
 251 of commissioners may adopt emergency ordinances; provided, however, that such ordinances
 252 may not be enacted to levy taxes; to grant, renew, or extend a franchise; to regulate the rate
 253 charged for any public utility or service; or to authorize the borrowing of money unless it
 254 shall be repaid in 30 days or less. An emergency ordinance shall be plainly designated as an
 255 emergency ordinance and shall contain a declaration stating what emergency exists. An
 256 emergency ordinance may be adopted with or without amendment, but the affirmative vote
 257 of the board of commissioners shall be required for adoption. An emergency ordinance shall
 258 stand repealed on the 16th day following the date of its adoption; provided, however, that,
 259 if the emergency still exists, it may be reenacted as provided in this subsection. An
 260 emergency ordinance may be repealed by adoption of a repealing ordinance in the same
 261 manner specified for the adoption of an emergency ordinance.

262 Chapter 3 - Ethics and Prohibited Practices

263 **SECTION 2-3-1.**

264 Conflicts of interest; holding other offices.

265 (a) Conflicts of interest. No elected official, appointed officer, or employee of the unified
 266 government or of any agency or political entity to which this charter applies shall knowingly:

267 (1) Engage in any business or transaction or have a financial or other personal interest,
 268 direct or indirect, which is incompatible with the proper discharge of his or her official
 269 duties, or which would tend to impair the independence of his or her judgment or action
 270 in the performance of his or her official duties;

271 (2) Engage in or accept private employment or render services for private interests when
 272 such employment or service is incompatible with the proper discharge of his or her official
 273 duties or would tend to impair the independence of his or her judgment or action in the
 274 performance of his or her official duties;

275 (3) Disclose confidential information concerning the property, government, or affairs of
 276 the governmental body by which he or she is engaged without proper legal authorization;
 277 or use such information to advance the financial or other private interest of himself or
 278 herself or others;

279 (4) Accept any valuable gift, whether in the form of a service, loan, thing, or promise from
 280 any person, firm, or corporation which to his or her knowledge is interested, directly or

281 indirectly, in any manner whatsoever, in business dealings with the governmental body by
282 which he or she is engaged; provided, however, that an elected official who is a candidate
283 for public office may accept campaign contributions and services in connection with any
284 such campaign. The commission shall adopt a policy or ordinance which quantifies and
285 defines the terms of valuable gifts;

286 (5) Represent other private interests in any action or proceeding against the unified
287 government or any portion thereof; or

288 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
289 any business or entity in which he or she has a financial interest.

290 (b) Disclosure. Any elected official, appointed officer, or employee who shall have any
291 private financial interest, directly or indirectly, in any contract or matter pending before or
292 within any department of the unified government shall disclose such private interest to the
293 board of commissioners. Any commissioner who has a private interest in any matter pending
294 before the board of commissioners shall disclose such private interest, and such disclosure
295 shall be entered on the records of the board, and the commissioner shall disqualify himself
296 or herself from participating in any decision or vote relating thereto. Any elected official,
297 appointed officer, or employee of any agency or political entity to which this charter applies
298 who shall have any private financial interest, directly or indirectly, in any contract or matter
299 pending before or within any department of the unified government shall disclose such
300 private interest to the governing body of the agency or entity.

301 (c) Use of public property. No elected official, appointed officer, or employee of the unified
302 government or of any agency or entity to which this charter applies shall use property owned
303 by such governmental body for personal benefit, convenience, or profit except in accordance
304 with policies promulgated by the board of commissioners or the governing body of such
305 agency or entity.

306 (d) Contracts voidable and rescindable. Any violation of this section which occurs with the
307 knowledge, express or implied, of a party to a contract or sale shall render such contract or
308 sale voidable at the option of the board of commissioners.

309 (e) Ineligibility of elected official. Except where authorized by law, no commissioner shall
310 hold any other elective or compensated appointive office in the unified government or
311 otherwise be employed by the unified government or any agency thereof during the term for
312 which he or she is elected, unless he or she vacates the office.

313 (f) Political activities of certain officers and employees. Any appointive officer or employee
314 of the unified government shall be required to take a leave of absence or resign his or her
315 position upon qualifying as a candidate for nomination or election to any elected office in the
316 unified government of Roberta-Crawford County.

317 (g) Penalties for violations. Any officer who knowingly conceals such financial interest or
 318 knowingly violates any of the requirements of this section shall be guilty of malfeasance in
 319 office and shall be subject to the following penalties and actions:

- 320 (1) Written warning, censure, or reprimand to be issued in public;
- 321 (2) Removal from office as provided by Georgia law;
- 322 (3) Cancellation of the contract or rejection of the bid or offer;
- 323 (4) Recovery of the value transferred or received; and
- 324 (5) Referral to proper criminal authorities.

325 **SECTION 2-3-2.**

326 Prohibitions.

327 No member of the board of commissioners shall hold any other federal, state, or local elected
 328 office during that person's term of office as a commissioner. Nothing in this section shall be
 329 construed to prohibit any member of the board from representing Roberta-Crawford County
 330 on any special commission or regional entity or other intergovernmental agency or accepting
 331 any federal, state, or local appointed office unless prohibited by law.

332 **ARTICLE III**

333 **COUNTY MANAGER**

334 **SECTION 3-1-1.**

335 Appointment; qualifications; compensation.

- 336 (a) The board of commissioners shall appoint a manager by a majority vote of the board.
 337 The manager shall serve at the pleasure of the board of commissioners.
- 338 (b) Except as specifically provided in this charter, the board shall, by ordinance or
 339 resolution, establish the manager's qualifications, powers, duties, and compensation.

340 ARTICLE IV
 341 ADMINISTRATION
 342 Chapter 1 - Officers

343 **SECTION 4-1-1.**
 344 Sheriff; law enforcement.

345 (a) The sheriff of Crawford County in office on the effective date of this charter shall be the
 346 sheriff of Roberta-Crawford County, Georgia. The sheriff shall serve for the same term as
 347 provided by law, and the compensation shall be fixed as provided by law. Subsequent
 348 elections for the sheriff shall be on the same basis as provided by law for the election of
 349 sheriffs generally. The sheriff shall be the chief law enforcement officer of
 350 Roberta-Crawford County, Georgia. In addition, the sheriff shall be responsible for the
 351 operation of the jail, the transport of prisoners, the service of process, and such other duties
 352 as are required of sheriffs by the Constitution and laws of the State of Georgia.

353 **SECTION 4-1-2.**
 354 Judge of the probate court; clerk of the superior court;
 355 tax commissioner; coroner; magistrate.

356 The judge of the probate court, the clerk of the superior court, the tax commissioner, the
 357 coroner, and the magistrate judge of Crawford County shall, after consolidation, be the judge
 358 of the probate court, the clerk of the superior court, the tax commissioner, the coroner, and
 359 the magistrate judge of Roberta-Crawford County, Georgia. These officers shall serve for
 360 the same term as provided by law, and the compensation shall be fixed as provided by law.
 361 Subsequent elections or appointments for these officers shall be on the same basis as
 362 provided by law for the election or appointment of such officers generally. The judge of the
 363 probate court, the clerk of the superior court, the tax commissioner, the coroner, and the
 364 magistrate judge shall perform the same duties and exercise the same powers as conferred
 365 on such officers generally by the Constitution and laws of Georgia.

366 **SECTION 4-1-3.**
 367 Attorney.

368 The attorney for Roberta-Crawford County shall be appointed and removed by a vote of a
 369 majority of the members of the board of commissioners. The attorney shall act as the chief
 370 legal adviser to the board of commissioners, the manager, and all departments and agencies

371 of the board of commissioners and shall represent such government in all legal proceedings
 372 and perform such other duties prescribed by general law, by this charter, or by ordinance or
 373 resolution of the board of commissioners. The board of commissioners shall set the
 374 qualifications and compensation of the attorney and any other matters relative to the selection
 375 of the attorney.

376 **SECTION 4-1-4.**

377 Surveyor.

378 The board of commissioners shall appoint a qualified person to hold the office of surveyor
 379 for a term of one year from the date of appointment. Successors shall also be appointed for
 380 terms of one year. Any person appointed as surveyor of Roberta-Crawford County shall
 381 possess the qualifications specified by paragraph (1) of subsection (b) of Code
 382 Section 36-7-2 of the O.C.G.A.

383 Chapter 2 - Personnel

384 **SECTION 4-2-1.**

385 Existing pension rights protected.

386 All employees and former employees of any office, department, board, commission, or
 387 agency of the former City of Roberta or of the former Crawford County shall retain all
 388 pension rights, if any, which had accrued to them prior to the effective date of this charter
 389 under any existing pension system. The services of such employees shall not be deemed to
 390 have been interrupted by the adoption of this charter.

391 **SECTION 4-2-2.**

392 Establishment of new retirement systems.

393 The board of commissioners is authorized and empowered to establish and maintain a new
 394 retirement system or retirement systems affecting employees and to revise, combine, and
 395 consolidate any pension system in effect on the effective date of this charter; provided,
 396 however, that in no event shall any revision, combination, or unification of any existing
 397 pension system in effect when this charter is adopted result in the curtailment or
 398 diminishment of any right accrued under any existing pension system to any person
 399 heretofore employed by the City of Roberta, Crawford County, or of any agency of such
 400 former governments.

401 **SECTION 4-2-3.**

402 Establishment of personnel system.

403 The board of commissioners shall establish a personnel system for all employees under the
404 control of the unified government. The system shall be consistent with all state and federal
405 laws.

406 **SECTION 4-2-4.**

407 Employee retention.

408 It is the intent of the General Assembly that as many employees of Crawford County and the
409 City of Roberta as feasible shall continue in the same or a substantially equal position with
410 at least the same salary and benefit level, where possible within budget constraints, after the
411 consolidation is complete. It is further the intent of the General Assembly that the integration
412 of the sheriff's office and the city police department shall be seamless and cooperative and
413 that where possible, the rights and positions of all employees shall be respected.

414 Chapter 3 - Boards, Commissions, and Authorities

415 **SECTION 4-3-1.**

416 Boards, commissions, and authorities; continued.

417 All existing boards, commissions, and authorities of either the City of Roberta, Crawford
418 County, or both are continued without interruption on the effective date of this charter.

419 **SECTION 4-3-2.**

420 Boards, commissions, and authorities; appointments thereto.

421 Whenever general or local law provides for appointments to boards, commissions, or
422 authorities from both the city and the county, all appointments shall be made by the board
423 of commissioners, and all appointees shall be residents of Roberta-Crawford County.

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ARTICLE V
JUDICIARY

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SECTION 5-1-1.

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Superior court and district attorney; probate court; magistrate court;
unaffected by charter; re-designation.

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(a) The Superior Court of Crawford County, including the office of district attorney; the Probate Court of Crawford County; and the Magistrate Court of Crawford County shall continue their operations without interruption resulting from the adoption of this charter, and nothing herein shall be construed as affecting the status of such courts. The courts shall be known as the Superior Court of Crawford County, the Probate Court of Crawford County, and the Magistrate Court of Crawford County.

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(b) On the effective date of this charter, the Municipal Court of Roberta shall stand abolished. Any pending cases shall be transferred to the Probate Court of Crawford County, the Magistrate Court of Crawford County, or the Superior Court of Crawford County, whichever has appropriate jurisdiction of the case.

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ARTICLE VI
ELECTIONS
Chapter 1 - Conduct of Elections

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SECTION 6-1-1.
Applicability of general laws.

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Except as otherwise provided by this charter, primaries and regular and special elections shall be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." As used in such Code, the terms "election" or "general election" shall be construed to include the term "regular election" as provided in Section 6-1-2 of this charter; the term "governing authority" shall include the chairperson and the Board of Commissioners of Roberta-Crawford County, Georgia; the terms "municipal," "municipality," or "county" shall include Roberta-Crawford County, Georgia; and the term "public office" shall include the elective offices of Roberta-Crawford County, Georgia.

452 **SECTION 6-1-2.**

453 Initial and regular elections; voting.

454 The initial members of the governing authority of Roberta-Crawford County shall be elected
 455 at a special election to be held on the third Tuesday in March, 2017. Subsequent elections
 456 shall be held as provided in Chapter 2 of Title 21 of the O.C.G.A. for partisan elections, in
 457 even numbered years, beginning in 2018. All elections shall be held as specified in general
 458 law. Except for special elections to fill vacancies in office, all officers who are required by
 459 this charter to be elected shall be elected at the November general election immediately
 460 preceding the expiration of such person's term of office.

461 **ARTICLE VII**

462 **REVENUE AND FINANCE**

463 Chapter 1 - Taxation and Other Revenues

464 **SECTION 7-1-1.**

465 Levy and collection of taxes, fees, charges, and assessments; appropriations.

466 The board of commissioners shall have full power and authority to levy and collect all taxes,
 467 charges, and assessments which counties and municipalities are authorized to levy and
 468 collect, to the full extent permitted by the Constitution and laws of the State of Georgia,
 469 whether local or general, including any tax hereafter authorized by state law.

470 **SECTION 7-1-2.**

471 Services districts; taxation therein.

472 (a)(1) The general services district shall consist of the total area of Crawford County.
 473 Roberta-Crawford County shall perform within the general services district those duties,
 474 functions, and services which are generally available and accessible to all residents
 475 throughout the total area of such government.

476 (2) The general services district shall constitute a general service tax district within which
 477 the board of commissioners shall levy and collect taxes and fees and shall appropriate
 478 money to perform and discharge those powers, functions, and services provided in such
 479 district.

480 (b)(1) In addition to the general services district, the board of commissioners may also
 481 establish special services districts within which additional or higher levels of services are
 482 provided as cities and counties are so authorized by Article IX, Section II, Paragraph VI

483 of the State Constitution. Roberta-Crawford County shall perform within any special
 484 services districts such additional, more comprehensive, and higher levels of governmental
 485 duties, functions, and services which benefit primarily the residents of such special services
 486 districts.

487 (2) Any special services district created by the board of commissioners shall constitute a
 488 special services tax district within which the board of commissioners may levy and collect
 489 additional taxes and fees and may appropriate additional money from such taxes and fees
 490 to perform and discharge those additional powers, functions, and additional services
 491 provided in such special services district by the unified government.

492 (c) The assessment of real and personal property for ad valorem tax purposes shall be a
 493 uniform basis throughout the entire area of Roberta-Crawford County; provided, however,
 494 the rate and manner of additional taxation in services districts may vary in any services
 495 district from that in another or other services district in such a way as to reflect reasonably
 496 the kind, character, type, degree, and level of services afforded to such services district or
 497 districts.

498 Chapter 2 - Borrowing and Indebtedness

499 **SECTION 7-2-1.**

500 Allocation of indebtedness.

501 (a) All general indebtedness of Crawford County, whether represented by general obligation
 502 bonds or otherwise, which may be outstanding upon the effective date of this charter, shall
 503 be allocated to Roberta-Crawford County and is hereby recognized as the obligation of
 504 Roberta-Crawford County, Georgia.

505 (b) All general indebtedness of the City of Roberta, whether represented by general
 506 obligation bonds or otherwise, which may be outstanding upon the effective date of this
 507 charter, shall be allocated to Roberta-Crawford County and is hereby recognized as the
 508 obligation of Roberta-Crawford County, Georgia.

509 (c) All indebtedness associated with users of specific services, such as the city or county
 510 water systems, shall remain the obligation of the users of those systems respectively.

511 (d) The annual tax levy ordinances for the general services district or any special services
 512 district shall provide, in addition to all other taxes assessed, a tax levy sufficient to pay the
 513 principal and interest charges on all outstanding general obligation bonds due or to be paid
 514 in the ensuing fiscal year.

515 (e) The board shall be empowered and authorized to issue revenue bonds for the purposes
 516 and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the
 517 O.C.G.A., the "Revenue Bond Law."

518 (f) All revenue derived by the unified government from the issuance and sale of bonds shall
 519 be used exclusively for the purposes for which such bonds were issued, and all ad valorem
 520 taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively
 521 for the payment of principal and interest thereof.

522 Chapter 3 - Financial Administration

523 **SECTION 7-3-1.**

524 Fiscal year; budget; audit.

525 (a) The fiscal year of Roberta-Crawford County shall run from October 1 to September 30.

526 (b) The board of commissioners of the unified government shall adopt an annual budget and
 527 provide for an annual audit as provided for in Chapter 81 of Title 36 of the O.C.G.A.

528 (c) The manager, with input from all department heads and other appointed officials of the
 529 board of commissioners, shall prepare and present the annual budget of Roberta-Crawford
 530 County to the board of commissioners. The commissioners shall have full power and
 531 authority to adopt, reject, or amend the proposed budget.

532 **SECTION 7-3-2.**

533 Lapse of appropriations.

534 All unencumbered balances of appropriations in the current operating budget at the end of
 535 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 536 from which such appropriations were made.

537 **ARTICLE VIII**

538 **GENERAL PROVISIONS**

539 **SECTION 8-1-1.**

540 Application of laws; laws in force.

541 (a) The general laws of the State of Georgia and those general laws of local application
 542 through classification by population shall be applicable to and within the limits of
 543 Roberta-Crawford County.

544 (b) Local Acts of the State of Georgia which apply specifically to either Crawford County,
545 the City of Roberta, or both shall be applicable to Roberta-Crawford County.

546 (c) In construing the applicability of provisions of the Constitution and the general laws of
547 the State of Georgia which apply in general terms to either counties, municipalities, or both,
548 and local Acts of the General Assembly that apply specifically to Crawford County, the City
549 of Roberta, or both, the following terms as used in such laws shall be construed to include
550 Roberta-Crawford County as follows:

551 (1) "County" shall be construed to include Roberta-Crawford County, Georgia;

552 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
553 include Roberta-Crawford County, Georgia;

554 (3) "Commissioners of roads and revenues," "board of commissioners," "county
555 commissioner," and "commissioner" shall be construed to include the Board of
556 Commissioners of Roberta-Crawford County, Georgia;

557 (4) "Council," "mayor and council," "aldermen," "board of aldermen," and the "city
558 commission" shall be construed to include the Board of Commissioners of
559 Roberta-Crawford County, Georgia;

560 (5) "Chairman of the commissioners of roads and revenues," "chairman of the board of
561 county commissioners," and "commissioner" shall be construed to include the chairperson
562 of the Board of Commissioners of Roberta-Crawford County, Georgia;

563 (6) "Mayor" shall be construed to include the chairperson of the Board of Commissioners
564 of Roberta-Crawford County, Georgia; and

565 (7) Any other terms and provisions as used in such Acts to refer specifically to Crawford
566 County, the City of Roberta, or both, and the officers, employees, departments, and
567 agencies thereof shall be construed to mean Roberta-Crawford County, Georgia, and its
568 officers, employees, departments, and agencies.

569 (d) In construing the applicability of laws in force to Roberta-Crawford County, the
570 following order shall prevail:

571 (1) The Constitution of the State of Georgia;

572 (2) The general laws of uniform application now in force or hereafter enacted by the
573 General Assembly, as distinguished from general laws of local application through
574 classification by population, applicable to municipal corporations, counties, or both;

575 (3) The general laws of local application through classification by population;

576 (4) Special laws applicable to Crawford County, not in conflict with this charter;

577 (5) Special laws applicable to the City of Roberta, not in conflict with this charter; and

578 (6) This charter and all ordinances and resolutions passed pursuant thereto.

579 **SECTION 8-1-2.**

580 Federal and state aid.

581 For the purpose of determining its right to receive and for the purpose of receiving state aid
 582 or grant-in-aid from the State of Georgia or from the United States or from any agency or
 583 instrumentality thereof or from any other source, public or private, Roberta-Crawford
 584 County, Georgia, shall be deemed a county but shall also be deemed an incorporated
 585 municipality. When state aid or other grant-in-aid is distributed to any county or
 586 municipality on the basis of population, area, or both, then the entire population and the total
 587 area of Roberta-Crawford County and the population or the area of any special services
 588 district or districts, respectively, shall be considered in calculating and determining the basis
 589 for such distribution. When state aid or other grant-in-aid is distributed to any county on the
 590 basis of rural area, rural road mileage, or rural population, or any combination thereof, then
 591 that area of the general services district outside of any special services district shall be
 592 deemed to constitute a rural area, its road mileage to constitute rural road mileage, and its
 593 population to constitute rural population.

594 **SECTION 8-1-3.**

595 Effect of repeals.

596 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein
 597 of the repealing Act or by any provision of this charter that disclaims an intention to repeal
 598 or affect enumerated laws.

599 **SECTION 8-1-4.**

600 Severability clause.

601 If any provision of this charter or the application thereof to any person or circumstance is
 602 held invalid, such invalidity shall not affect other provisions or applications of this charter
 603 which can be given effect without the invalid provision or application, and to this end the
 604 provisions of this charter are declared to be severable.

605 **SECTION 8-1-5.**

606 Tort and nuisance liability.

607 The tort and nuisance liability of the unified government shall follow the law and rules of the
 608 tort liability applicable to counties in Georgia.

636 **SECTION 9-1-4.**

637 Initial budget.

638 (a) The initial budget of the Roberta-Crawford County government for the period of time
 639 from the effective date of the government to the beginning of its first full fiscal year on
 640 October 1 shall be adopted at the first meeting of the Roberta-Crawford County Board of
 641 Commissioners.

642 **SECTION 9-1-5.**

643 Cooperation of former governments.

644 (a) All officers, officials, and employees of the former City of Roberta and Crawford County
 645 shall cooperate with and assist the board of commissioners, the manager, and other officers
 646 of Roberta-Crawford County, Georgia:

647 (1) In planning the consolidation of departments, boards, commissions, authorities, and
 648 agencies of such former governments and in transferring the functions, duties, and
 649 responsibilities of such departments, boards, commissions, authorities, and agencies to the
 650 appropriate agencies of Roberta-Crawford County, Georgia; and

651 (2) In all other respects in order that the transfer of the governments be accomplished in
 652 the most orderly manner possible, the officers of Roberta-Crawford County shall be
 653 entitled to examine all records, files, and other data in the possession of the former
 654 governments and of all officers, officials, employees, and departments thereof.

655 **SECTION 9-1-6.**

656 Ordinances and resolutions.

657 The board of commissioners shall adopt a uniform body of ordinances and resolutions at its
 658 first regular meeting.

659 **SECTION 9-1-7.**

660 Contracts and obligations.

661 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and
 662 other obligations or instruments entered into by Crawford County or the City of Roberta or
 663 for the benefit of either the county or the city prior to the effective date of this charter shall
 664 continue in effect according to the terms thereof as obligations and rights of
 665 Roberta-Crawford County; provided, however, that any obligations created by Crawford

666 County or the City of Roberta to become effective after the date of approval of this charter
 667 and prior to the effective date of this charter shall be subject to ratification and approval by
 668 the Board of Commissioners of Roberta-Crawford County within six months following the
 669 effective date of this charter.

670 (b) No pending action or proceeding of any nature, whether civil, criminal, judicial,
 671 administrative, or other, by or against the City of Roberta or Crawford County or an agency
 672 or department thereof shall be abated or otherwise affected by the adoption of this charter,
 673 and Roberta-Crawford County shall stand substituted as a party in lieu thereof.

674 **SECTION 9-1-8.**

675 Dissolution of existing governments.

676 (a) On January 1, 2018, the charter of the City of Roberta, approved April 7, 1976
 677 (Ga. L. 1976, p. 4127), as amended, is repealed in its entirety.

678 (b) On January 1, 2018, the Office of the Board of Commissioners of Crawford County and
 679 the City Council of the City of Roberta and all the officers thereof and the offices thereof not
 680 continued under this charter are abolished, and all emoluments appertaining thereto shall
 681 cease. Thereupon the governments of Crawford County and the City of Roberta shall
 682 terminate as separate political entities and all powers, functions, duties, and obligations
 683 thereof shall be transferred to and vested in Roberta-Crawford County, Georgia.

684 **SECTION 9-1-9.**

685 Transfer of records and equipment.

686 When an agency of the City of Roberta or of Crawford County is abolished or consolidated
 687 by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal
 688 property in possession of the same shall be transferred to and vested in Roberta-Crawford
 689 County, Georgia.

690 **SECTION 9-1-10.**

691 Officers serve until successors qualify.

692 Notwithstanding any other provision of this charter, any officer performing duties under the
 693 government of the City of Roberta or Crawford County shall continue to perform the duties
 694 thereof until a successor, whether under the same title or office of another, shall be elected
 695 or appointed and qualified to perform the duties, it being the intention hereof that no duty or
 696 services shall lapse or be abandoned because of lack of an officer to perform same.

697

SECTION 9-1-11.

698

Referendum on the charter.

699 (a) It shall be the duty of the superintendent of elections of Crawford County to call a special
 700 election for approval or rejection of the proposed charter. Such special election shall be
 701 called for the Tuesday following the first Monday in November, 2016. The superintendent
 702 of elections shall cause the date and purpose of the election to be published once a week for
 703 two calendar weeks immediately preceding the date thereof in the official legal organ of
 704 Crawford County. The ballot shall have written or printed thereon the following:

705 "() YES Shall the charter reorganizing and fully unifying the governments of the
 706 () NO City of Roberta and Crawford County into a single government be
 707 approved?"

708 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those
 709 persons desiring to vote for rejection of the charter shall vote "No." If more than one-half
 710 of the votes cast by the qualified voters of Crawford County residing within the corporate
 711 limits of the City of Roberta are for approval of the charter and if more than one-half of the
 712 total number of votes cast by all the qualified voters of Crawford County are for approval of
 713 the charter, then the charter shall become effective on January 1, 2018. Otherwise, it shall
 714 be void and of no force and effect. The expense of such election shall be borne equally by
 715 the City of Roberta and Crawford County.

716 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
 717 O.C.G.A., the "Georgia Election Code."

718 (d) A qualified voter, as used in this Act, shall mean a voter of Crawford County qualified
 719 to vote for members of the General Assembly of Georgia. The superintendent of elections
 720 shall certify the returns to the Secretary of State.

721

SECTION 9-1-12.

722

Effective date of charter.

723 Section 9-1-11 of this charter and those parts of the charter necessary for conducting
 724 elections in 2017 if the charter is ratified by the voters shall become effective upon the
 725 approval of this charter by the Governor or upon its becoming law without such approval.
 726 The remaining provisions of this charter shall become effective January 1, 2018.

727

SECTION 9-1-13.

728

Repeal of conflicting laws.

729 All laws and parts of laws in conflict with this charter are repealed.