

The Senate Committee on State and Local Governmental Operations offered the following substitute to SB 292:

A BILL TO BE ENTITLED
AN ACT

1 To create the Board of Commissioners of Walker County; to provide for continuation of
2 certain obligations and liabilities; to provide for the composition of the board; to provide for
3 elections and terms of office; to provide for qualifications; to provide for commissioner
4 districts; to provide for filling of vacancies; to provide for oaths of office and surety bonds;
5 to provide for the compensation and expenses of the chairperson and members of the board;
6 to provide for a vice chairperson; to provide for powers and duties of such officers; to
7 provide for meetings; to provide for the powers, duties, and authority of the chairperson and
8 members of the board; to provide for formal bids for certain purchases; to provide for the
9 appointment of a clerk and other officials; to provide for the preparation, submission, review,
10 adoption, and amendment of budgets; to provide for expenditure of county funds; to provide
11 for audits of county finances and financial records; to provide for submission; to provide for
12 the specific repeal of a certain local Act; to provide for a referendum; to provide for related
13 matters; to provide for effective dates and automatic repeal; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I.

SECTION 1-1.

18 There is created the Board of Commissioners of Walker County to be elected and organized
19 as provided for in this Act. The board shall be the successor to the office of commissioner
20 of Walker County and shall continue to have the obligations and liabilities of the
21 commissioner of Walker County as existed immediately prior to January 1, 2021. The board
22 shall constitute the governing authority of Walker County and shall exercise the powers,
23 duties, and responsibilities vested in and upon such officers by the provisions of this Act.
24 The term "board," whenever used in this Act, shall mean the Board of Commissioners of
25 Walker County, including the chairperson and all members.

SECTION 1-2.

(a) The board shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts as described in subsection (b) of this section and shall be elected by the electors of their respective districts as provided in Section 1-3 of this Act. The chairperson shall be elected at large as provided in Section 1-3 of this Act.

(b) For the purpose of electing members of the board, Walker County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: walkercc-2017 Plan Type: Local Administrator: SD053 User: Gina.

(c)(1) When used in such attachment, the term "VTD" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

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

(3) Any part of Walker County which is not included in any district described in the plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(4) Any part of Walker County described in the plan as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

SECTION 1-3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

(b) In order to be elected as a member of the board from a commissioner district, a person shall be 18 years of age or older, shall have resided in that district for at least 12 consecutive months prior to election thereto, and shall receive a majority of the votes cast for that office

62 by the electors of that district. At the time of qualifying, each candidate for such office shall
 63 specify the commissioner district for which that person is offering as a candidate. A person
 64 elected as a member of the board from a commissioner district shall continue to reside in that
 65 district during that person's term of office or that office shall thereupon become vacant.

66 (c) The chairperson of the board shall be 25 years of age or older, shall have resided in
 67 Walker County for at least 12 consecutive months prior to election to such office, may reside
 68 anywhere within Walker County, and shall receive a majority of the votes cast for such office
 69 by the electors of the entire county. The chairperson shall continue to reside within Walker
 70 County during that person's term of office or that office shall thereupon become vacant.

71 **SECTION 1-4.**

72 (a) The first members of the Board of Commissioners of Walker County shall be elected at
 73 the 2020 November general election. The members of the board elected thereto from
 74 Commissioner Districts 1 and 2 in 2020 shall take office on January 1, 2021, and shall serve
 75 for an initial term of office which shall expire on January 1, 2023, and upon the election and
 76 qualification of their respective successors. The chairperson and the members of the board
 77 elected thereto from Commissioner Districts 3 and 4 in 2020 shall take office on January 1,
 78 2021, and shall serve for initial terms of office which shall expire on January 1, 2025, and
 79 upon the election and qualification of their respective successors. Those and all future
 80 successors to the chairperson and members of the board whose terms of office are to expire
 81 shall be elected at the November state-wide general election immediately preceding the
 82 expiration of such terms, shall take office on the first day of January immediately following
 83 that election, and shall serve for terms of office of four years and until their respective
 84 successors are elected and qualified.

85 (b) The chairperson and members of the board shall be nominated and elected in accordance
 86 with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

87 **SECTION 1-5.**

88 (a) In the event of a vacancy occurring in the membership of the board, whether the vacancy
 89 is in the office of chairperson or any other member, for any reason other than expiration of
 90 term, that vacancy shall be filled as provided in this section.

91 (b) In the event a vacancy occurs on the board when at least 180 days remain in the
 92 unexpired term of office, the election superintendent of Walker County, within 15 days after
 93 the vacancy occurs, shall issue the call for a special election to fill the vacancy for the
 94 unexpired term. Such special election shall be called and conducted as provided in Chapter
 95 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.
 96 Any person elected in a special election to fill such a vacancy shall take office immediately

97 upon certification of the results of such special election and qualification. If such vacancy
 98 is in the office of chairperson of the board of commissioners, the vice chairperson of the
 99 board shall exercise the powers and duties of the chairperson for the period beginning on the
 100 date the vacancy occurs and ending on the date the successor chairperson takes office for the
 101 unexpired term following the special election provided for in this subsection.

102 (c) In the event a vacancy occurs on the board when less than 180 days remain in the
 103 unexpired term of office, the remaining members of the board shall appoint a qualified
 104 person to fill the vacancy for the unexpired term. Any person appointed by the board to fill
 105 a vacancy as provided in this subsection shall possess the residency and other qualifications
 106 required for the office and shall take office immediately upon appointment and qualification.
 107 If such vacancy is in the office of chairperson of the board, the vice chairperson of the board
 108 shall exercise the powers and duties of the chairperson for the period beginning on the date
 109 the vacancy occurs and ending on the date the successor chairperson takes office for the
 110 unexpired term following his or her appointment as provided for in this subsection. During
 111 the time when the board has a vacancy under this subsection and only during such time, if
 112 a vote on a matter before the board results in a tie, the chairperson or, if the office of
 113 chairperson is vacant and the vice chairperson is serving as chairperson, the vice chairperson
 114 shall be allowed to cast an additional vote to break such tie.

115 **SECTION 1-6.**

116 Before entering upon the discharge of their duties, the chairperson and district commissioners
 117 shall subscribe to an oath before the judge of the probate court of such county for the true and
 118 faithful performance of their duties and that they are not the holders of any public funds
 119 unaccounted for. In addition, the chairperson and each district commissioner shall further
 120 give a satisfactory surety bond to the judge of the probate court of the county payable to the
 121 judge of the probate court or that judge's successor in office and filed in the office of the
 122 judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful
 123 performance of the duties of the office. The costs of said bonds shall be paid out of the
 124 county treasury.

125 **SECTION 1-7.**

126 (a) District commissioners, other than the chairperson, shall serve in such capacity on a
 127 part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall
 128 be paid in equal monthly installments from the funds of Walker County.

129 (b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an
 130 annual salary equal to the annual salary of the highest paid elected county officer of Walker
 131 County, plus an additional \$500.00, or \$100,000.00 per annum, whichever is greater. For

132 the purposes of this subsection, the term "county officer" shall mean only the tax
 133 commissioner, the judge of the probate court, the sheriff, or the clerk of superior court. The
 134 salary provided in this subsection shall be paid in equal monthly installments from the funds
 135 of Walker County. The salary and expenses provided for in this subsection shall constitute
 136 the entire compensation to which the chairperson shall be entitled to be paid from county
 137 funds.

138 (c) The chairperson and the district commissioners may be reimbursed for reasonable
 139 expenses incurred in carrying out their duties. Expenses may be reimbursed only after the
 140 submission of receipts or records of said expenses to the county clerk and approval by
 141 majority vote of the board of commissioners at a regularly scheduled meeting. The
 142 chairperson and commissioners shall be entitled to compensation for serving on any other
 143 boards or authorities for which their membership is provided by law.

144 (d) At their own expense, the district commissioners may participate in county provided
 145 health, dental, and other health related programs and in county sponsored retirement
 146 programs. No county funds shall be spent on these programs for the benefit of the district
 147 commissioners.

148 **SECTION 1-8.**

149 At the first regular meeting of each year, the board shall elect from its members a vice
 150 chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice
 151 chairperson shall perform the duties and exercise the authority of the chairperson until a new
 152 chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings
 153 of the board in the absence of the chairperson and shall serve for the calendar year in which
 154 he or she is elected. In the event of a vacancy in the office of vice chairperson, the board
 155 shall elect a new vice chairperson to serve for the remainder of the calendar year.

156 **SECTION 1-9.**

157 Each month, at the county seat, the board of commissioners shall hold a minimum of two
 158 regular meetings. All meetings shall be open to the public as required by law and shall
 159 provide a time period exclusively for public comment. The time, date, and place of the
 160 meetings shall be determined by the board in the first meeting of the year. Any resolution
 161 passed by the board regarding the time, date, and place of its monthly meetings shall be
 162 published in the official county organ once a week for two weeks during a period of 30 days
 163 immediately following the passage of the resolution. The board of commissioners may hold
 164 such additional meetings as shall be necessary when called by the chairperson or any two
 165 commissioners, provided that all members of the board of commissioners shall have been
 166 notified at least three days in advance of such special meeting which is open to the public.

167 Three district commissioners or the chairperson and any two district commissioners shall
 168 constitute a quorum. No official action shall be taken except upon the affirmative vote of at
 169 least three members of the board of commissioners and except upon compliance with
 170 Chapter 14 of Title 50 of the O.C.G.A. The chairperson shall be entitled to vote on a
 171 question only if the chairperson's vote would affect the outcome of any vote or issue before
 172 the board. The vice chairperson while serving as chairperson shall be entitled to vote on all
 173 matters before the board. All regular and called meetings shall be conducted according to
 174 *Robert's Rules of Order*.

175 **SECTION 1-10.**

176 The chairperson shall administer the affairs and day-to-day business of the county and
 177 preside over the meetings of the board. The duties of the chairperson shall include, but shall
 178 not be limited to, the following:

- 179 (1) Calling meetings of the board as provided in Section 1-9 of this Act;
 180 (2) Preparing a proposed agenda and presiding over meetings of the board;
 181 (3) Representing the county government at ceremonial functions;
 182 (4) Being empowered to submit motions that are made and seconded by district
 183 commissioners to the board for action;
 184 (5) Appointing members and chairpersons to all committees of the board with the approval
 185 of the board; and
 186 (6) Performing such other duties as shall be delegated to the chairperson by the board or
 187 as provided by law or ordinance.

188 The chairperson shall be authorized, in his or her sole discretion, to spend not more than
 189 \$25,000.00 without approval of the board.

190 **SECTION 1-11.**

191 The board shall have the power and authority to fix and establish, by appropriate resolution
 192 entered on its minutes, policies, rules, and regulations governing all matters reserved to its
 193 exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper
 194 entry thereof made on the minutes of the board, shall be conclusive and binding. The board
 195 shall exercise only those administrative powers which are necessarily and properly incident
 196 to its functions as a policy-making or rule-making body or which are necessary to compel
 197 enforcement of its adopted resolutions. Except as otherwise provided in this Act, the
 198 following powers are vested in the board and reserved to its exclusive jurisdiction:

- 199 (1) To levy taxes;
 200 (2) To make appropriations;
 201 (3) To fix rates and charges for services provided by the county;

- 202 (4) To authorize the incurring of indebtedness;
- 203 (5) To order work done where the cost is to be assessed against benefited property and to
204 fix the basis for such assessment;
- 205 (6) To authorize and provide for the execution of contracts;
- 206 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and
207 ferries, according to law; provided, however, that the chairperson shall have the authority
208 to accept subdivision plats when the requirements established by the board for subdivisions
209 have been met;
- 210 (8) To establish, abolish, or change election precincts and militia districts according to
211 law;
- 212 (9) To accept, for the county, the provisions of any optional statute where the statute
213 permits its acceptance by the governing authority of the county;
- 214 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the
215 commissioner of Walker County in respect to zoning and planning;
- 216 (11) To create and change the boundaries of special taxing districts authorized by law;
- 217 (12) To fix the bonds of county officers where same are not fixed by statute;
- 218 (13) To enact any ordinances or other legislation which the county may be given authority
219 to enact;
- 220 (14) To determine the priority of capital improvements;
- 221 (15) To call elections for the voting of bonds;
- 222 (16) To exercise all of the power and authority formerly vested by law in the
223 commissioner of Walker County together with the power and authority which may be
224 delegated by law to the governing authority of the county, by whatever name designated;
- 225 (17) To appoint retained legal counsel and an independent county auditor and provide for
226 their compensation; and
- 227 (18) To require all county officers to report on the general or specific conduct of the
228 financial affairs of their respective offices.

229 **SECTION 1-12.**

230 Formal sealed bids shall be received for all purchases in amounts over the state limit for
231 sealed bids unless the board sets a lower limit. Advertisements for such bids shall be
232 published for two consecutive weeks in the official organ of Walker County. The need for
233 such bids may be dispensed with by the board if it decides that an emergency exists which
234 will not permit a delay.

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SECTION 1-13.

The internal organization of the county government shall be established and altered by the board. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated.

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SECTION 1-14.

The board shall appoint a clerk who shall keep a proper and accurate book of minutes. The book of minutes of the board shall contain all the acts, orders, and proceedings of the board in chronological order. The minutes book of the board shall be open to the public for inspection at all times during regular office hours, and certified copies of any entries in the minutes book shall be furnished by the clerk to any person requesting same upon payment of a reasonable fee to be paid into the county treasury as are other funds and to be assessed by the board in an amount sufficient to defray the cost of preparing same.

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SECTION 1-15.

The chairperson shall submit annually to the board a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. The board shall thereafter hold two public hearings at least seven days apart on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Walker County and by posting same at the courthouse. The budget shall then be reviewed and adopted or amended by the board prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board in a regular meeting, and no increase shall be made therein without provision also being made for financing the same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to the same shall be transmitted by the chairperson to the grand jury of the Superior Court of Walker County within ten days from the time such budget or amendment thereof is adopted by the board. The board may from time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to such beginning date. The procedures for budget preparation, submission to

270 the governing authority, review by the governing authority, public review, notice, and
 271 hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

272 **SECTION 1-16.**

273 No expenditures of county funds shall be made except in accordance with the county budget,
 274 or amendments thereto, adopted by the board. The chairperson of the board shall enforce
 275 compliance with this section by all departments of county government and to this end shall
 276 institute a system of allotments of all moneys appropriated and budgeted.

277 **SECTION 1-17.**

278 The board shall on or before the final day of the month following the end of each fiscal year
 279 employ a certified public accountant for the making of an annual continuous audit of county
 280 finances and financial records. The accountant so employed shall be paid out of county
 281 funds and shall perform a complete audit of the financial records of the county for the
 282 preceding year, pointing out any irregularities found to exist and reporting the results of such
 283 audit to the board. The same person or firm shall not perform such audit for more than four
 284 consecutive annual periods. Each annual report submitted to the board shall be made
 285 available for public inspection as are other records in such office. The board shall cause to
 286 be published in the official organ of Walker County and posted at the courthouse a statement
 287 of the financial condition of the county as of December 31 and June 30 of each year. Said
 288 accountant shall transmit to the grand jury of the Superior Court of Walker County a copy
 289 of each annual report furnished by such accountant to the board.

290 **SECTION 1-18.**

291 An Act creating the office of commissioner of Walker County, approved February 10, 1939
 292 (Ga. Laws, p. 751), and all amendatory Acts thereto are repealed in their entirety.

293 **PART II.**

294 **SECTION 2-1.**

295 The election superintendent of Walker County shall call and conduct an election on the date
 296 of the 2018 November general election as provided in this section for the purpose of
 297 submitting this Act to the electors of Walker County for approval or rejection. The election
 298 superintendent shall issue the call and conduct that election as provided by general law. The
 299 superintendent shall cause the date and purpose of the election to be published once a week
 300 for two weeks immediately preceding the date thereof in the official organ of Walker County.
 301 The ballot shall have written or printed thereon the words:

334 020502:
335 3003 3005 3052 3053 3054
336 020601:
337 1000 1001 1002 1005 1006 1007 1008 1009 1010 1011 1012 1013
338 1014 1015 1016 1017 1018 1019 1020 1021 1024 1038 1042 1058
339 1059 2001 2002 2005 2006 2007 2008 2009 2010 2011 2012 2013
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347 3049 3050 3051 3052 3053 3054 3055 3056 3057 3058 3059
348 020800:
349 1009 1037
350 VTD: 2951809 - KENSINGTON
351 020502:
352 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038
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355 VTD: 2951818 - CHICKAMAUGA
356 VTD: 2951898 - WALLACEVILLE
357 020501:
358 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020
359 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032
360 3033 3034 3035 3036 3037 3038 3039 3050 3051 3052 3053 3054
361 3067 3070 3071 3073 3074

362 District 003
363 Walker County
364 VTD: 2950869 - CHESTNUT FLAT
365 VTD: 2950871 - LAFAYETTE
366 020602:
367 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075
368 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087
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 376 2104 2105 2113 2114 2115 2117
 377 020700:
 378 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
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 392 4016 4017 4018 4019 4020 4021 4022 4023 4024 4025 4026 4027
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 394 5012 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023
 395 5024 5025 5026 5027 5028 5029 5030 5031 5032 5033 5034 5035
 396 5036 5037 5038 5039 5040 5041 5042 5043 5044 5045 5046 5047
 397 5048 5049 5050 5051 5052 5053 5054 5055 5056 5057 6000 6001
 398 6002 6003 6004 6005 6006 6007 6008 6009 6010 6011 6012 6013
 399 6014 6015 6016 6017 6018 6019 6020 6021 6022 6023 6024 6025
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 404 020901:
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 406 3000 3001 3002 3003 3011 3012 3020 3024 3040 3041 3052 3053

407 3054 3055 3056 4000 4001 4002 4003 4005 4006 4007 4008 4009
 408 4010 4011 4012 4029
 409 VTD: 2950944 - PEAVINE
 410 020601:
 411 1003 1004 1022 1023 1025 1026 1027 1028 1029 1030 1031 1033
 412 1034 1035 1036 1037 1039 1040 1041 1052 1053 1054 1055 1056
 413 1057 1060 1061 1062 1063
 414 VTD: 2950953 - EAST ARMUCHEE
 415 VTD: 2950960 - CANE CREEK
 416 020901:
 417 1005 1007 1008 1009 1010 1011 1012 1013 1014 1015 1019 1020
 418 1022 1023 1024 1025 1026 1027
 419 VTD: 2951053 - WEST ARMUCHEE

 420 District 004
 421 Walker County
 422 VTD: 2950871 - LAFAYETTE
 423 020901:
 424 2003 3004 3005 3006 3007 3008 3009 3010 3013 3014 3015 3016
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 428 VTD: 2950943 - WILSON
 429 VTD: 2950960 - CANE CREEK
 430 020901:
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 440 VTD: 2951161 - MOUNTAIN
 441 VTD: 2951501 - CHATTANOOGA VAL
 442 VTD: 2951800 - DAUGHERTY

443 VTD: 2951808 - CEDAR GROVE
 444 VTD: 2951809 - KENSINGTON
 445 020800:
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 455 3048 3049 3050 3051 3086 3088
 456 VTD: 2951851 - FAIRYLAND
 457 VTD: 2951898 - WALLACEVILLE
 458 020302:
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 460 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 5032
 461 5035 5036 5037 5038
 462 020502:
 463 2000 2001 2002 2003 2004 2005 2006 2012 2013 2014 2015 2016
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