

Senate Bill 292

By: Senator Mullis of the 53rd

AS PASSED SENATE

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:**

16 **PART I.**
 17 **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.

26

SECTION 1-2.

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

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

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

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

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

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

56

SECTION 1-3.

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

59 (b) In order to be elected as a member of the board from a commissioner district, a person
 60 shall be 18 years of age or older, shall have resided in that district for at least 12 consecutive
 61 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.

235 **SECTION 1-13.**

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

240 **SECTION 1-14.**

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

248 **SECTION 1-15.**

249 The chairperson shall submit annually to the board a proposed budget governing
250 expenditures of all county funds, including capital outlay and public works projects for the
251 following fiscal year. The board shall thereafter hold two public hearings at least seven days
252 apart on the budget, giving notice thereof at least ten days in advance by publication of such
253 notice and of the proposed budget in the official organ of Walker County and by posting
254 same at the courthouse. The budget shall then be reviewed and adopted or amended by the
255 board prior to the beginning of the new fiscal year to which it applies, which budget, when
256 so adopted or amended by the board, shall constitute the board's appropriation of all funds
257 for such year. The budget so adopted may be revised during the year only by formal action
258 of the board in a regular meeting, and no increase shall be made therein without provision
259 also being made for financing the same. The proposed budget submitted by the chairperson
260 shall be accompanied by a report containing information and data relating to the financial
261 affairs of the county pertinent to arriving at and establishing the annual budget. A copy of
262 the budget and of each revision or amendment to the same shall be transmitted by the
263 chairperson to the grand jury of the Superior Court of Walker County within ten days from
264 the time such budget or amendment thereof is adopted by the board. The board may from
265 time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal
266 year for the county or may operate on a calendar basis; provided, however, that in the event
267 of such change, the budget shall be submitted at least two months prior to the beginning date
268 of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one
269 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:

302 "() YES Shall the governing authority of Walker County be changed from a sole
 303 () NO commissioner to a five-member board of commissioners with the
 304 chairperson elected at large and four commissioners elected by district?"

305 All persons desiring to vote for approval of changing the form of the governing authority of
 306 Walker County to a board consisting of four members elected by district and a chairperson
 307 elected at large shall vote "Yes." Those persons desiring to vote against changing the form
 308 of the governing authority of Walker County shall vote "No." If more than one-half of the
 309 votes cast are for approval of changing the form of the governing authority of Walker County
 310 to a board of commissioners consisting of four members elected by district and a chairperson
 311 elected at large, then Part I of this Act shall become effective immediately for purposes of
 312 electing members of the board of commissioners in November, 2020, and for all other
 313 purposes on January 1, 2021; otherwise, this Act shall be automatically repealed on the first
 314 day of January following that election date. The expense of such election shall be borne by
 315 Walker County. It shall be the duty of the election superintendent to certify the results
 316 thereof to the Secretary of State.

317 **SECTION 2-2.**

318 Except as otherwise provided in Section 2-1 of this Act, this Act shall become effective upon
 319 its approval by the Governor or its becoming law without such approval.

320 **SECTION 2-3.**

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

322 Plan: walkercc-2017

323 Plan Type: Local

324 Administrator: SD053

325 User: Gina

326 District 001

327 Walker County

328 VTD: 2951812 - ROSSVILLE

329 VTD: 2951893 - FAIRVIEW

330 District 002

331 Walker County

332 VTD: 2950881 - POND SPRINGS

333 VTD: 2950944 - PEAVINE

334 020502:
 335 3003 3005 3052 3053 3054
 336 020601:
 337 1000 1001 1002 1005 1006 1007 1008 1009 1010 1011 1012 1013
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 348 020800:
 349 1009 1037
 350 VTD: 2951809 - KENSINGTON
 351 020502:
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 354 1057 1058 1062 1063 1064 1065 1067 1068
 355 VTD: 2951818 - CHICKAMAUGA
 356 VTD: 2951898 - WALLACEVILLE
 357 020501:
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 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
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 404 020901:
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407 3054 3055 3056 4000 4001 4002 4003 4005 4006 4007 4008 4009
 408 4010 4011 4012 4029
 409 VTD: 2950944 - PEAVINE
 410 020601:
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 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:
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 427 3045 3046 3047 3048 3049 3050 3051 3057 3058 3059
 428 VTD: 2950943 - WILSON
 429 VTD: 2950960 - CANE CREEK
 430 020901:
 431 1021 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1039
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 435 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095
 436 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2062
 437 2063 2064 2065 2066 2067 2068 2078 2079 2080 2081 2082 2083
 438 2084 2093 4004 4013 4014 4015 4016 4017 4018 4019 4020 4021
 439 4022 4023 4024 4025 4026 4027 4028 4030 4031 4032
 440 VTD: 2951161 - MOUNTAIN
 441 VTD: 2951501 - CHATTANOOGA VAL
 442 VTD: 2951800 - DAUGHERTY

443 VTD: 2951808 - CEDAR GROVE

444 VTD: 2951809 - KENSINGTON

445 020800:

446 1020 1021 1022 1023 1024 1025 1026 1041 1068 1069 1070 1071

447 1076 1077 1078 1079 1080 1081 2006 2007 2008 2009 2010 2011

448 2012 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024

449 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036

450 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048

451 2049 2050 2051 2052 2053 2054 2055 2057 2059 2060 2061 2062

452 2063 2064 2065 2067 2068 2069 2070 3000 3001 3002 3003 3004

453 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016

454 3017 3018 3019 3020 3021 3022 3023 3024 3025 3043 3045 3047

455 3048 3049 3050 3051 3086 3088

456 VTD: 2951851 - FAIRYLAND

457 VTD: 2951898 - WALLACEVILLE

458 020302:

459 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

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

464 2017 2018