Senate Bill 542

By: Senator Gillis of the 20th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating a Board of Commissioners of Candler County, approved March 23, 1933 (Ga. L. 1933, p. 430), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for the selection, powers, and duties of the vice chairperson; to change certain provisions regarding compensation of members of the board; to provide for the selection, powers, and duties of the clerk of the board; to provide for the exercise of powers, duties, and authority of the board; to provide for appointment of certain officers; to provide for the powers, duties, and authority of the chairperson; to provide for audits; to repeal certain provisions regarding a published statement of moneys; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating a Board of Commissioners of Candler County, approved March 23, 1933 (Ga. L. 1933, p. 430), as amended, is amended by striking subsections (a) and (b) of Section 1, and inserting in their place new subsections (a), (b), and (b.1) to read as follows:

"(a) For purposes of electing members of the board of commissioners, other than the chairperson, Candler County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts 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: candlerccwk1 Plan Type: Local User: Gina Administrator: Candler.

(b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) 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 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading

shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Candler County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Candler County which is described in that attachment as being 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 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

(b.1) Commissioner Districts 1, 2, 3, and 4, as they exist immediately prior to the effective date of this Act, shall continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

SECTION 2.

Said Act is further amended by striking in their entirety subsections (c) and (d) of Section 4.

SECTION 3.

Said Act if further amended by striking Section 6 and inserting in lieu thereof a new Section 6 to read as follows:

"SECTION 6.

The compensation of the members of the board of commissioners, other than the chairperson, shall be at the rate of $4,800.00 per annum for the term of office beginning January 1, 2001, and ending December 31, 2004. The chairperson shall be compensated at the rate of $10,000.00 per annum for the term of office beginning January 1, 2001, and ending December 31, 2004. The compensation of the members of the board of commissioners and the chairperson shall be payable in equal monthly installments from the funds of Candler County; shall be subject to such increases as provided under Georgia law; and shall be

subject to amendment for any subsequent term by resolution or ordinance of the board of commissioners."

SECTION 4.

Said Act if further amended by striking Section 7 and inserting in lieu thereof a new Section 7 to read as follows:

"SECTION 7.

Said board of commissioners shall be authorized to appoint a clerk of said board. The clerk shall be appointed by a majority vote of the board of commissioners to serve at the pleasure of said board. It shall be the duty of the clerk to keep in permanent form a complete record of the official acts of said board, including the receipt and disbursement of all county funds, to perform generally the duties of the secretary to said board, and to perform such other duties as may be required by said board. Said clerk shall report to and be under the supervision and control of the county administrator. Said clerk shall receive such compensation as may be fixed by said board, shall give bond with good security for the faithful performance of his or her duties as such clerk as may be received by said board. The compensation as set out in this section shall be fixed each year by the members of said board."

SECTION 5.

Said Act if further amended by striking Section 9 and inserting in lieu thereof a new Section 9 to read as follows:

"SECTION 9.

The board of commissioners shall exercise all powers now or hereafter vested in county governing authorities by the Constitution and laws of this state, including, but not limited to, the power to fix and establish, by appropriate resolution or ordinance entered on its minutes, policies, rules, and regulations governing all matters which the board of commissioners has authority as the governing authority of Candler County."

SECTION 6.

Said Act if further amended by striking Section 12 and inserting in lieu thereof a new Section 12 to read as follows:

″SECTION 12.

The board of commissioners shall appoint by a majority vote the following officers and employees to serve at the pleasure of said board: the county attorney, county auditor, board clerk, emergency medical services (E.M.S.) director, and public works director. The board clerk, public works director, and emergency medical services (E.M.S.) director shall report to and be under the supervision and control of the county administrator. Subject to the provisions of paragraph (10) of subsection (h) of Section 10 of this Act, said board of commissioners shall be authorized to employ such other employees as may be necessary to carry out the work of the county, to require such bond of any of such employees as they may consider necessary, and to fix the compensation of all county employees. Said board of commissioners shall be authorized to pay from the county treasury all premiums on bonds required under this Act and also such actual expense as may be incurred by any member of employee of said board in necessary travel on official business of said county.″

SECTION 7.

Said Act if further amended by striking paragraph (10) of subsection (h) of Section 13B and substituting in lieu thereof a new paragraph (10) to read as follows:

″(10) To appoint, suspend, discharge, transfer, or remove all employees for whom said board is responsible, except elected officials and employees subject to their supervision and control; members of boards, commissions, and authorities; and the county attorney, county auditor, board clerk, emergency medical services (E.M.S.) director, public works director, and department heads. Except those employees mentioned above, the county administrator will be able to set the compensation of all new hires subject to budgetary limits. The county administrator shall notify the board of commissioners of any action taken pursuant to this paragraph at the board´s next meeting immediately following the action.″

SECTION 8.

Said Act if further amended by striking Section 13 and inserting in lieu thereof a new Section 13 to read as follows:

″SECTION 13.

The chairperson shall serve part time and be the presiding officer of the board of commissioners. In addition to the chairperson´s duties as presiding officer, the chairperson shall have the power and it shall be the duty of said officer:

(1) To preside at all meetings of the board of commissioners and to serve in all respects as a member of the board of commissioners with full voting authority;

(2) To be the official spokesperson for the county governing authority and the chief advocate of policy as established by the board of commissioners;

(3) To sign ordinances and resolutions upon their final passage and sign deeds, bonds, contracts, and other instruments and documents in any case in which the general laws of this state or any ordinance or resolution of the board of commissioners so requires and authorizes;

(4) To call special meetings of the board of commissioners, but two members of the board of commissioners shall also be authorized to call special meetings;

(5) To be recognized as the official head of the board of commissioners by the courts for purposes of receiving civil process, by the Governor for purpose of the military law, and for all ceremonial purposes;

(6) To assist as necessary the county administrator in preparing and organizing the agenda for regular and special meetings;

(7) To represent the board of commissioners in matters not specifically assigned to the county administrator involving the relationship of the county government with elected county officers and in intergovernmental relations, particularly where questions of public policy are at issue; and

(8) To perform such other duties as may be required by law or ordinances or resolutions of the board of commissioners.″

SECTION 9.

Said Act is further amended by adding a new section immediately following Section 13B, to be designated Section 13C, to read as follows:

″SECTION 13C.

At the first regular meeting of the board of commissioners that is held in January following each regular election of members of the board, the board shall elect one of its members to serve as vice chairperson for such term as may be established by resolution or ordinance of the board. When the vice chairperson serves in place of the chairperson, said officer may exercise the powers of the chairperson, subject to any limitations provided by resolution or ordinance of the board, but said officer shall not receive the compensation of the chairperson while serving in the chairperson´s place. The vice chairperson may serve as chairperson in the absence of the chairperson as well as fill a vacancy in the office of chairperson in accordance with the provisions of this Act.″

SECTION 10.

Said Act is further amended by striking Section 14 in its entirety and substituting in lieu thereof a new Section 14 to read as follows:

″SECTION 14.

The board of commissioners shall in accordance with Georgia law provide for and cause to be made an annual audit of the financial affairs and transactions of all funds and activities of Candler County for each fiscal year of Candler County.″

SECTION 11.

Said Act is further amended by striking Section 17 and inserting in its place a new Section 17 to read as follows:

″SECTION 17.

Reserved.″

SECTION 12.

It shall be the duty of the attorney of the Board of Commissioners of Candler County to submit this Act for approval pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

SECTION 13.

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

Plan Name: candlerccwk1 Plan Type: Local User: Gina Administrator: Candler

Redistricting Plan Components Report

District 001
Candler County
Tract: 9501
BG: 1
1099 1100 1101 1102 1103 1104 1111 1112 1113 1114 1116 1117
1126 1127 1128 1129 1999
BG: 3
Tract: 9503
BG: 1
1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
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1998 1999

District 002
Candler County
Tract: 9502
BG: 2
2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2025 2026 2027 2032 2033 2035 2036 2068
2069 2070 2074 2075 2076 2077 2078 2079 2080 2081 2082 2083
2084 2085 2086 2087 2088 2089 2094 2095 2096 2097 2098 2099
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BG: 4
4000 4001 4002 4016 4017 4018 4019 4039 4040
Tract: 9503
BG: 1
1063 1064 1065 1066 1067 1069 1070 1072 1073 1074 1075 1076
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BG: 2

District 003
Candler County
Tract: 9501
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BG: 4
4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014
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District 004
Candler County
Tract: 9501
BG: 1
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2052 2053 2054 2055 2077 2078 2998 2999
Tract: 9502
BG: 1
1005