

House Resolution 1753

By: Representatives Cox of the 28th, Barrett of the 24th, Jasperse of the 11th, McDonald III of the 26th, Jones of the 25th, and others

A RESOLUTION

1 Urging the Forsyth County Board of Commissioners to continue to conduct official business
2 within the designated county site and to coordinate with the City of Cumming to have the
3 new administration center annexed into such city; and for other purposes.

4 WHEREAS, Georgia law requires that the official business of a county government is
5 conducted within the designated county site, also known as the county seat; and

6 WHEREAS, an Act to make permanent the public buildings in the town of Cumming in the
7 county of Forsyth, and to incorporate the same, approved December 18, 1834 (Ga. L. 1834,
8 p. 253) and an Act to incorporate the town of Cumming in the county of Forsyth, and to
9 make permanent the site of public buildings of said county, approved December 22, 1843
10 (Ga. L. 1834, p. 255) designated the City of Cumming as the county site for Forsyth County;
11 and

12 WHEREAS, in recent years the Forsyth County Board of Commissioners has planned and
13 constructed a facility located outside the corporate limits of the City of Cumming to serve
14 as the new administration center of the county government; and

15 WHEREAS, based on knowledge and understanding, it is the stated intention of the Forsyth
16 County Board of Commissioners to conduct its official business, including voting upon and
17 approval of ordinances and resolutions, at said new administration center; and

18 WHEREAS, the Georgia Supreme Court in *Brewster v. Houston County*, 235 Ga. 68, 69
19 (1975), found that "official county business is defined as the decision making process of the
20 board [of commissioners] which includes the deliberation and voting on any issue of county
21 business. Deliberation and voting on any issue must be conducted in the county site and
22 citizens of the county must be afforded an opportunity to be heard at the county site as to any
23 issue of county business"; and

24 WHEREAS, if the Forsyth County Board of Commissioners proceeds to conduct official
25 county business at the new administration center located outside the designated county site,
26 it runs the risk of placing a cloud of illegality and voidability over any such official county
27 business that could lead to large swaths of its actions declared invalid and unenforceable; and

28 WHEREAS, such actions would place the citizens and taxpayers of Forsyth County at
29 substantial risk, both to matters of public safety and affecting the county treasury.

30 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
31 the members of this body urge the Forsyth County Board of Commissioners to reconsider its
32 decision to conduct official county business outside of the designated county site and to
33 coordinate with the City of Cumming to have the new administration center annexed into
34 such city.

35 BE IT FURTHER RESOLVED that the members of this body urge the Forsyth County
36 Board of Commissioners to continue to conduct official county business at county buildings
37 located within the corporate limits of the City of Cumming.

38 BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized
39 and directed to make appropriate copies of this resolution available for distribution to the
40 Forsyth County Board of Commissioners.