

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 1567:

A BILL TO BE ENTITLED
AN ACT

1 To repeal, under certain conditions, an Act to amend, consolidate, and supersede the several
2 Acts of the General Assembly of the State of Georgia pertaining to the City of Quitman in
3 the County of Brooks, approved March 3, 1962 (Ga. L. 1962, p. 2894), as amended; to
4 provide for a referendum on the concept of consolidating the governments of the City of
5 Quitman and Brooks County; to provide for definitions; to provide for the appointment of
6 the members of the Quitman-Brooks County Charter and Unification Commission; to
7 provide for the organizational meeting of said commission and for the election of a
8 chairperson; to provide for the powers and duties of said commission; to provide that said
9 commission shall be authorized to employ a staff to assist it in carrying out its powers and
10 duties; to provide for the expenses of said commission and for the payment of those expenses
11 by the governing authorities of the City of Quitman and the County of Brooks; to provide
12 that said commission shall be authorized to study all matters relating to the governments of
13 the County of Brooks and the City of Quitman, and all matters relating to the establishment
14 of a unified government with powers and jurisdiction throughout the territorial limits of the
15 City of Quitman and unincorporated Brooks County; to provide for transfer of duties and
16 obligations to Brooks County; to provide for transfer of all legal rights, privileges, and assets
17 to Brooks County; to establish a special tax and service district for outstanding bonded
18 indebtedness and other obligations; to mandate that Brooks County assume certain

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19 obligations and duties of the city; to provide for legislative intent; to authorize an advisory
 20 panel; to provide for transfer of all federal and state permits and licenses; to provide for the
 21 transfer of ongoing judicial actions; to provide for the continuation of zoning and land use
 22 regulations; to provide for future proceeds of special and regular local option sales taxes; to
 23 provide for the designation of the Historic Quitman Community; to expressly exclude the
 24 municipalities of Barwick, Pavo, and Morven from this Act; to provide for referendums,
 25 effective dates, automatic repeal, mandatory execution of election, and judicial remedies
 26 regarding failure to comply; to provide for related matters; to repeal conflicting laws; and for
 27 other purposes.

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

29 **PART 1.**

30 **SECTION 1-1.**

31 (a) It shall be the duty of the election superintendent of Brooks County to call a special
 32 election for approval or rejection of the concept of consolidating the government of the City
 33 of Quitman and Brooks County. The election superintendent shall conduct that election on
 34 the Tuesday following the first Monday in November, 2026, and shall issue the call and
 35 conduct that election as provided by general law. The election superintendent shall cause the
 36 date and purpose of the election to be published once a week for two weeks immediately
 37 preceding the date thereof in the official organ of Brooks County. The ballot shall have
 38 written or printed thereon the following:

39 "() YES Are you in favor of consolidating the governments of the City of Quitman
 40 and Brooks County so as to provide for a new unified government for the
 41 () NO areas now included within the City of Quitman and unincorporated Brooks
 42 County?"

43 (b) All persons desiring to vote for approval of the concept of consolidation of the City of
44 Quitman and Brook County shall vote "Yes," and those persons desiring to vote for rejection
45 of the concept of such a consolidation shall vote "No." The votes cast on such question by
46 the qualified voters of Brooks County residing within the corporate limits of the City of
47 Quitman and the votes cast on such question by the qualified voters of unincorporated
48 Brooks County shall be counted separately. If more than one-half of the votes cast by the
49 qualified voters of the City of Quitman are for approval and if more than one-half of the total
50 votes cast by the qualified voters residing within the unincorporated areas of Brooks County
51 are for approval of the concept of consolidating the City of Quitman and Brooks County,
52 then Part 2 of this Act shall become effective on December 1, 2026. Otherwise, it shall be
53 void and of no force and effect. The expense of such election shall be borne equally by the
54 City of Quitman and the County of Brooks.

55 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
56 O.C.G.A., the "Georgia Election Code," except to the extent specifically provided otherwise
57 by this part.

58 (d) A qualified voter, as used in this part, shall mean a voter of Brooks County qualified to
59 vote for members of the General Assembly of Georgia. The election superintendent shall
60 certify the returns to the Secretary of State. The election superintendent shall also furnish
61 a certified copy of the charter to the Secretary of State. The Secretary of State shall issue his
62 or her proclamation showing and declaring the result of the election on the approval or
63 rejection of the charter. One copy of the proclamation shall be attached to the copy of the
64 charter certified to the Secretary of State. One copy of the proclamation shall be delivered
65 to the secretary or clerk of the governing authority of the City of Quitman, who shall attach
66 the same to the copy of the charter previously certified to him or her. One copy of the
67 proclamation shall be delivered to the clerk of the governing authority of the County of
68 Brooks, who shall attach the same to the copy of the charter previously certified to him or
69 her.

70 (e) The provisions of this section shall be mandatory upon the election superintendent and
71 are not intended as directory. If the election superintendent fails or refuses to comply with
72 this section, any elector of the City of Quitman or unincorporated Brooks County may apply
73 for a writ of mandamus to compel the election superintendent to perform his or her duties
74 under this section. If the court finds that the election superintendent has not complied with
75 this section, the court shall fashion appropriate relief requiring the election superintendent
76 to call and conduct such election on the date required by this section or on the next date
77 authorized for special elections provided for in Code Section 21-2-540 of the O.C.G.A.

78 **PART 2.**

79 **SECTION 2-1.**

80 This part shall be known and may be cited as the "Quitman-Brooks County Charter and
81 Unification Commission Act" and is enacted pursuant to the authority granted by Article IX,
82 Section III, Paragraph II of the Constitution of the State of Georgia.

83 **SECTION 2-2.**

84 As used in this part, the following terms shall have the meanings ascribed to them unless the
85 context clearly requires otherwise:

- 86 (1) "Charter and unification commission" or "commission" means the Quitman-Brooks
87 County Charter and Unification Commission provided for in this part.
- 88 (2) "Governing authority of the City of Quitman" means the mayor and city council of
89 the City of Quitman, a municipal corporation of the State of Georgia.
- 90 (3) "Governing authority of the County of Brooks" means the Board of Commissioners
91 of Brooks County, a political subdivision of the State of Georgia.

SECTION 2-3.

92

93 (a) There is created the Quitman-Brooks County Charter and Unification Commission,
94 which shall consist of nine members to be appointed within 45 days of the effective date of
95 this part as provided in this section.

96 (b) Within 30 days of the effective date of this part as provided in this section, the governing
97 authority of the City of Quitman shall appoint two members to the charter and unification
98 commission who shall be citizens of the City of Quitman at the time of such appointment and
99 for the duration of their respective terms as members of such commission.

100 (c) Within 30 days of the effective date of this part as provided in this section, the governing
101 authority of the County of Brooks shall appoint four members to the charter and unification
102 commission who shall be citizens of unincorporated Brooks County at the time of such
103 appointment and for the duration of their respective terms as members of such commission.

104 (d) Within 30 days of the effective date of this part as provided in this section, the members
105 of the Georgia Senate representing all or part of Brooks County shall appoint one member
106 to the charter and unification commission who shall be a citizen of any part of Brooks
107 County at the time of such appointment and for the duration of his or her respective term as
108 a member of such commission.

109 (e) Within 30 days of the effective date of this part as provided in this section, the members
110 of the Georgia House of Representatives representing all or part of Brooks County shall
111 appoint one member to the charter and unification commission who shall be a citizen of any
112 part of Brooks County at the time of such appointment and for the duration of his or her
113 respective term as a member of such commission.

114 (f) Within 30 days of the effective date of this part as provided in this section, the Sheriff of
115 Brooks County shall appoint one member to the charter and unification commission who
116 shall be a citizen of any part of Brooks County at the time of such appointment and for the
117 duration of his or her respective term as a member of such commission.

118 (g) If an appointing authority or the commission refuses or fails to appoint a member of the
119 commission as required by this section, the senior superior court judge of the Southern
120 Judicial Circuit shall make such appointment within ten days following the expiration of
121 the 45 day period allowed for appointments provided for in subsection (a) of this section.

122 (h) No member of the charter and unification commission shall hold any other elective
123 public office.

124 (i) To be eligible for appointment as a member of the charter and unification commission,
125 a person must be at least 21 years of age and shall have been a resident of the State of
126 Georgia for a period of at least five years and registered as an elector to vote in Brooks
127 County for a period of at least two years prior to his or her appointment.

128 (j) If a member of the charter and unification commission should die, become disabled,
129 remove his or her residence and place of domicile to a place outside the territorial limits of
130 the appointing jurisdiction, resign, or become unable or decline to serve for any reason
131 whatever as a member of the charter and unification commission, said commission shall
132 declare a vacancy in his or her office as a member of such commission and within 15 days
133 thereafter the appointing authority that appointed that member or the commission shall
134 appoint a successor promptly to fill such vacancy.

135 (k) A certificate of appointment shall be issued by the appointing authority of each member
136 of the charter and unification commission and filed in the office of the Probate Court of
137 Brooks County with a duplicate original of such certificate being transmitted to, and filed
138 with, the chairperson or the secretary of the charter and unification commission.

139 (l) A majority of the members of the charter and unification commission shall constitute a
140 quorum for the transaction of business. Such quorum shall not be applicable with respect to
141 any committees or subcommittees which, at the discretion of the charter and unification
142 commission, may be appointed. A majority of the members of each such committee or
143 subcommittee shall constitute a quorum for the conduct of its business.

144 (m) The charter and unification commission may appoint advisory committees or
145 subcommittees from among the general populace to advise it with respect to its work;
146 provided, however, that the charter and unification commission may not delegate any of the
147 duties, powers, or obligations imposed upon the commission and granted to it by this part to
148 any such advisory committee or subcommittee. Any such advisory committee or
149 subcommittee so appointed shall serve at the discretion of the commission and shall serve
150 subject to such terms, conditions, and charges as may be imposed upon it by the commission.

151 (n) All persons who shall, from time to time, serve as members of the charter and unification
152 commission or its committees or subcommittees and all agents, employees, and staff
153 appointed or hired by the charter and unification commission from time to time shall be
154 afforded coverage and shall be included in the insured class, under the provision of such
155 policies, riders, or other insurance contracts from time to time in force and held by the
156 governing authority of the County of Brooks, extending to members of such governing
157 authority of the County of Brooks, and what is commonly referred to as "public official's
158 liability insurance coverage," to the same extent and as nearly as practicable with identical
159 coverage and limits as afforded to the individual members of the governing authority of the
160 County of Brooks. Any and all additional premium amounts payable by the County of
161 Brooks due to the extension of such coverage to the members of the charter and unification
162 commission and its appointees, agents, employees, and staff shall be paid, when due and
163 payable, one-half by the County of Brooks and one-half by the City of Quitman, which
164 payments shall be made in addition to all other amounts otherwise payable under the
165 provisions of this part.

166 (o) The governing authority of the County of Brooks, the governing authority of the City of
167 Quitman, and the governing authority of any unified government created under a charter
168 adopted pursuant to this part are authorized and directed to expend funds for fees, costs, and
169 expenses incurred in providing for the defense of the members of the charter and unification
170 commission arising out of their activity as members of such commission and in providing for

171 the defense of any proposed charter submitted by the commission, whether prior to the
172 referendum thereon or after the referendum thereon is conducted.

173 **SECTION 2-4.**

174 (a) The charter and unification commission shall hold an organizational meeting not less
175 than 30 days nor more than 45 days after the date this part becomes effective. Any three or
176 more members of the charter and unification commission, composed of at least one member
177 appointed by the governing authority of the City of Quitman and one member appointed by
178 the governing authority of the County of Brooks, shall call such organizational meeting. The
179 call of such organizational meeting shall designate the time, date, and place that such
180 organizational meeting shall be held.

181 (b) The charter and unification commission shall be authorized to elect a secretary, who need
182 not be a member of the commission, and such other officers from the membership of the
183 charter and unification commission as it shall deem necessary. The charter and unification
184 commission shall be further authorized to employ such staff as may be required to assist it
185 in studying all matters relating to the governments of the City of Quitman and the County of
186 Brooks and in drafting a charter. The charter and unification commission shall not employ
187 any person who holds any elective public office.

188 (c) The members of the charter and unification commission shall not receive per diem or
189 other compensation for their services, but the members shall be reimbursed for actual
190 expenses incurred by them in carrying out their duties. The staff employed by the
191 commission shall be paid compensation as determined by the commission within the limits
192 of funds available to it. The governing authority of the City of Quitman and the governing
193 authority of the County of Brooks are authorized to expend public funds in carrying out the
194 provisions of this part and shall share equally the expense thereof. The governing authority
195 of the City of Quitman and the governing authority of the County of Brooks shall initially
196 appropriate up to \$5,000.00 for the charter and unification commission and the treasurer or

197 other fiscal authority of each of those governing authorities shall honor, from time to time,
198 vouchers or warrants signed by the chairperson of the charter and unification commission for
199 amounts up to an aggregate total of such amount. The governing authorities shall appropriate
200 such additional funds in equal amounts as may be necessary to meet the expenses of the
201 charter and unification commission, provided that such additional expenditures shall be first
202 approved by each of the governing authorities.

203 (d) The charter and unification commission is also authorized to solicit, receive, and expend
204 contributions, grants, gifts, and other funds from other sources to be utilized by it in the
205 conduct of its business.

206 (e) All public officials and employees of the City of Quitman and the County of Brooks
207 upon request shall furnish the charter and unification commission with all documents, books,
208 records, data, and information necessary or appropriate in the opinion of the charter and
209 unification commission for it to carry out its duties, except for information that is
210 confidential or privileged by law; shall furnish such other assistance and aid to the
211 commission as it shall request; and shall appear and give testimony, at the request of the
212 commission, before the commission or before any of its committees, subcommittees, or
213 advisory committees.

214

SECTION 2-5.

215 The commission shall be authorized to study all matters relating to the governments of the
216 City of Quitman and the County of Brooks and all matters relating to the establishment of
217 a unified government with powers and jurisdiction throughout the territorial limits of the
218 former City of Quitman and unincorporated Brooks County. The commission shall upon
219 completion of its study issue a written report of its findings, conclusions, and
220 recommendations. If, after conducting such study, the charter and unification commission
221 shall deem it to be in the best interests of the governments proposed to be affected, the
222 commission shall draft a proposed charter creating a unified government, and if such charter

223 is approved by the voters under the provisions of this part, then the newly created unified
224 government shall supersede and replace the existing governments of the City of Quitman and
225 the County of Brooks and may also supersede and replace any public authorities and special
226 service districts located and operating within Brooks County. If the charter and unification
227 commission does not deem it to be in the best interests of the governments proposed to be
228 affected to recommend the establishment of a unified government but concludes from its
229 study that it is feasible to consolidate specific governmental services, programs, and
230 activities, then the commission may issue such findings, conclusions, and recommendations
231 in writing together with reasons why such recommendations will make government
232 operations more efficient.

233 **SECTION 2-6.**

234 (a) The charter so drafted shall be submitted to the qualified voters of Brooks County for
235 approval or rejection of the referendum provided for in Section 2-10 of this part.

236 (b) The General Assembly delegates its powers to the charter and unification commission
237 to draft such a charter which may include any provisions necessary to effectuate its purposes.
238 Without limiting the generality of the foregoing, the proposed charter may provide for any
239 one or more of the items listed below. Where it is indicated that an item shall be included,
240 the inclusion of that particular item shall be mandatory:

241 (1) The charter shall provide for the abolishment of the existing governments of the City
242 of Quitman and the County of Brooks and for the creation of a new unified government
243 which may have all powers formerly exercised by the City of Quitman and the County
244 of Brooks and such other powers as may be necessary or desirable. The new unified
245 government may be given, and may have, such rights, privileges, exemptions,
246 preferences, discretions, immunities, powers, duties, and liabilities as are now or hereafter
247 granted to, or vested in, municipalities or counties or both by the Constitution and laws

248 of the State of Georgia. The form and composition of the new government shall be as the
249 charter shall provide;

250 (2) The charter may authorize the new government to continue to be eligible to have,
251 hold, enjoy, and be entitled to any assistance, credits, benefits, moneys, grants,
252 grants-in-aid, funds, loans, aid, appropriations, and matching funds to the same extent
253 that any municipality or county of the State of Georgia now or may hereafter enjoy or
254 possess under the Constitution and laws of the State of Georgia or by other provisions of
255 law or under any present or future state or federal programs;

256 (3) The charter may provide for the abolishment, modification, consolidation, or merger
257 of any court unless otherwise prohibited by the Constitution or general law;

258 (4) The charter may provide for the abolishment, modification, consolidation, or merger
259 of any public authorities and special service districts located within Brooks County
260 created by law and for the transfer of any powers, duties, and obligations of such
261 authorities and districts to the new unified government or to any agency thereof or from
262 one such authority or special service district to another in such manner as the charter shall
263 provide unless otherwise prohibited by the Constitution or general law;

264 (5) The charter may provide for the abolishment, modification, consolidation, or merger
265 of any one or more public offices or positions of public employment of any municipality
266 merged in the unified government and the County of Brooks and any public authorities
267 or special service districts located or operating within Brooks County unless otherwise
268 prohibited by the Constitution or general law. The charter may provide for administrative
269 division or changes with reference to the duties and responsibilities of any public office
270 or official as the charter and unification commission shall deem necessary for the
271 efficient functioning of the new unified government;

272 (6) The charter shall provide for the creation of the governing authority of the new
273 unified government, including the number of members of the governing authority, their
274 powers, duties, terms of office, manner, and time of election or appointment,

275 compensation, method of removal, and all other matters incidental or necessary to the
276 creation of the unified governing authority. The charter shall provide for the name or
277 names of the new unified government and governing authority;

278 (7) The charter may provide for the creation of the various departments, boards, bureaus,
279 offices, commissions, and positions of public employment of the new unified government
280 and for any matters necessary or incidental thereto;

281 (8) The charter shall provide for the creation of special tax districts consisting of the
282 territory lying within the former boundaries of the affected governments for the purpose
283 of the successor unified government levying a tax therein sufficient to retire any bonded
284 indebtedness of such governments which is outstanding on the effective date of the
285 abolishment of such government, including, but not limited to, any contractual
286 obligations owed by the City of Quitman pursuant to its existing contracts with the
287 Municipal Electric Authority of Georgia and the Municipal Gas Authority of Georgia;

288 (9) The charter may provide for the assumption by the new government of all bonded
289 indebtedness and all other obligations of whatever kind of all governmental units, public
290 authorities, and special service districts which are altered by the charter and a method by
291 which the new unified government shall assume the payment of any obligations issued
292 under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," or
293 other similar legislation;

294 (10) The charter may provide for the transfer to the new unified government of assets,
295 contracts, and franchises of all governmental units and any public authorities and special
296 service districts which are merged with the new unified government or are altered by the
297 charter and shall provide for the transfer of all contracts between any governmental unit
298 and the Municipal Electric Authority of Georgia or the Municipal Gas Authority of
299 Georgia and for the acceptance by the unified government of it becoming a party to such
300 contracts in place of the City of Quitman;

- 301 (11) The charter may provide the purposes for which the new unified government or
302 governing authority or any agency thereof may levy taxes;
- 303 (12) The charter shall provide for the method or methods by which it may be amended.
304 The General Assembly expressly reserves the right to amend any charter adopted
305 pursuant to this part. The charter may provide for an additional method or methods by
306 which the charter may be amended and shall provide for any amendments adopted by any
307 such other method or methods to be filed with the Secretary of State so that they may be
308 published in the *Georgia Laws*;
- 309 (13) The charter shall provide for the repeal of conflicting laws; and
- 310 (14) The charter may contain such other provisions as are necessary and needful to
311 achieve the objectives of consolidation of the governments and functions of the City of
312 Quitman and the County of Brooks and the creation of a successor government.
- 313 (c) The following additional provisions shall govern proceedings of the charter and
314 unification commission and any successor unified government created by a charter drafted
315 by the commission:
- 316 (1) The charter and unification commission is authorized to contract with any public or
317 private institution or body, including the Carl Vinson Institute of Government, for any
318 special studies or assistance it deems necessary, subject to the limitation that any
319 expenditure therefor shall be within the limits of the funds made available to the
320 commission by the respective governing authorities; and
- 321 (2) Any successor government created and established shall, without the necessity or
322 formality of deed, bill of sale, or other instrument of transfer, be and become the owner
323 of all property, assets, and rights previously belonging to the City of Quitman and the
324 County of Brooks and any other authorities or special service districts merged into the
325 new government.
- 326 (d) The charter and unification commission shall have all the powers of the superior courts
327 to compel the attendance of witnesses before the commission and any of its committees,

328 subcommittees, or advisory committees; to compel witnesses to testify thereat; and to
329 subpoena any person or entity and all such books, records, data, papers, documents, and other
330 tangible items which may be deemed by the commission to be material to any question or
331 issue deemed by it to be relevant to the duties or prerogatives imposed upon or granted to the
332 commission by this part. Such subpoenas shall be issued in the name of the commission,
333 shall be signed by either the chairperson or the secretary of the commission, and shall be
334 served in the manner provided by law for the service of subpoenas in civil cases pending in
335 the superior courts. Witnesses subject to such subpoenas shall be entitled to the same
336 compensation as witnesses attending superior court, which compensation shall be collected
337 in the same manner as that of witnesses in the superior courts except that such compensation
338 shall be paid from funds of the commission. Should any such subpoenaed person or witness
339 fail or refuse to answer questions propounded or fail or refuse to produce any books, records,
340 data, papers, documents, or other tangible items required to be produced by the commission,
341 except upon a legal excuse which would relieve such person of such obligation in a civil case
342 pending in the superior court, the person so failing or refusing shall be guilty of contempt and
343 may be cited by the commission to appear before a judge of the Southern Judicial Circuit.
344 The judge of such court shall have the same power and jurisdiction to punish the person cited
345 for contempt and to require and compel the attendance, the giving of testimony, or the
346 production of items as in cases of contempt committed in the presence of the court and as in
347 cases pending before the court.

348 (e) Notwithstanding any other provisions of this part, the charter and unification commission
349 and the charter proposed by the commission and subsequently adopted may not:

- 350 (1) Alter or affect the status of the Brooks County School System or the Brooks County
351 Board of Education or any provision of the Constitution or laws of the State of Georgia
352 by which the Brooks County School System is constituted, empowered, or preserved or
353 to transfer any of its powers, duties, or obligations;
- 354 (2) Impair or diminish any pension or retirement rights; or

355 (3) Abolish the office of sheriff, clerk of court, judge of probate court, or tax
356 commissioner.

357 (f) None of the foregoing limitations shall be construed as prohibiting the General Assembly
358 from exercising any legislative power with respect to any municipality electing to be
359 excluded as provided in this part or the school district, board of education, industrial
360 development authority, office of sheriff, clerk of superior court, judge of probate court, or
361 tax commissioner, pension rights, and homestead exemptions which existed prior to the
362 adoption of this part.

363 (g) The powers granted in this part to the charter and unification commission by the General
364 Assembly are remedial in nature and shall be liberally construed to effectuate their purpose.

365 **SECTION 2-7.**

366 (a) The charter and unification commission shall be required to hold at least three public
367 hearings to determine the sentiment of the citizens of the City of Quitman and the County of
368 Brooks regarding the work of the charter and unification commission. The first public
369 hearing shall be held within 30 days of the issuance of the commission's final written report
370 on the feasibility of establishing a unified government within Brooks County, and a third
371 public hearing shall be held within 15 days of the submission of any proposed charter for
372 such consolidated government to the Brooks County Board of Elections. The charter and
373 unification commission is authorized to hold more than three public hearings if it determines
374 that additional public hearings are desirable. The charter and unification commission shall
375 cause the date, time, and place of each such hearing to be advertised in the official organ of
376 Brooks County once a week for two consecutive weeks during the two weeks next preceding
377 the week in which the public hearing is held. The charter and unification commission shall
378 cause to be made a transcript of each public hearing held and shall file the same in its
379 minutes and records.

380 (b) Following issuance of the commission's final written report, the governing authorities
381 of the City of Quitman and the County of Brooks shall each hold and conduct a public
382 hearing to determine the sentiments of their citizens regarding the work of the charter and
383 unification commission. Notice of such hearings shall be advertised in the same manner as
384 required for hearings held by the charter and unification commission. Representatives of the
385 charter and unification commission shall be invited to present the final report to such
386 governing authorities.

387 **SECTION 2-8.**

388 (a) The charter and unification commission shall complete its studies and shall prepare,
389 complete, and file any proposed charter no later than August 31, 2027; provided, however,
390 that the above-described time period may be extended for such additional periods of time as
391 may be authorized by resolutions duly adopted by the governing authority of the City of
392 Quitman and the governing authority of the County of Brooks and may also be extended by
393 any part of the General Assembly and shall be automatically extended for a period of time
394 equal to the period of time that any proposed charter shall be under consideration by any
395 courts.

396 (b) Certified copies of the charter shall be filed by the charter and unification commission
397 with the clerks or secretaries of the governing authorities of the City of Quitman and the
398 County of Brooks and shall be authenticated by the signature of the chairperson of the charter
399 and unification commission. Such copies shall be public records and shall be available for
400 inspection or examination by any interested person.

401 (c) The charter and unification commission shall also make available a copy of the charter
402 to every daily or weekly newspaper published in Brooks County and to each radio or
403 television station operating within the county. The commission shall take such other steps,
404 within the limitation of its available funds, as it deems reasonable and appropriate to inform
405 the public throughout the county of the contents of the proposed charter. The charter and

406 unification commission shall also cause a summary of the proposed charter to be printed in
407 pamphlets or booklets and made available for general distribution throughout the county.

408 (d) The charter and unification commission is authorized to adopt such rules and regulations
409 as it deems necessary or desirable to carry out its powers and perform its duties and
410 functions.

411 **SECTION 2-9.**

412 (a) A certified copy of the proposed charter shall be submitted by the commission to the
413 election superintendent of Brooks County, and it shall be the duty of such superintendent to
414 call and hold a referendum election for ratification or rejection of the proposed charter as
415 provided in Section 2-10 of this part.

416 (b) The charter and unification commission shall be abolished by operation of law at
417 midnight of the day the results of the special referendum election on the proposed charter
418 become final and effective pursuant to the laws of the State of Georgia.

419 **SECTION 2-10.**

420 (a) As soon as practicable after receipt of the certified copy of the proposed charter, it shall
421 be the duty of the election superintendent of Brooks County to call a special election for
422 approval or rejection of the proposed charter. The election superintendent shall set the date
423 of the election for the earliest date therefor permissible under general law after the filing of
424 any proposed charter as provided for in Section 2-8 of this part; provided, however, that such
425 special election shall be held no later than the Tuesday following the first Monday in
426 November, 2027. The election superintendent shall cause the date and purpose of the
427 election to be published once a week for two calendar weeks immediately preceding the date
428 thereof in the official organ of Brooks County. The ballot shall have written or printed
429 thereon the following:

430 "() YES Shall the charter reorganizing and consolidating the governments of the City
431 of Quitman and Brooks County and creating a unified government to
432 () NO supersede and replace those governments be approved?"

433 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those
434 persons desiring to vote for rejection of the charter shall vote "No." The votes cast on such
435 question by the qualified voters of Brooks County residing within the corporate limits of the
436 City of Quitman and the votes cast on such question by the qualified voters of unincorporated
437 Brooks County shall be counted separately. If more than one-half of the votes cast by the
438 qualified voters of the City of Quitman are for approval of the charter and if more than
439 one-half of the total votes cast by the qualified voters residing within the unincorporated
440 areas of Brooks County are for approval of the charter, then the charter shall become
441 effective as to the City of Quitman and Brooks County and Part 3 of this Act shall stand
442 repealed. Otherwise, such charter shall be void and of no force and effect and Part 3 of this
443 Act shall go into effect as provided for in Part 4 of this Act. The expense of such election
444 shall be borne equally by the City of Quitman and the County of Brooks.

445 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
446 O.C.G.A., the "Georgia Election Code," except to the extent specifically provided otherwise
447 by this part.

448 (d) A qualified voter, as used in this part, shall mean a voter of Brooks County qualified to
449 vote for members of the General Assembly of Georgia. The election superintendent shall
450 certify the returns to the Secretary of State. The election superintendent shall also furnish
451 a certified copy of the charter to the Secretary of State. The Secretary of State shall issue his
452 or her proclamation showing and declaring the result of the election on the approval or
453 rejection of the charter. One copy of the proclamation shall be attached to the copy of the
454 charter certified to the Secretary of State. One copy of the proclamation shall be delivered
455 to the secretary or clerk of the governing authority of the City of Quitman, who shall attach
456 the same to the copy of the charter previously certified to him or her. One copy of the

457 proclamation shall be delivered to the clerk of the governing authority of the County of
458 Brooks, who shall attach the same to the copy of the charter previously certified to him or
459 her.

460 (e) Whenever a charter for the consolidation of the governments of the City of Quitman and
461 the County of Brooks has been adopted, the above-certified copies thereof, with the
462 proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate
463 original copies of the charter of the consolidated government for all purposes. The certified
464 copy of the charter and proclamation deposited with the secretary or clerk of the governing
465 authority of the City of Quitman and the certified copy of the charter and proclamation
466 deposited with the clerk of the governing authority of the County of Brooks shall
467 subsequently be delivered by them to the successor government. The successor government
468 may issue certified copies of the charter, and any copy so certified shall be deemed a
469 duplicate original copy of the charter of the consolidated government for all purposes. The
470 Secretary of State is authorized to issue certified copies of the charter on file with him or her,
471 and copies so certified by him or her shall be deemed duplicate original copies of the charter
472 of the consolidated government for all purposes.

473 (f) The provisions of this section shall be mandatory upon the election superintendent and
474 are not intended as directory. If the election superintendent fails or refuses to comply with
475 this section, any elector of the City of Quitman or unincorporated Brooks County may apply
476 for a writ of mandamus to compel the election superintendent to perform his or her duties
477 under this section. If the court finds that the election superintendent has not complied with
478 this section, the court shall fashion appropriate relief requiring the election superintendent
479 to call and conduct such election on the date required by this section or on the next date
480 authorized for special elections provided for in Code Section 21-2-540 of the O.C.G.A.

481 **SECTION 2-11.**

482 In the event the proposed unified government charter is approved by voters as provided in
483 Section 2-10 of this part, an election shall be held in accordance with the provisions of the
484 charter to elect the members of the governing authority of the unified government. Upon the
485 election of the members of the governing authority and their taking office as the governing
486 authority of the unified government; the governing authorities of the City of Quitman and the
487 County of Brooks shall stand abolished, all in accordance with the provisions of the charter
488 of the new unified government.

489 **PART 3.**

490 **SECTION 3-1.**

491 An Act to amend, consolidate, and supersede the several Acts of the General Assembly of
492 the State of Georgia pertaining to the City of Quitman in the County of Brooks, approved
493 March 3, 1962 (Ga. L. 1962, p. 2894), as amended, is hereby repealed in its entirety.

494 **SECTION 3-2.**

495 Brooks County, Georgia, shall be vested with full authority to provide all governmental
496 services within that area comprising the former jurisdictional boundary of the City of
497 Quitman, including, but not limited to, and to the maximum extent provided, any powers of
498 the City of Quitman pursuant to Title 46 of the O.C.G.A., relating to electrical or natural gas
499 services. To the maximum extent authorized by law, Brooks County shall be successor in
500 right and obligation to all contracts, bonds, and other obligations of the City of Quitman
501 relating to electrical and natural gas services and shall assume all powers of such city relating
502 to such obligations and shall become a party to any such contracts replacing the City of
503 Quitman. All ordinances, rules, and regulations of Brooks County shall apply within that
504 area as they do in other unincorporated areas of the county, and the appropriate courts of

505 Brooks County shall have jurisdiction to enforce such ordinances, provided that this
506 transition shall not impact any vested rights accrued prior to the effective date of this part.

507 **SECTION 3-3.**

508 Upon the effective date of this part, the existence of any local authority created by or for the
509 City of Quitman shall likewise terminate on the same date; provided, however, that any joint
510 authority of which the City of Quitman was a part shall be modified by operation of law to
511 remove the City of Quitman, and that authority shall continue in existence with its remaining
512 members. The assets and liabilities of any authority terminated pursuant to this section shall
513 be treated in the same manner as assets and liabilities of the City of Quitman under this part.

514 **SECTION 3-4.**

515 (a) There is hereby created a special tax and service district to be known as the Quitman
516 Services District which shall correspond to and be coterminous with the corporate limits of
517 the City of Quitman as those corporate limits existed on the effective date of this part. Upon
518 the completion of the purposes provided in this part for such service district, the tax and
519 service district may be abolished by resolution of the governing authority of Brooks County.

520 (b) Brooks County may establish an advisory panel composed of residents and taxpayers of
521 the special tax and service district established pursuant to subsection (a) of this section to
522 advise said county on the provisions of services within such special district. The members
523 of such advisory panel shall be appointed by the governing authority of Brooks County, and
524 the number of such panel members and the terms of such members shall be provided for by
525 said governing authority.

526 **SECTION 3-5.**

527 (a) Except as provided herein, all legal rights, privileges, and assets of the City of Quitman
528 and all records of such assets shall pass to Brooks County without the necessity or formality

529 of a deed, bill of sale, or other instrument of transfer. The assets that shall transfer include
530 all real property assets of the City of Quitman of any nature, including, without limitation,
531 freehold estates, easements, life estates, future interests, and co-owned interests; all tangible
532 and intangible personal property assets of the City of Quitman of any nature, including,
533 without limitation, vehicles, heavy equipment, office equipment, and software; all accounts
534 receivable, rights to payment under contracts fully performed by the City of Quitman, and
535 similar financial assets of the City of Quitman of any nature; and all digital and electronic
536 papers and records of the City of Quitman. Expressly excluded from this section are any
537 rights or assets that derive from executory contracts of the City of Quitman addressed in
538 Section 3-6 of this part.

539 (b) Those amounts in any general fund for the City of Quitman shall be immediately
540 transferred to the general fund of Brooks County and segregated by Brooks County for the
541 provision of services within the Quitman Services District.

542 (c) Those amounts in any special or enterprise fund for the City of Quitman shall
543 immediately be transferred to a special fund of Brooks County and segregated by Brooks
544 County for their designated special purpose.

545

SECTION 3-6.

546 (a) Except as specifically provided in this part, neither Brooks County nor the State of
547 Georgia nor any political subdivision of the State of Georgia shall bear any responsibility or
548 liability for obligations, amounts, claims, debts, causes of action, judgments, or liabilities that
549 have accrued to the City of Quitman or its local public authorities, up to and including the
550 effective date of this part. Nothing in this part shall in any manner obligate Brooks County
551 to provide continued employment for any employee of the City of Quitman or any local
552 public authority of the city.

553 (b) Any bonded indebtedness of the City of Quitman shall become the debt and obligation
554 of the special tax and service district established pursuant to Section 3-4 of this part. Brooks

555 County shall be the successor to the City of Quitman for all purposes relating to such bonded
556 indebtedness, including the enforcement of rights and remedies of bondholders. The county
557 shall be required to levy a special district tax, fee, or assessment within the Quitman Services
558 District for the purpose of paying the amounts due on such bonded debt and any amounts due
559 to the Municipal Electric Authority of Georgia or the Municipal Gas Authority of Georgia
560 pursuant to its existing contracts with the City of Quitman. It is the specific intent of the
561 General Assembly that the special tax and service district established pursuant to Section 3-4
562 of this part shall assume all outstanding obligations, amounts, claims, debts, causes of action,
563 judgments, and liabilities that have accrued to the City of Quitman or its local public
564 authorities relating to the provisions of electrical or natural gas services, including, but not
565 limited to, any contracts the city has entered into with the Municipal Electric Authority of
566 Georgia, the Municipal Gas Authority of Georgia, any other political subdivision of this state
567 providing electrical or natural gas services, and the holders of any bonds or obligations
568 issued by such authority or political subdivisions, and that Brooks County, on behalf of such
569 special district, shall be empowered and required to undertake any and all actions the City
570 of Quitman was authorized to undertake to ensure that such responsibilities and obligations
571 are maintained, kept, and performed in full.

572 (c) Other than those bonded debts provided for in subsection (b) of this section and
573 Section 3-11 of this part, Brooks County, on behalf of the special tax and service district
574 established pursuant to Section 3-4 of this part, shall assume the rights and duties of any
575 executory contract of the City of Quitman in effect as of the effective date of this part,
576 including obligations pursuant to existing contracts between the City of Quitman and the
577 Municipal Electric Authority of Georgia, the Municipal Gas Authority of Georgia, or any
578 other debt provider. If assumed, any rights and obligations of such contracts that by their
579 nature are personal to the city shall be deemed to apply to the personnel, services, and assets
580 formerly belonging to the city so as to reasonably fulfill the basic purpose and bargain of the
581 original contract. The county shall be authorized but not required to levy a special district

582 tax, fee, or assessment within the Quitman Services District for the purpose of paying the
583 amounts due under contracts assumed pursuant to this subsection, to the extent that the
584 financial obligations under such contracts cannot be fully funded by funds and assets
585 devolved to the county from the City of Quitman; provided, however, that the county shall
586 be required to levy a special district tax, to the extent necessary, to pay obligations owed to
587 the Municipal Electric Authority of Georgia, the Municipal Gas Authority of Georgia, or any
588 other debt provider pursuant to its existing contracts with the City of Quitman.

589 (d) Financial assets and property devolved to Brooks County that are deemed by the county
590 to be excess for purposes of serving the Quitman Services District shall be used to satisfy any
591 obligations and retire any indebtedness of the City of Quitman.

592 **SECTION 3-7.**

593 To the maximum extent permitted by law, all federal and state permits and licenses issued
594 to the City of Quitman or its local authorities shall be transferred by operation of law to
595 Brooks County, and Brooks County may succeed to any rights, duties, contracts, or other
596 obligations of the City of Quitman pursuant to Title 46 of the O.C.G.A., relating to electrical
597 or natural gas services.

598 **SECTION 3-8.**

599 Notwithstanding any provisions of this part to the contrary, on the effective date of this part,
600 if any person is held in the custody of the City of Quitman, such person may be transferred
601 over to the custody of the Brooks County Sheriff's Office or other appropriate law
602 enforcement agency.

603 **SECTION 3-9.**

604 All cases pending in the Municipal Court for the City of Quitman shall be automatically
605 transferred to the Brooks County Magistrate Court or the appropriate court of competent

606 jurisdiction in Brooks County if jurisdiction does not lie in the magistrate court. Any transfer
607 of law enforcement jurisdiction to Brooks County shall not in and of itself abate any pending
608 prosecution of any violation of any ordinance of the City of Quitman, and the county shall
609 be entitled to enforce such city ordinance as if a violation occurred while the city ordinances
610 were in effect. As for any other lawsuits involving the City of Quitman in the Georgia
611 judicial system, the city shall cease to exist and therefore shall no longer be a proper party
612 to any legal action.

613 **SECTION 3-10.**

614 The zoning and land use regulations of the City of Quitman shall be deemed Brooks County
615 ordinances and shall apply within the Quitman Services District only, unless and until Brooks
616 County adopts zoning and land use regulations covering the properties within the Quitman
617 Services District.

618 **SECTION 3-11.**

619 Brooks County shall be entitled to receive the City of Quitman's share of proceeds of any
620 special purpose local option sales tax imposed pursuant to Article 3 of Chapter 8 of Title 48
621 of the O.C.G.A. and shall use those proceeds to complete the city projects authorized by the
622 applicable referendum or otherwise abandon the projects in accordance with general law.
623 To the extent that any intergovernmental agreement has been approved between Brooks
624 County and its qualified municipalities in connection with such special purpose local option
625 sales tax, the county shall have the power to act in place of the City of Quitman for purposes
626 of that agreement.

627 **SECTION 3-12.**

628 Brooks County and its qualified municipalities shall divide the City of Quitman's share of
629 proceeds of any local option sales tax in accordance with the provisions of Code
630 Section 48-8-89.2 of the O.C.G.A.

631 **SECTION 3-13.**

632 There is hereby designated a Historic Quitman Community which shall correspond to and
633 be coterminous with the corporate limits of the City of Quitman as those corporate limits
634 existed on the effective date of this part. Brooks County is authorized to provide appropriate
635 signage so as to mark the boundaries of such historic community.

636 **PART 4.**

637 **SECTION 4-1.**

638 Nothing contained in this Act shall be construed so as to amend, modify, or repeal:

- 639 (1) An Act to provide a new charter for the City of Barwick, approved April 26, 2016 (Ga.
640 L. 2016, p. 3699);
641 (2) An Act to provide a new charter for the City of Pavo, approved May 3, 2018 (Ga. L.
642 2018, p. 3577); and
643 (3) An Act to reincorporate the City of Morven in the County of Brooks, approved
644 April 11, 1979 (Ga. L. 1979, p. 3716).

645 **SECTION 4-2.**

- 646 (a) This part and Part 1 of this Act shall become effective upon its approval by the Governor
647 or upon its becoming law without such approval.
648 (b) Part 2 of this Act shall become effective as provided for in Section 1-1 of this Act.
649 (c) Except as provided for in Section 2-10 of this Act, Part 3 of this Act shall become
650 effective:

651 (1) On December 31, 2026, if Part 2 of this Act does not go into effect; provided, however,
652 that Part 3 of this Act shall not go into effect on such date if on such date the state auditor
653 certifies that the City of Quitman is in compliance with all of the audit requirements
654 provided for in Chapter 81 of Title 36 of the O.C.G.A. for all fiscal years of such city from
655 2017 to 2024;

656 (2) On July 1, 2027, if the certification conditions in paragraph (1) of this subsection are
657 met; provided, however, that Part 3 of this Act shall not go into effect on such date if on
658 such date the state auditor certifies that the City of Quitman is in compliance with all of the
659 audit requirements provided for in Chapter 81 of Title 36 of the O.C.G.A. for all fiscal
660 years of such city since 2017; or

661 (3) On January 1, 2028, if the charter provided for in Part 2 of this Act is not approved as
662 provided for in Section 2-10 of this Act; provided, however, that Part 3 of this Act shall not
663 go into effect on such date if on such date the state auditor certifies that the City of
664 Quitman is in compliance with all of the audit requirements provided for in Chapter 81 of
665 Title 36 of the O.C.G.A. for all fiscal years of such city since 2017.

666 The state auditor shall make such certifications no later than 30 days prior to the applicable
667 date provided for in paragraph (1), (2), or (3) of this subsection and shall provide certified
668 copies of such certifications to the governing authority of the City of Quitman, the governing
669 authority of Brooks County, the Secretary of State, and the Office of Legislative Counsel.

670 **SECTION 4-3.**

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