

House Bill 377 (AS PASSED HOUSE AND SENATE)

By: Representatives Beskin of the 54<sup>th</sup>, Hanson of the 80<sup>th</sup>, Silcox of the 52<sup>nd</sup>, Raffensperger of the 50<sup>th</sup>, Jones of the 47<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Fulton County, approved  
2 December 3, 1880 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved  
3 May 6, 2013 (Ga. L. 2013, p. 4374), so as to provide for the position of chairperson and to  
4 clarify the manner of election of such position; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act creating the Board of Commissioners of Fulton County, approved December 3, 1880  
9 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved May 6, 2013  
10 (Ga. L. 2013, p. 4374), is amended by revising Section 2 as follows:

11 "SECTION 2.

12 (a) For purposes of electing members of the board of commissioners, Fulton County is  
13 divided into six commissioner districts. One member of the board shall be elected from  
14 each such district. Commissioner Districts 1, 2, 3, 4, 5, and 6 shall be and correspond to  
15 those six numbered districts described in and attached to and made a part of this Act and  
16 further identified as 'Plan: fultoncc-p1-2013 Plan Type: Local Administrator: HD050  
17 User: Gina'. The chairperson of the board of commissioners shall be elected at large.

18 (b) For the purposes of such plan:

19 (1) The term 'VTD' shall mean and describe the same geographical boundaries as  
20 provided in the report of the Bureau of the Census for the United States decennial census  
21 of 2010 for the State of Georgia. The separate numeric designations in a district  
22 description which are underneath a VTD heading shall mean and describe individual  
23 Blocks within a VTD as provided in the report of the Bureau of the Census for the United  
24 States decennial census of 2010 for the State of Georgia; and

25 (2) Except as otherwise provided in the description of any district, whenever the  
26 description of any district refers to a named city, it shall mean the geographical

27 boundaries of that city as shown on the census maps for the United States decennial  
28 census of 2010 for the State of Georgia.

29 (c) Any part of Fulton County which is not included in any district described in  
30 subsection (a) of this section shall be included within that district contiguous to such part  
31 which contains the least population according to the United States decennial census of 2010  
32 for the State of Georgia.

33 (d) Any part of Fulton County which is described in subsection (a) of this section as being  
34 included in a particular district shall nevertheless not be included within such district if  
35 such part is not contiguous to such district. Such noncontiguous part shall instead be  
36 included within that district contiguous to such part which contains the least population  
37 according to the United States decennial census of 2010 for the State of Georgia.

38 (e) All members of the board of commissioners shall be qualified electors of Fulton  
39 County and shall be at least 21 years of age as of the date of taking office. All of such  
40 members shall have been residents of their respective districts for at least one year from the  
41 date of their taking office. The chairperson of the board of commissioners shall be elected  
42 by a majority vote of the qualified electors of the entire county voting at the elections  
43 provided for in this Act. The commissioners from Districts 1, 2, 3, 4, 5, and 6 shall be  
44 residents of their respective commissioner districts, and each such member shall be elected  
45 by a majority vote of the qualified electors voting within the member's respective  
46 commissioner district at the elections provided for in this Act. Any person offering as a  
47 candidate for commissioner shall designate the commissioner district for which he or she  
48 is offering. All members of the board of commissioners shall be nominated and elected in  
49 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

50 **SECTION 2.**

51 Said Act is further amended by revising Section 3 as follows:

52 **"SECTION 3.**

53 (a) Members of the board of commissioners from Commissioner Districts 1, 3, and 5 shall  
54 be elected in the 2014 general election by the qualified electors of their respective districts,  
55 shall take office on January 1, 2015, and shall serve a term of office of four years and until  
56 their respective successors are elected and qualified. Members of the board of  
57 commissioners from Commissioner Districts 2, 4, and 6 shall be elected in the 2014 general  
58 election by the qualified electors of their respective districts, shall take office on January 1,  
59 2015, and shall serve a term of office of two years and until their respective successors are  
60 elected and qualified. Thereafter, successors shall be elected at the general election  
61 immediately preceding the expiration of the term of office, shall take office on January 1  
62 immediately following such election, and shall serve terms of office of four years and until

63 their respective successors are elected and qualified. In the event that the office of a  
 64 commissioner from Commissioner District 1, 2, 3, 4, 5, or 6 becomes vacant and the  
 65 unexpired term is six months or less, the Governor shall appoint a qualified person to serve  
 66 for the remainder of the unexpired term of office. If the unexpired term of office is more  
 67 than six months, such vacancy shall be filled by a special election held in accordance with  
 68 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

69 (b) The chairperson shall be elected in the 2014 general election by the qualified electors  
 70 of the entire county, shall take office on January 1, 2015, and shall serve a term of office  
 71 of four years and until his or her successor is elected and qualified. Thereafter, a successor  
 72 to such chairperson shall be elected at the general election immediately preceding the  
 73 expiration of the term of office, shall take office on January 1 immediately following such  
 74 election, and shall serve a term of office of four years and until his or her successor is  
 75 elected and qualified. In the event that the office of chairperson becomes vacant and the  
 76 unexpired term is six months or less, the Governor shall appoint a chairperson from among  
 77 the members of the board to serve as chairperson for the remainder of the term. If the  
 78 unexpired term is more than six months, such vacancy shall be filled by a special election  
 79 held in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'  
 80 The chairperson shall be a full voting member of the board of commissioners.

81 (c) The chairperson of the board of commissioners shall have the following powers and  
 82 duties:

- 83 (1) To preside at meetings of the board of commissioners;
- 84 (2) To serve as the official spokesperson for the board of commissioners;
- 85 (3) To sign all official papers and other instruments and documents on behalf of the  
 86 board of commissioners as directed or authorized by ordinance, resolution, or policy of  
 87 the board of commissioners;
- 88 (4) To make appointments of members of the board of commissioners to committees  
 89 thereof and to make appointments to other committees, boards, or public authorities as  
 90 authorized by law or by ordinance, resolution, or policy of the board of commissioners;  
 91 and
- 92 (5) To perform such other duties as may be provided by ordinance or resolution of the  
 93 board of commissioners.

94 (d) Four members of the board of commissioners shall constitute a quorum for the  
 95 transaction of business, but the affirmative vote of at least four commissioners shall be  
 96 required for the board of commissioners to take official action."

97 **SECTION 3.**

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