

House Bill 615 (AS PASSED HOUSE AND SENATE)

By: Representatives Tarvin of the 2nd and Deffenbaugh of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the office of commissioner of Walker County, approved February
2 10, 1939 (Ga. L. 1939, p. 751), as amended, so as to create the Board of Commissioners of
3 Walker County; to provide for continuation of certain obligations and liabilities; to provide
4 for the composition of the board; to provide for elections and terms of office; to provide for
5 qualifications; to provide for commissioner districts; to provide for filling of vacancies; to
6 provide for oaths of office and surety bonds; to provide for the compensation and expenses
7 of the chairperson and members of the board; to provide for a vice chairperson; to provide
8 for powers and duties of such officers; to provide for meetings; to provide for the powers,
9 duties, and authority of the chairperson and members of the board; to provide for formal bids
10 for certain purchases; to provide for the appointment of a clerk and other officials; to provide
11 for the preparation, submission, review, adoption, and amendment of budgets; to provide for
12 expenditure of county funds; to provide for audits of county finances and financial records;
13 to provide for a referendum; to provide for related matters; to provide for effective dates and
14 automatic repeal; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **PART I.**

17 **SECTION 1-1.**

18
19 An Act creating the office of commissioner of Walker County, approved February 10, 1939
20 (Ga. L. 1939, p. 751), as amended, is amended by striking Section 1 through the end and
21 inserting in lieu thereof the following:

22 "SECTION 1.

23 There is created the Board of Commissioners of Walker County to be elected and
24 organized as provided for in this Act. The board shall be the successor to the office of
25 commissioner of Walker County and shall continue to have the obligations and liabilities

26 of the commissioner of Walker County as existed immediately prior to January 1, 2021.
27 The board shall constitute the governing authority of Walker County and shall exercise the
28 powers, duties, and responsibilities vested in and upon such officers by the provisions of
29 this Act. The term 'board,' whenever used in this Act, shall mean the Board of
30 Commissioners of Walker County, including the chairperson and all members.

31 SECTION 2.

32 (a) The board shall consist of a chairperson and four district commissioners. The four
33 district commissioners shall be residents of their respective commissioner districts as
34 described in subsection (b) of this section and shall be elected by the electors of their
35 respective districts as provided in Section 3 of this Act. The chairperson shall be elected
36 at large as provided in Section 3 of this Act.

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

43 (c)(1) When used in such attachment, the term 'VTD' shall mean and describe the same
44 geographical boundaries as provided in the report of the Bureau of the Census for the
45 United States decennial census of 2010 for the State of Georgia. The separate numeric
46 designations in a district description which are underneath a VTD heading shall mean and
47 describe individual blocks within a VTD as provided in the report of the Bureau of the
48 Census for the United States decennial census of 2010 for the State of Georgia.

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

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

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

SECTION 3.

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

(b) In order to be elected as a member of the board from a commissioner district, a person shall be 18 years of age or older, shall have resided in that district for at least 12 consecutive months prior to election thereto, and shall receive a majority of the votes cast for that office by the electors of that district. At the time of qualifying, each candidate for such office shall specify the commissioner district for which that person is offering as a candidate. A person elected as a member of the board from a commissioner district shall continue to reside in that district during that person's term of office or that office shall thereupon become vacant.

(c) The chairperson of the board shall be 25 years of age or older, shall have resided in Walker County for at least 12 consecutive months prior to election to such office, may reside anywhere within Walker County, and shall receive a majority of the votes cast for such office by the electors of the entire county. The chairperson shall continue to reside within Walker County during that person's term of office or that office shall thereupon become vacant.

SECTION 4.

(a) The first members of the Board of Commissioners of Walker County shall be elected at the 2020 November general election. The members of the board elected thereto from Commissioner Districts 1 and 2 in 2020 shall take office on January 1, 2021, and shall serve for an initial term of office which shall expire on January 1, 2023, and upon the election and qualification of their respective successors. The chairperson and the members of the board elected thereto from Commissioner Districts 3 and 4 in 2020 shall take office on January 1, 2021, and shall serve for initial terms of office which shall expire on January 1, 2025, and upon the election and qualification of their respective successors. Those and all future successors to the chairperson and members of the board whose terms of office are to expire shall be elected at the November state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of four years and until their respective successors are elected and qualified.

(b) The chairperson and members of the board shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

95 SECTION 5.

96 (a) In the event of a vacancy occurring in the membership of the board, whether the
97 vacancy is in the office of chairperson or any other member, for any reason other than
98 expiration of term, that vacancy shall be filled as provided in this section.

99 (b) In the event a vacancy occurs on the board when at least 180 days remain in the
100 unexpired term of office, the election superintendent of Walker County, within 15 days
101 after the vacancy occurs, shall issue the call for a special election to fill the vacancy for the
102 unexpired term. Such special election shall be called and conducted as provided in
103 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter
104 amended. Any person elected in a special election to fill such a vacancy shall take office
105 immediately upon certification of the results of such special election and qualification. If
106 such vacancy is in the office of chairperson of the board of commissioners, the vice
107 chairperson of the board shall exercise the powers and duties of the chairperson for the
108 period beginning on the date the vacancy occurs and ending on the date the successor
109 chairperson takes office for the unexpired term following the special election provided for
110 in this subsection.

111 (c) In the event a vacancy occurs on the board when less than 180 days remain in the
112 unexpired term of office, the remaining members of the board shall appoint a qualified
113 person to fill the vacancy for the unexpired term. Any person appointed by the board to
114 fill a vacancy as provided in this subsection shall possess the residency and other
115 qualifications required for the office and shall take office immediately upon appointment
116 and qualification. If such vacancy is in the office of chairperson of the board, the vice
117 chairperson of the board shall exercise the powers and duties of the chairperson for the
118 period beginning on the date the vacancy occurs and ending on the date the successor
119 chairperson takes office for the unexpired term following his or her appointment as
120 provided for in this subsection. During the time when the board has a vacancy under this
121 subsection and only during such time, if a vote on a matter before the board results in a tie,
122 the chairperson or, if the office of chairperson is vacant and the vice chairperson is serving
123 as chairperson, the vice chairperson shall be allowed to cast an additional vote to break
124 such tie.

125 SECTION 6.

126 Before entering upon the discharge of their duties, the chairperson and district
127 commissioners shall subscribe to an oath before the judge of the probate court of such
128 county for the true and faithful performance of their duties and that they are not the holders
129 of any public funds unaccounted for. In addition, the chairperson and each district
130 commissioner shall further give a satisfactory surety bond to the judge of the probate court

131 of the county payable to the judge of the probate court or that judge's successor in office
132 and filed in the office of the judge of the probate court, in the sum of \$25,000.00,
133 conditioned upon the faithful performance of the duties of the office. The costs of said
134 bonds shall be paid out of the county treasury.

135 SECTION 7.

136 (a) District commissioners, other than the chairperson, shall serve in such capacity on a
137 part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall
138 be paid in equal monthly installments from the funds of Walker County.

139 (b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an
140 annual salary equal to the annual salary of the highest paid elected county officer of Walker
141 County, plus an additional \$500.00, or \$100,000.00 per annum, whichever is greater. For
142 the purposes of this subsection, the term 'county officer' shall mean only the tax
143 commissioner, the judge of the probate court, the sheriff, or the clerk of superior court.
144 The salary provided in this subsection shall be paid in equal monthly installments from the
145 funds of Walker County. The salary and expenses provided for in this subsection shall
146 constitute the entire compensation to which the chairperson shall be entitled to be paid
147 from county funds.

148 (c) The chairperson and the district commissioners may be reimbursed for reasonable
149 expenses incurred in carrying out their duties. Expenses may be reimbursed only after the
150 submission of receipts or records of said expenses to the county clerk and approval by
151 majority vote of the board of commissioners at a regularly scheduled meeting. The
152 chairperson and commissioners shall be entitled to compensation for serving on any other
153 boards or authorities for which their membership is provided by law.

154 (d) At their own expense, the district commissioners may participate in county provided
155 health, dental, and other health related programs and in county sponsored retirement
156 programs. No county funds shall be spent on these programs for the benefit of the district
157 commissioners.

158 SECTION 8.

159 At the first regular meeting of each year, the board shall elect from its members a vice
160 chairperson. In the event of death, disqualification, or resignation of the chairperson, the
161 vice chairperson shall perform the duties and exercise the authority of the chairperson until
162 a new chairperson is chosen as provided in this Act. The vice chairperson shall preside at
163 meetings of the board in the absence of the chairperson and shall serve for the calendar
164 year in which he or she is elected. In the event of a vacancy in the office of vice

165 chairperson, the board shall elect a new vice chairperson to serve for the remainder of the
166 calendar year.

167 SECTION 9.

168 Each month, at the county seat, the board of commissioners shall hold a minimum of two
169 regular meetings. All meetings shall be open to the public as required by law and shall
170 provide a time period exclusively for public comment. The time, date, and place of the
171 meetings shall be determined by the board in the first meeting of the year. Any resolution
172 passed by the board regarding the time, date, and place of its monthly meetings shall be
173 published in the official county organ once a week for two weeks during a period of 30
174 days immediately following the passage of the resolution. The board of commissioners
175 may hold such additional meetings as shall be necessary when called by the chairperson
176 or any two commissioners, provided that all members of the board of commissioners shall
177 have been notified at least three days in advance of such special meeting which is open to
178 the public. Three district commissioners or the chairperson and any two district
179 commissioners shall constitute a quorum. No official action shall be taken except upon the
180 affirmative vote of at least three members of the board of commissioners and except upon
181 compliance with Chapter 14 of Title 50 of the O.C.G.A. The chairperson shall be entitled
182 to vote on a question only if the chairperson's vote would affect the outcome of any vote
183 or issue before the board. The vice chairperson while serving as chairperson shall be
184 entitled to vote on all matters before the board. All regular and called meetings shall be
185 conducted according to *Robert's Rules of Order*.

186 SECTION 10.

187 The chairperson shall administer the affairs and day-to-day business of the county and
188 preside over the meetings of the board. The duties of the chairperson shall include, but
189 shall not be limited to, the following:

- 190 (1) Calling meetings of the board as provided in Section 9 of this Act;
- 191 (2) Preparing a proposed agenda and presiding over meetings of the board;
- 192 (3) Representing the county government at ceremonial functions;
- 193 (4) Being empowered to submit motions that are made and seconded by district
194 commissioners to the board for action;
- 195 (5) Appointing members and chairpersons to all committees of the board with the
196 approval of the board; and
- 197 (6) Performing such other duties as shall be delegated to the chairperson by the board or
198 as provided by law or ordinance.

199 The chairperson shall be authorized, in his or her sole discretion, to spend not more than
200 \$25,000.00 without approval of the board.

201 SECTION 11.

202 The board shall have the power and authority to fix and establish, by appropriate resolution
203 entered on its minutes, policies, rules, and regulations governing all matters reserved to its
204 exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper
205 entry thereof made on the minutes of the board, shall be conclusive and binding. The board
206 shall exercise only those administrative powers which are necessarily and properly incident
207 to its functions as a policy-making or rule-making body or which are necessary to compel
208 enforcement of its adopted resolutions. Except as otherwise provided in this Act, the
209 following powers are vested in the board and reserved to its exclusive jurisdiction:

- 210 (1) To levy taxes;
- 211 (2) To make appropriations;
- 212 (3) To fix rates and charges for services provided by the county;
- 213 (4) To authorize the incurring of indebtedness;
- 214 (5) To order work done where the cost is to be assessed against benefited property and
215 to fix the basis for such assessment;
- 216 (6) To authorize and provide for the execution of contracts;
- 217 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and
218 ferries, according to law; provided, however, that the chairperson shall have the authority
219 to accept subdivision plats when the requirements established by the board for
220 subdivisions have been met;
- 221 (8) To establish, abolish, or change election precincts and militia districts according to
222 law;
- 223 (9) To accept, for the county, the provisions of any optional statute where the statute
224 permits its acceptance by the governing authority of the county;
- 225 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the
226 commissioner of Walker County in respect to zoning and planning;
- 227 (11) To create and change the boundaries of special taxing districts authorized by law;
- 228 (12) To fix the bonds of county officers where same are not fixed by statute;
- 229 (13) To enact any ordinances or other legislation which the county may be given
230 authority to enact;
- 231 (14) To determine the priority of capital improvements;
- 232 (15) To call elections for the voting of bonds;

- 233 (16) To exercise all of the power and authority formerly vested by law in the
234 commissioner of Walker County together with the power and authority which may be
235 delegated by law to the governing authority of the county, by whatever name designated;
236 (17) To appoint retained legal counsel and an independent county auditor and provide
237 for their compensation; and
238 (18) To require all county officers to report on the general or specific conduct of the
239 financial affairs of their respective offices.

240 SECTION 12.

241 Formal sealed bids shall be received for all purchases in amounts over the state limit for
242 sealed bids unless the board sets a lower limit. Advertisements for such bids shall be
243 published for two consecutive weeks in the official organ of Walker County. The need for
244 such bids may be dispensed with by the board if it decides that an emergency exists which
245 will not permit a delay.

246 SECTION 13.

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

251 SECTION 14.

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

259 SECTION 15.

260 The chairperson shall submit annually to the board a proposed budget governing
261 expenditures of all county funds, including capital outlay and public works projects for the
262 following fiscal year. The board shall thereafter hold two public hearings at least seven
263 days apart on the budget, giving notice thereof at least ten days in advance by publication
264 of such notice and of the proposed budget in the official organ of Walker County and by
265 posting same at the courthouse. The budget shall then be reviewed and adopted or

266 amended by the board prior to the beginning of the new fiscal year to which it applies,
267 which budget, when so adopted or amended by the board, shall constitute the board's
268 appropriation of all funds for such year. The budget so adopted may be revised during the
269 year only by formal action of the board in a regular meeting, and no increase shall be made
270 therein without provision also being made for financing the same. The proposed budget
271 submitted by the chairperson shall be accompanied by a report containing information and
272 data relating to the financial affairs of the county pertinent to arriving at and establishing
273 the annual budget. A copy of the budget and of each revision or amendment to the same
274 shall be transmitted by the chairperson to the grand jury of the Superior Court of Walker
275 County within ten days from the time such budget or amendment thereof is adopted by the
276 board. The board may from time to time, upon a majority vote thereof, change the ending
277 and beginning date of the fiscal year for the county or may operate on a calendar basis;
278 provided, however, that in the event of such change, the budget shall be submitted at least
279 two months prior to the beginning date of the next fiscal year or January 1, whichever shall
280 apply, and shall be adopted at least one month prior to such beginning date. The
281 procedures for budget preparation, submission to the governing authority, review by the
282 governing authority, public review, notice, and hearings shall be as provided for in
283 Chapter 81 of Title 36 of the O.C.G.A.

284 SECTION 16.

285 No expenditures of county funds shall be made except in accordance with the county
286 budget, or amendments thereto, adopted by the board. The chairperson of the board shall
287 enforce compliance with this section by all departments of county government and to this
288 end shall institute a system of allotments of all moneys appropriated and budgeted.

289 SECTION 17.

290 The board shall on or before the final day of the month following the end of each fiscal
291 year employ a certified public accountant for the making of an annual continuous audit of
292 county finances and financial records. The accountant so employed shall be paid out of
293 county funds and shall perform a complete audit of the financial records of the county for
294 the preceding year, pointing out any irregularities found to exist and reporting the results
295 of such audit to the board. The same person or firm shall not perform such audit for more
296 than four consecutive annual periods. Each annual report submitted to the board shall be
297 made available for public inspection as are other records in such office. The board shall
298 cause to be published in the official organ of Walker County and posted at the courthouse
299 a statement of the financial condition of the county as of December 31 and June 30 of each

300 year. Said accountant shall transmit to the grand jury of the Superior Court of Walker
 301 County a copy of each annual report furnished by such accountant to the board.

302 Plan: walkercc-2017

303 Plan Type: Local

304 Administrator: SD053

305 User: Gina

306 District 001

307 Walker County

308 VTD: 2951812 - ROSSVILLE

309 VTD: 2951893 - FAIRVIEW

310 District 002

311 Walker County

312 VTD: 2950881 - POND SPRINGS

313 VTD: 2950944 - PEAVINE

314 020502:

315 3003 3005 3052 3053 3054

316 020601:

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328 020800:

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330 VTD: 2951809 - KENSINGTON

331 020502:

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 335 VTD: 2951818 - CHICKAMAUGA
 336 VTD: 2951898 - WALLACEVILLE
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 342 District 003
 343 Walker County
 344 VTD: 2950869 - CHESTNUT FLAT
 345 VTD: 2950871 - LAFAYETTE
 346 020602:
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 395 VTD: 2950960 - CANE CREEK
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 399 VTD: 2951053 - WEST ARMUCHEE

 400 District 004
 401 Walker County
 402 VTD: 2950871 - LAFAYETTE
 403 020901:
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 408 VTD: 2950943 - WILSON
 409 VTD: 2950960 - CANE CREEK
 410 020901:
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 420 VTD: 2951161 - MOUNTAIN
 421 VTD: 2951501 - CHATTANOOGA VAL
 422 VTD: 2951800 - DAUGHERTY
 423 VTD: 2951808 - CEDAR GROVE
 424 VTD: 2951809 - KENSINGTON
 425 020800:
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 436 VTD: 2951851 - FAIRYLAND
 437 VTD: 2951898 - WALLACEVILLE
 438 020302:
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 441 5035 5036 5037 5038
 442 020502:

443 2000 2001 2002 2003 2004 2005 2006 2012 2013 2014 2015 2016
 444 2017 2018"

445 **PART II.**

446 **SECTION 2-1.**

447 The election superintendent of Walker County shall call and conduct an election on the date
 448 of the 2018 November general election as provided in this section for the purpose of
 449 submitting this Act to the electors of Walker County for approval or rejection. The election
 450 superintendent shall issue the call and conduct that election as provided by general law. The
 451 superintendent shall cause the date and purpose of the election to be published once a week
 452 for two weeks immediately preceding the date thereof in the official organ of Walker County.
 453 The ballot shall have written or printed thereon the words:

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

457 All persons desiring to vote for approval of changing the form of the governing authority of
 458 Walker County to a board consisting of four members elected by district and a chairperson
 459 elected at large shall vote "Yes." Those persons desiring to vote against changing the form
 460 of the governing authority of Walker County shall vote "No." If more than one-half of the
 461 votes cast are for approval of changing the form of the governing authority of Walker County
 462 to a board of commissioners consisting of four members elected by district and a chairperson
 463 elected at large, then Part I of this Act shall become effective immediately for purposes of
 464 electing members of the board of commissioners in November, 2020, and for all other
 465 purposes on January 1, 2021; otherwise, this Act shall be automatically repealed on the first
 466 day of January following that election date. The expense of such election shall be borne by
 467 Walker County. It shall be the duty of the election superintendent to certify the results
 468 thereof to the Secretary of State.

469 **SECTION 2-2.**

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

472 **SECTION 2-3.**

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