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**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1986****LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1986****1986 Vol. 2 -- Page: 3635****Sequential Number: 017****Short Title:** CHEROKEE COUNTY -- BOARD OF COMMISSIONERS; CREATION; REFERENDUM.**Law Number:** No. 795**Origin:** (House Bill No. 1005).**Type:** AN ACT

**Full Title:** To create a board of commissioners of Cherokee County consisting of three members elected from districts; to provide for the election and terms of office of the members of the board; to provide for a chairman of the board; to provide for filling vacancies; to provide for oaths; to provide for bonds; to provide for the compensation of the chairman and members of the board; to provide for meetings of the board; to provide for the powers, duties, and responsibilities of the board; to provide reports on financial affairs; to provide for county employees and for certain appointments; to provide for the internal organization of the county government; to provide for budgeting and auditing; to provide for the expenditure of county funds; to provide for other matters relative to the foregoing; to provide for a referendum; to provide effective dates; to repeal specific Acts; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**Section 1.** The board of commissioners of Cherokee County, hereinafter referred to in this Act as "the board," is created as the governing authority of Cherokee County. The members of the board shall be elected and organized as provided in this Act, and the board shall exercise the powers, duties, and responsibilities vested in and imposed upon the board by this Act.

**Section 2. (a)** The board shall consist of three members. For the purpose of electing the members, Cherokee County is divided into three commissioner districts as follows:

**Commissioner District No. 1**

All the territory within the boundaries of Cherokee County

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**Page: 3636****Commissioner District No. 2**

- Cherokee
  - Tract 901
    - Block Group 1

- Blocks 201 through 240 and 242 through 258
- Tract 902
  - Block 122
  - Block 201
- Tract 905
  - Blocks 101 through 147
  - That part of Block 148 north of the Etowah River
  - Blocks 149 through 151
  - Block Groups 2 and 3
- Tract 908
  - Block Group 1
  - Blocks 201 through 210 and 215 through 230
  - Blocks 301 through 314
- Tract 909
- Tract 910
  - Blocks 101 through 104, 111 through 122, 126, and 127

**Commissioner District No. 3**

- Cherokee
  - Tract 901
    - Block 241
  - Tract 902
    - Blocks 101 through 121, 139, 140, 143, and 144
    - Blocks 202 through 233
    - Block Group 3
  - Tracts 903 and 904
  - Tract 905
    - That part of Block 148 south of the Etowah River
  - Tracts 906 and 907
  - Tract 908
    - Blocks 211 through 214
    - Blocks 315 through 318

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- Tract 910
  - Blocks 105 through 110 and 123 through 125
- Tract 911

(b) The terms "Tract" and "Block" shall mean and shall describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 1980 for the State of Georgia.

(c) Any part of Cherokee County which is not included in any commissioner district described in subsection (a) of this section shall be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1980 for the State of Georgia and Cherokee County.

**Section 3.** (a) One member of the board shall be elected from each of the commissioner districts provided for by Section 2 of this Act. The chairman of the board shall be the member elected from Commissioner District No. 1. Each candidate for election as a member of the board shall specify the commissioner district for which the candidate is offering. Each member of the board shall have been a resident of the member's respective commissioner district for at least one year prior to the date of taking office as a member of the board and must remain a resident of the respective district during the term to which elected. All members of the board shall be citizens of Cherokee County who are at least 21 years of age on the date of taking office as members of the board.

(b) The board members shall be elected by a majority vote of the registered voters of Cherokee County.

**Section 4.** (a) The chairman of the board from Commissioner District No. 1 shall be elected at the general election of 1986 and shall take office on the first day of January, 1987, for a term of four years and until a successor is elected and qualified. The first members of the board from Commissioner Districts No. 2 and 3 shall be elected at the general election of 1986 and shall take office on the first day of January, 1987, for terms of two years and until their successors are elected

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and qualified. Thereafter, successors shall be elected at the general election immediately preceding the expiration of the terms of office and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(b) All members of the board shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

**Section 5.** The chairman of the board shall preside at meetings of the board and shall have such other and additional powers, duties, and responsibilities as provided by law or as the board by ordinance or resolution may delegate to the chairman.

**Section 6.** (a) In the event a vacancy occurs in the membership of the board by death, resignation, removal from the commissioner district from which elected, or for any other cause and the unexpired term of office is six months or less, the remaining members of the board shall appoint by majority vote a qualified resident of the commissioner district wherein the vacancy occurred to fill such vacancy for the unexpired term of office. If the members of the board fail to make the appointment within 15 days of the date the vacancy occurred, then the grand jury of the county shall appoint a qualified resident of the commissioner district wherein the vacancy occurred to fill such vacancy for the unexpired term of office.

(b) If a vacancy occurs when the unexpired term is more than six months, it shall be the duty of the election superintendent of Cherokee County, within ten days after the date of the vacancy, to issue the call for a special election to elect a qualified person to fill such vacancy for the unexpired term. Such special election shall be held within the commissioner district wherein the vacancy occurred. Any person elected to fill such vacancy shall have the qualifications for membership on the board. Any such special election to fill a vacancy shall be called and held in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

**Section 7.** Before entering upon the discharge of duties, each member of the board shall subscribe to an oath before the judge of the Probate Court of Cherokee County for the true

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and faithful performance of his or her duties and that he or she is not the holder of any unaccounted for public funds.

**Section 8.** Each member of the board shall give a satisfactory surety bond approved by the judge of the probate court and payable to said officer and filed in the office of the judge of the probate court in the sum of \$25,000.00, conditioned upon the faithful performance of the duties of the member's office. The costs of such bonds shall be paid from the funds of Cherokee County.

**Section 9.** (a) Each member of the board, other than the chairman, shall receive an annual salary of \$8,400.00, payable in monthly installments. The chairman of the board shall receive an annual salary of \$40,000.00, payable in equal monthly installments. Such compensation shall be paid from the funds of Cherokee County.

(b) In accordance with an ordinance or resolution duly adopted by the board governing expenses of the members of the board and reimbursement of such expenses, each member of the board may be reimbursed from county funds for all actual and necessary expenses incurred in the performance of official duties of office.

**Section 10.** At the first regular meeting in January of each year, the board shall provide by resolution for regular bimonthly meetings of the board. In addition to its regular meetings, the board may meet at any time on the call of the chairman or on the call of any two members of the board. Two members of the board shall constitute a quorum for the transaction of business but official action may be taken only by the affirmative vote of at least two members of the board.

**Section 11.** The board shall have the power to fix and establish, by appropriate resolution or ordinance duly adopted by the board, policies, rules, and regulations governing all matters within its jurisdiction as the governing authority of the county. The board may exercise the powers and shall be subject to the duties and responsibilities now or hereafter provided by the Constitution and general laws of this state relative to county governing authorities. Without limiting the generality of the foregoing, the following specific powers are vested in the board:

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- (1) To levy taxes;
- (2) To make appropriations;
- (3) To fix rates and charges for services provided by the county;
- (4) To authorize the incurring of indebtedness;
- (5) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;
- (6) To authorize and enter into contracts;
- (7) To establish, alter, open, close, build, repair, or abolish public roads, private ways, bridges, and ferries, according to law;
- (8) To establish, abolish, or change election precincts and militia districts according to law;
- (9) To allow the insolvent lists for the county;
- (10) To accept for the county the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;
- (11) To create and change the boundaries of special taxing districts as authorized by law;
- (12) To fix the bonds of county officers where same are not fixed by statute;
- (13) To enact any ordinances, resolutions, or other legislation the county may be given authority to enact;
- (14) To determine the priority of capital improvements;
- (15) To call bond elections; and
- (16) To exercise all of the power and authority heretofore vested by law in the judge of the probate court when

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sitting for county purposes and delegated by law to the board of commissioners of Cherokee County, together with all power and authority which may hereafter be delegated by law to the governing authority of the county, by whatever name designated.

**Section 12.** The board is authorized to require all department heads to report on the general or specific conduct of the financial affairs of their respective offices. This section shall not apply to the departments of the elected county officers listed in Article IX, Section I, Paragraph III of the Constitution.

**Section 13.** (a) The board shall have the exclusive power and authority to appoint, remove, and fix the compensation of all employees of the county except the employees of the board of education of Cherokee County and the employees of the elected county officers listed in Article IX, Section I, Paragraph III of the Constitution. In addition, the board shall have the specific authority to hire a chief office administrator and to fix the salary of the chief office administrator.

(b) The appointment and removal of, and the compensation to be paid to, persons filling offices and positions created by state statute, where not otherwise prescribed by such statute, shall be made and fixed by the board.

**Section 14.** (a) The internal organization of the county government, including its various departments and administrative agencies, shall be as prescribed by ordinance or resolution of the board.

(b) The ordinances and resolutions of Cherokee County and the organization of the Cherokee County government in effect on December 31, 1986, shall continue in full force and effect until such time as the board created by this Act exercises its authority to repeal or modify such ordinances or resolutions or to change the internal organization of the county government.

**Section 15.** The board shall comply with the budgeting and auditing procedures and requirements set forth in Chapter 81 of Title 36 of the O.C.G.A., relative to budgets and audits of local governments.

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**Section 16.** The expenditure of county funds shall be made in accordance with the county budget or amendments thereto adopted by the board. The board shall enforce compliance with this requirement by all departments of county government, including the departments of the elected county officers, and to this end, the board, by ordinance or resolution, shall institute a system to control county purchasing and to account for the expenditure of all funds budgeted and appropriated by the board.

**Section 17.** Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Cherokee County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Cherokee County for approval or rejection. The election superintendent shall conduct that election on May 6, 1986, and shall issue the call therefor not less than 30 nor more than 45 days prior to that date. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Cherokee County. The ballot shall have written or printed thereon the words:

"() YES

() NO

Shall the Act which provides a board of commissioners for Cherokee County, consisting of a chairman and two members representing commissioner districts, elected by the voters of the entire county be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, the provisions of the Act necessary for the election in 1986 of the members of the board of commissioners shall be effective upon the certification of the results of the referendum, and this Act shall become effective for all purposes on January 1, 1987. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

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The expense of such election shall be borne by Cherokee County. It shall be the superintendent's duty to certify the result thereof to the Secretary of State.

**Section 18.** If this Act is approved at the referendum provided for by Section 17, effective on January 1, 1987, an Act creating the office of Commissioner of Cherokee County, approved August 9, 1915 (Ga. L. 1915, p. 177), and all amendatory Acts thereof shall stand repealed in their entirety.

**Section 19.** All laws and parts of laws in conflict with this Act are repealed.

#### 971 NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the regular 1985 session of the General Assembly of Georgia a bill to create a board of commissioners of Cherokee County consisting of three members elected from districts; to provide for all related matters; to provide for a referendum; to repeal specific Acts; and for other purposes.

This 8th day of Feb., 1985.

/s/ Wendell T. Anderson Honorable Wendell T. Anderson Representative, 8th District 2:13

Georgia, Fulton County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Wendell T. Anderson, Sr., who, on oath, deposes and says that he is Representative from the 8th District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Cherokee Tribune which is the official organ of Cherokee County, on the following date: February 13, 1985.

/s/ Wendell T. Anderson, Sr. Representative, 8th District

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Sworn to and subscribed before me, this 25th day of February, 1985.

/s/ Susan Gordon  
Notary Public, Georgia State at Large.  
My Commission Expires Dec. 11, 1988.  
(Seal).

**Approval Date:** Approved March 4, 1986.