

House Bill 1110 (AS PASSED HOUSE AND SENATE)

By: Representative Dickey of the 140<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the unified government of Roberta-Crawford County; to provide for  
2 boundaries and districts; to provide for powers and duties; to provide for organization,  
3 qualifications, election, terms, compensation, and filling of vacancies; to provide for  
4 associated offices, departments, agencies, and personnel; to provide for budgets and financial  
5 matters; to provide for a transition period; to provide for the repeal of certain Acts; to provide  
6 for a referendum; to provide for related matters; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 ARTICLE I  
10 UNIFICATION, CREATION, BOUNDARIES, STATUS, POWERS,  
11 AND SPECIAL SERVICES DISTRICTS OF  
12 ROBERTA-CRAWFORD COUNTY

13 SECTION 1-1-1.  
14 Unification of county and city: name.

15 (a) The governmental and corporate powers, duties, and functions now vested in the  
16 governing authority of the City of Roberta, a municipal corporation incorporated by an Act  
17 of the General Assembly of Georgia, approved April 7, 1976 (Ga. L. 1976, p. 4127), as  
18 amended, are hereby unified with the governmental and corporate powers, duties, and  
19 functions of Crawford County. This unification shall result in the creation and establishment  
20 of a single county-wide government with powers and jurisdiction throughout the territorial  
21 limits of Crawford County. Such county-wide government shall be a new political entity,  
22 a body politic and corporate, and a political subdivision of the state to be known as  
23 Roberta-Crawford County, Georgia. Roberta-Crawford County shall have all the  
24 governmental and corporate powers, duties, and functions previously held by and vested in

25 the City of Roberta and in Crawford County, and also the powers, duties, and functions  
26 provided in this charter.

27 (b) Roberta-Crawford County shall be a public corporation; shall have perpetual existence;  
28 shall adopt a common seal; shall, without the necessity or formality of a deed, bill of sale,  
29 or other instrument of transfer, own, possess, and hold all the properties of whatsoever kind  
30 or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and  
31 personal property theretofore owned, possessed, enjoyed, or held by the City of Roberta or  
32 Crawford County; and by the name of Roberta-Crawford County, Georgia, shall be capable  
33 of suing and being sued when authorized by this charter and by the Constitution and laws of  
34 the State of Georgia.

35 (c) On January 1, 2018, the political subdivision known as Crawford County, Georgia, and  
36 the municipal corporation known as the City of Roberta, Georgia, shall be unified and  
37 merged into the new political entity created by this charter.

38 (d) The unification of the governments of the City of Roberta and Crawford County is  
39 authorized pursuant to the provisions of Article IX, Section III, Paragraph II(a) of the  
40 Constitution of the State of Georgia.

41 **SECTION 1-1-2.**

42 Boundaries.

43 Roberta-Crawford County, Georgia, shall embrace the total area included within the existing  
44 territorial limits of Crawford County as such limits are established on the effective date of  
45 this charter, provided that such limits may be altered and changed from time to time as  
46 provided by the Constitution and laws of the State of Georgia pertaining to counties.

47 **SECTION 1-1-3.**

48 Status as municipal corporation and county.

49 Roberta-Crawford County, Georgia, shall be deemed to be both a municipal corporation and  
50 a county throughout the total territorial limits of such government.

51 **SECTION 1-1-4.**

52 Powers.

53 (a) Roberta-Crawford County, Georgia, shall have all rights, powers, duties, privileges, and  
54 authority, whether express or implied, that may now be vested in or hereafter granted to

55 counties, municipal corporations, or both by the Constitution and laws of the State of  
56 Georgia.

57 (b) In addition to the rights, duties, powers, privileges, and authority expressly conferred by  
58 this charter, the unified government of Roberta-Crawford County shall have the right, duty,  
59 power, privilege, and authority to exercise and enjoy all other powers, duties, functions,  
60 rights, privileges, and immunities necessary and proper to promote or protect the safety,  
61 health, peace, security, and general welfare of the government and its inhabitants and to  
62 exercise all implied powers necessary to carry into execution all powers granted in this  
63 charter as fully and completely as if such powers were fully enumerated in this charter, and  
64 to do and perform all of the acts pertaining to its property, affairs, and local government  
65 which are necessary or proper in the legitimate exercise of its corporate powers and  
66 governmental duties and functions.

67 (c) No enumeration of any right, duty, power, privilege, or authority shall be construed as  
68 limiting or abolishing any right, duty, power, privilege, or authority set forth in this charter.

69 **SECTION 1-1-5.**

70 Establishment of special services districts.

71 The governing authority of Roberta-Crawford County shall possess the authority to establish  
72 special services districts. All special services districts shall be created, expanded, merged,  
73 consolidated, or reduced only by an ordinance duly adopted by the governing authority of  
74 Roberta-Crawford County under such general rules, procedures, regulations, requirements,  
75 and specifications as established by the governing authority. No new special services district  
76 shall be created or existing such districts expanded, abolished, merged, consolidated, or  
77 reduced without providing an opportunity for interested persons to be heard at a public  
78 hearing. Notice of the proposed expansion, abolition, merger, consolidation, or reduction of  
79 a services district and of the required public hearing shall be published once a week for two  
80 weeks in the official legal organ of Roberta-Crawford County.

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ARTICLE II  
GOVERNING AUTHORITY  
Chapter 1 - The Board of Commissioners

**SECTION 2-1-1.**

Name.

The governing authority of Roberta-Crawford County shall be and is hereby designated as the "Board of Commissioners of Roberta-Crawford County, Georgia."

**SECTION 2-1-2.**

Composition and election.

(a) The Board of Commissioners of Roberta-Crawford County, Georgia, shall consist of five members, serving in part-time positions, who shall be elected from single-member districts. Each commissioner shall be elected in partisan elections as provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(b) For purposes of electing members of the board of commissioners, Roberta-Crawford County shall be divided into five commissioner districts. The five commission districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as "Plan Name: crawfordccsb-2012 Plan Type: Local Administrator: crawford cc User: bak".

(c)(1) When used in such attachment, the term "VTD" (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(2) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Crawford County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Crawford County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that

113 district contiguous to such part which contains the least population according to the United  
114 States decennial census of 2010 for the State of Georgia.

115 (4) Except as otherwise provided in the description of any district, whenever the  
116 description of such district refers to a named city, it shall mean the geographical boundaries  
117 of that city as shown on the census map for the United States decennial census of 2010 for  
118 the State of Georgia.

### 119 **SECTION 2-1-3.**

#### 120 Terms and qualifications.

121 (a) The initial term of office of the commissioners elected from Districts 1 and 5 shall be  
122 from January 1, 2018, through December 31, 2018, and until their respective successors are  
123 elected and qualified. Members shall take office on the first day of January immediately  
124 following their election and serve until their successors are elected and qualified. The initial  
125 term of office for commissioners elected from Districts 2, 3, and 4 shall be from January 1,  
126 2018, through December 31, 2020, and until their respective successors are elected and  
127 qualified. Members shall take office on the first day of January immediately following their  
128 election and serve until their successors are elected and qualified. Successors shall be elected  
129 in partisan elections coinciding with the November general election immediately preceding  
130 the expiration of the term of office.

131 (b) Other than as provided in subsection (a) of this section, subsequent terms of office shall  
132 be for four years. Members shall take office on the first day of January immediately  
133 following their election and serve until their successors are elected and qualified. Successors  
134 to those elected to the initial terms of office shall be elected in partisan elections coinciding  
135 with the November general election immediately preceding the expiration of their term of  
136 office.

137 (c) Each candidate for the board of commissioners shall specify the district for which such  
138 person is offering for election. Each successful candidate for commissioner shall be elected  
139 by a majority of the qualified electors voting in such district. No person shall be eligible for  
140 election or appointment to the board of commissioners unless such person shall, on or before  
141 the date of election or appointment to such office, have attained the age of 21, be a qualified  
142 elector of Crawford County, have been a resident of Crawford County for at least one year  
143 prior to the election, and shall be a resident of the district from which such person offers as  
144 a candidate. Failure of a member to continue to reside within the district from which elected  
145 or appointed during such member's term of office shall result in forfeiture of office.

146 **SECTION 2-1-4.**

147 Powers.

148 All powers of Roberta-Crawford County, including any such powers which may hereafter  
 149 be conferred by amendment of this charter or by the Constitution or laws of Georgia, shall  
 150 be vested in the Board of Commissioners of Roberta-Crawford County, except as otherwise  
 151 provided by law or by this charter. The board shall provide by ordinance for the exercise of  
 152 such powers and for the performance of all duties and obligations imposed on  
 153 Roberta-Crawford County, Georgia, by law.

154 **SECTION 2-1-5.**

155 Chairperson; vice-chairperson; powers; duties; term limits; vacancies.

156 (a) A chairperson shall be elected by the members of the board from among the members  
 157 of the board at the first board meeting in January, 2018, and at the first board meeting in  
 158 January each year thereafter. The chairperson shall be the executive head of the unified  
 159 government and shall have such other powers and duties as may be provided by ordinance  
 160 or resolution that are not in conflict with this charter. Specifically, the chairperson shall:

- 161 (1) Preside over all meetings of the board of commissioners;  
 162 (2) Serve as the ceremonial head of Roberta-Crawford County, Georgia, and as its official  
 163 representative to federal, state, and local governmental bodies and officials;  
 164 (3) Call special meetings of the commission as provided by this charter;  
 165 (4) Where allowed by state law, appoint and remove, with a majority vote of the  
 166 commission, the attorney for the unified government, members of all boards and authorities  
 167 of the unified government, and members of committees of the commission;  
 168 (5) Sign orders, checks, and warrants for payment of money subject to the policies and  
 169 procedures adopted by the board of commissioners;  
 170 (6) Execute all contracts, deeds, and other obligations of the unified government; and  
 171 (7) Perform any other duties and exercise any other powers required by state or federal law  
 172 or authorized by a duly adopted ordinance that is not in conflict with this charter.

173 (b) The chairperson shall be authorized to vote on any matter before the board of  
 174 commissioners in the same manner as any other member of the board. The chairperson shall  
 175 not have the power to veto any ordinance or resolution duly enacted or adopted by the board  
 176 of commissioners.

177 (c) At their first meeting in January each year, the commissioners shall also elect a  
 178 vice-chairperson to serve for a term of one year. In the absence of the chairperson for any  
 179 cause, the vice-chairperson shall preside over meetings and discharge the duties of the

180 chairperson. If a vacancy occurs in the position of chairperson, the vice-chairperson shall  
 181 assume the duties and receive the compensation of chairperson until a successor is elected  
 182 or appointed and sworn into office, as provided in Section 2-1-7 of this charter.

183 **SECTION 2-1-6.**

184 Compensation.

185 (a) The members of the board of commissioners shall be compensated at the base rate of  
 186 \$1,000.00 per month from funds of Roberta-Crawford County.

187 (b) The chairperson of the board of commissioners shall be compensated at the base rate of  
 188 \$1,100.00 per month from funds of Roberta-Crawford County.

189 (c) The chairperson and members of the board of commissioners shall be eligible for such  
 190 benefits as authorized under Code Sections 36-1-11.1, 36-5-27, 36-5-28, and 36-5-29 and  
 191 subsection (a) of Code Section 36-35-4 of the O.C.G.A. or as hereafter amended.

192 (d) In addition to the salary, commissioners shall be reimbursed, under such regulations and  
 193 limitations as may be adopted by the board of commissioners, for direct expenses incurred  
 194 in carrying out the duties and responsibilities of the unified government.

195 (e) The salary of members of the commission may be changed by ordinance or resolution,  
 196 in the manner specified for county governing authorities in Code Section 36-5-24 of the  
 197 O.C.G.A. or any similar future general law of the State of Georgia.

198 (f) Nothing in this section shall be construed to prohibit the commission from exercising its  
 199 home rule powers as established in Code Section 36-35-4 of the O.C.G.A. or as hereafter  
 200 amended.

201 **SECTION 2-1-7.**

202 Vacancies.

203 (a) The office of a commissioner shall become vacant if a member ceases to reside in the  
 204 district from which elected or upon a member's death, resignation, or removal from office  
 205 or forfeiture of office upon the occurrence of any event specified by the Constitution of the  
 206 State of Georgia, Title 45 of the O.C.G.A., or any other applicable law, now existing or  
 207 hereafter enacted.

208 (b)(1) In the event that the office of a commissioner becomes vacant for any reason, a  
 209 successor shall be selected as provided in paragraphs (2) and (3) of this subsection.

210 (2) If there are more than 12 months remaining in the unexpired term, the position shall  
 211 be filled by special election at the next permissible date for a special election. The special  
 212 election shall be called by the election superintendent as provided by general law. Any

213 person so elected must possess the same qualifications for election as set forth in  
214 subsection (c) of Section 2-1-3 of this charter.

215 (3) If less than 12 months remain in the unexpired term, the board of commissioners shall  
216 appoint a successor to fill the unexpired term. Any person so appointed must possess the  
217 same qualifications as for election set forth in subsection (c) of Section 2-1-3 of this  
218 charter.

## 219 Chapter 2 - Organization and Procedure

### 220 SECTION 2-2-1.

221 Oath; rules; records; meetings; quorum; emergency ordinances.

222 (a) The board of commissioners shall hold its organizational meetings on the first working  
223 day in January following the general election. At or before such meetings, the newly elected  
224 or reelected commissioners shall each take the following oath of office, to be administered  
225 by the judge of the probate court:

226 "I do solemnly swear or affirm that I will well and truly perform the duties of the office of  
227 commissioner of Roberta-Crawford County, Georgia, and that I will support and defend  
228 the charter thereof and the Constitution and laws of the State of Georgia and of the United  
229 States."

230 (b) The board shall determine its own rules and order of business as it deems appropriate to  
231 govern the conduct and procedures of its meetings, provided that the board shall comply with  
232 the open and public meeting requirements of Chapter 14 of Title 50 of the O.C.G.A. The  
233 board shall provide for the keeping of minutes of its proceedings which shall be a public  
234 record.

235 (c) The board shall meet twice a month on a regularly scheduled day and time as voted on  
236 by the board during the first meeting of the year. No additional notice shall be required to  
237 be given for any regular meeting.

238 (d) The board may hold such special meetings as it deems necessary or proper. Special  
239 meetings may be held on the call of the chairperson or any two or more commissioners upon  
240 no less than 24 hours written notice to each member at the usual place of business or  
241 residence of such member. Notice of special meetings must be provided for as specified by  
242 Code Section 50-14-1 of the O.C.G.A. or as hereafter amended.

243 (e) The board of commissioners shall establish by ordinance procedures for the convening  
244 of emergency meetings.

245 (f) The presence of three members of the board of commissioners, including the chairperson  
246 or vice-chairperson who shall preside over the meeting, shall constitute a quorum for the

247 transaction of business. No official act which is to have the force and effect of law shall be  
 248 valid or binding unless adopted by the affirmative vote of a majority of the board of  
 249 commissioners then serving in office.

250 (g) To meet a public emergency threatening life, health, property, or public safety, the board  
 251 of commissioners may adopt emergency ordinances; provided, however, that such ordinances  
 252 may not be enacted to levy taxes; to grant, renew, or extend a franchise; to regulate the rate  
 253 charged for any public utility or service; or to authorize the borrowing of money unless it  
 254 shall be repaid in 30 days or less. An emergency ordinance shall be plainly designated as an  
 255 emergency ordinance and shall contain a declaration stating what emergency exists. An  
 256 emergency ordinance may be adopted with or without amendment, but the affirmative vote  
 257 of the board of commissioners shall be required for adoption. An emergency ordinance shall  
 258 stand repealed on the 16th day following the date of its adoption; provided, however, that,  
 259 if the emergency still exists, it may be reenacted as provided in this subsection. An  
 260 emergency ordinance may be repealed by adoption of a repealing ordinance in the same  
 261 manner specified for the adoption of an emergency ordinance.

262 Chapter 3 - Ethics and Prohibited Practices

263 **SECTION 2-3-1.**

264 Conflicts of interest; holding other offices.

265 (a) Conflicts of interest. No elected official, appointed officer, or employee of the unified  
 266 government or of any agency or political entity to which this charter applies shall knowingly:

267 (1) Engage in any business or transaction or have a financial or other personal interest,  
 268 direct or indirect, which is incompatible with the proper discharge of his or her official  
 269 duties, or which would tend to impair the independence of his or her judgment or action  
 270 in the performance of his or her official duties;

271 (2) Engage in or accept private employment or render services for private interests when  
 272 such employment or service is incompatible with the proper discharge of his or her official  
 273 duties or would tend to impair the independence of his or her judgment or action in the  
 274 performance of his or her official duties;

275 (3) Disclose confidential information concerning the property, government, or affairs of  
 276 the governmental body by which he or she is engaged without proper legal authorization;  
 277 or use such information to advance the financial or other private interest of himself or  
 278 herself or others;

279 (4) Accept any valuable gift, whether in the form of a service, loan, thing, or promise from  
 280 any person, firm, or corporation which to his or her knowledge is interested, directly or

281 indirectly, in any manner whatsoever, in business dealings with the governmental body by  
282 which he or she is engaged; provided, however, that an elected official who is a candidate  
283 for public office may accept campaign contributions and services in connection with any  
284 such campaign. The commission shall adopt a policy or ordinance which quantifies and  
285 defines the terms of valuable gifts;

286 (5) Represent other private interests in any action or proceeding against the unified  
287 government or any portion thereof; or

288 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
289 any business or entity in which he or she has a financial interest.

290 (b) Disclosure. Any elected official, appointed officer, or employee who shall have any  
291 private financial interest, directly or indirectly, in any contract or matter pending before or  
292 within any department of the unified government shall disclose such private interest to the  
293 board of commissioners. Any commissioner who has a private interest in any matter pending  
294 before the board of commissioners shall disclose such private interest, and such disclosure  
295 shall be entered on the records of the board, and the commissioner shall disqualify himself  
296 or herself from participating in any decision or vote relating thereto. Any elected official,  
297 appointed officer, or employee of any agency or political entity to which this charter applies  
298 who shall have any private financial interest, directly or indirectly, in any contract or matter  
299 pending before or within any department of the unified government shall disclose such  
300 private interest to the governing body of the agency or entity.

301 (c) Use of public property. No elected official, appointed officer, or employee of the unified  
302 government or of any agency or entity to which this charter applies shall use property owned  
303 by such governmental body for personal benefit, convenience, or profit except in accordance  
304 with policies promulgated by the board of commissioners or the governing body of such  
305 agency or entity.

306 (d) Contracts voidable and rescindable. Any violation of this section which occurs with the  
307 knowledge, express or implied, of a party to a contract or sale shall render such contract or  
308 sale voidable at the option of the board of commissioners.

309 (e) Ineligibility of elected official. Except where authorized by law, no commissioner shall  
310 hold any other elective or compensated appointive office in the unified government or  
311 otherwise be employed by the unified government or any agency thereof during the term for  
312 which he or she is elected, unless he or she vacates the office.

313 (f) Political activities of certain officers and employees. Any appointive officer or employee  
314 of the unified government shall be required to take a leave of absence or resign his or her  
315 position upon being sworn in to any elected office in the unified government of  
316 Roberta-Crawford County.

317 (g) Penalties for violations. Any officer who knowingly conceals such financial interest or  
 318 knowingly violates any of the requirements of this section shall be guilty of malfeasance in  
 319 office and shall be subject to the following penalties and actions:

- 320 (1) Written warning, censure, or reprimand to be issued in public;
- 321 (2) Removal from office as provided by Georgia law;
- 322 (3) Cancellation of the contract or rejection of the bid or offer;
- 323 (4) Recovery of the value transferred or received; and
- 324 (5) Referral to proper criminal authorities.

325 **SECTION 2-3-2.**

326 Prohibitions.

327 No member of the board of commissioners shall hold any other federal, state, or local elected  
 328 office during that person's term of office as a commissioner. Nothing in this section shall be  
 329 construed to prohibit any member of the board from representing Roberta-Crawford County  
 330 on any special commission or regional entity or other intergovernmental agency or accepting  
 331 any federal, state, or local appointed office unless prohibited by law.

332 **ARTICLE III**

333 **COUNTY MANAGER**

334 **SECTION 3-1-1.**

335 Appointment; qualifications; compensation.

- 336 (a) The board of commissioners shall appoint a manager by a majority vote of the board.  
 337 The manager shall serve at the pleasure of the board of commissioners.
- 338 (b) Except as specifically provided in this charter, the board shall, by ordinance or  
 339 resolution, establish the manager's qualifications, powers, duties, and compensation.

340                                   ARTICLE IV  
 341                                   ADMINISTRATION  
 342                                   Chapter 1 - Officers

343                                   **SECTION 4-1-1.**  
 344                                   Sheriff; law enforcement.

345   The sheriff of Crawford County in office on the effective date of this charter shall be the  
 346   sheriff of Roberta-Crawford County, Georgia. The sheriff shall serve for the same term as  
 347   provided by law, and the compensation shall be fixed as provided by law. Subsequent  
 348   elections for the sheriff shall be on the same basis as provided by law for the election of  
 349   sheriffs generally. The sheriff shall be the chief law enforcement officer of  
 350   Roberta-Crawford County, Georgia. In addition, the sheriff shall be responsible for the  
 351   operation of the jail, the transport of prisoners, the service of process, and such other duties  
 352   as are required of sheriffs by the Constitution and laws of the State of Georgia.

353                                   **SECTION 4-1-2.**  
 354                                   Judge of the probate court; clerk of the superior court;  
 355                                   tax commissioner; coroner; magistrate.

356   The judge of the probate court, the clerk of the superior court, the tax commissioner, the  
 357   coroner, and the magistrate judge of Crawford County shall, after consolidation, be the judge  
 358   of the probate court, the clerk of the superior court, the tax commissioner, the coroner, and  
 359   the magistrate judge of Roberta-Crawford County, Georgia. These officers shall serve for  
 360   the same term as provided by law, and the compensation shall be fixed as provided by law.  
 361   Subsequent elections or appointments for these officers shall be on the same basis as  
 362   provided by law for the election or appointment of such officers generally. The judge of the  
 363   probate court, the clerk of the superior court, the tax commissioner, the coroner, and the  
 364   magistrate judge shall perform the same duties and exercise the same powers as conferred  
 365   on such officers generally by the Constitution and laws of Georgia.

366                                   **SECTION 4-1-3.**  
 367                                   Attorney.

368   The attorney for Roberta-Crawford County shall be appointed and removed by a vote of a  
 369   majority of the members of the board of commissioners. The attorney shall act as the chief  
 370   legal adviser to the board of commissioners, the manager, and all departments and agencies

371 of the board of commissioners and shall represent such government in all legal proceedings  
 372 and perform such other duties prescribed by general law, by this charter, or by ordinance or  
 373 resolution of the board of commissioners. The board of commissioners shall set the  
 374 qualifications and compensation of the attorney and any other matters relative to the selection  
 375 of the attorney.

376 **SECTION 4-1-4.**

377 Surveyor.

378 The board of commissioners shall appoint a qualified person to hold the office of surveyor  
 379 for a term of one year from the date of appointment. Successors shall also be appointed for  
 380 terms of one year. Any person appointed as surveyor of Roberta-Crawford County shall  
 381 possess the qualifications specified by paragraph (1) of subsection (b) of Code  
 382 Section 36-7-2 of the O.C.G.A. or as hereafter amended.

383 Chapter 2 - Personnel

384 **SECTION 4-2-1.**

385 Existing pension rights protected.

386 All employees and former employees of any office, department, board, commission, or  
 387 agency of the former City of Roberta or of the former Crawford County shall retain all  
 388 pension rights, if any, which had accrued to them prior to the effective date of this charter  
 389 under any existing pension system. The services of such employees shall not be deemed to  
 390 have been interrupted by the adoption of this charter.

391 **SECTION 4-2-2.**

392 Establishment of new retirement systems.

393 The board of commissioners is authorized and empowered to establish and maintain a new  
 394 retirement system or retirement systems affecting employees and to revise, combine, and  
 395 consolidate any pension system in effect on the effective date of this charter; provided,  
 396 however, that in no event shall any revision, combination, or unification of any existing  
 397 pension system in effect when this charter is adopted result in the curtailment or  
 398 diminishment of any right accrued under any existing pension system to any person  
 399 heretofore employed by the City of Roberta, Crawford County, or of any agency of such  
 400 former governments.

401 **SECTION 4-2-3.**

402 Establishment of personnel system.

403 The board of commissioners shall establish a personnel system for all employees under the  
404 control of the unified government. The system shall be consistent with all state and federal  
405 laws.

406 **SECTION 4-2-4.**

407 Employee retention.

408 It is the intent of the General Assembly that all employees of Crawford County and the City  
409 of Roberta, as feasible, shall continue in the same or a substantially equal position with at  
410 least the same salary and benefit level, where possible within budget constraints, after the  
411 consolidation is complete. It is further the intent of the General Assembly that the integration  
412 of the sheriff's office and the city police department shall be seamless and cooperative and  
413 that where possible, the rights and positions of all employees shall be respected.

414 Chapter 3 - Boards, Commissions, and Authorities

415 **SECTION 4-3-1.**

416 Boards, commissions, and authorities; continued.

417 All existing boards, commissions, and authorities of either the City of Roberta, Crawford  
418 County, or both are continued without interruption on the effective date of this charter.

419 **SECTION 4-3-2.**

420 Boards, commissions, and authorities; appointments thereto.

421 Whenever general or local law provides for appointments to boards, commissions, or  
422 authorities from both the city and the county, all appointments shall be made by the board  
423 of commissioners, and all appointees shall be residents of Roberta-Crawford County.

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ARTICLE V

425

JUDICIARY

426

**SECTION 5-1-1.**

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Superior court and district attorney; probate court; magistrate court;

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unaffected by charter; re-designation.

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(a) The Superior Court of Crawford County, including the office of district attorney; the

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Probate Court of Crawford County; and the Magistrate Court of Crawford County shall

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continue their operations without interruption resulting from the adoption of this charter, and

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nothing herein shall be construed as affecting the status of such courts. The courts shall be

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known as the Superior Court of Crawford County, the Probate Court of Crawford County,

434

and the Magistrate Court of Crawford County.

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(b) On the effective date of this charter, the Municipal Court of Roberta shall stand

436

abolished. Any pending cases shall be transferred to the Probate Court of Crawford County,

437

the Magistrate Court of Crawford County, or the Superior Court of Crawford County,

438

whichever has appropriate jurisdiction of the case.

439

ARTICLE VI

440

ELECTIONS

441

Chapter 1 - Conduct of Elections

442

**SECTION 6-1-1.**

443

Applicability of general laws.

444

Except as otherwise provided by this charter, primaries and regular and special elections shall

445

be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the

446

"Georgia Election Code." As used in such Code, the terms "election" or "general election"

447

shall be construed to include the term "regular election" as provided in Section 6-1-2 of this

448

charter; the term "governing authority" shall include the chairperson and the Board of

449

Commissioners of Roberta-Crawford County, Georgia; the terms "municipal,"

450

"municipality," or "county" shall include Roberta-Crawford County, Georgia; and the term

451

"public office" shall include the elective offices of Roberta-Crawford County, Georgia.

452 **SECTION 6-1-2.**

453 Initial and regular elections; voting.

454 The initial members of the governing authority of Roberta-Crawford County shall be elected  
 455 at a special election to be held on the third Tuesday in March, 2017. Subsequent elections  
 456 shall be held as provided in Chapter 2 of Title 21 of the O.C.G.A. for partisan elections, in  
 457 even numbered years, beginning in 2018. All elections shall be held as specified in general  
 458 law. Except for special elections to fill vacancies in office, all officers who are required by  
 459 this charter to be elected shall be elected at the November general election immediately  
 460 preceding the expiration of such person's term of office.

461 **ARTICLE VII**462 **REVENUE AND FINANCE**

## 463 Chapter 1 - Taxation and Other Revenues

464 **SECTION 7-1-1.**

465 Levy and collection of taxes, fees, charges, and assessments; appropriations.

466 The board of commissioners shall have full power and authority to levy and collect all taxes,  
 467 charges, and assessments which counties and municipalities are authorized to levy and  
 468 collect, to the full extent permitted by the Constitution and laws of the State of Georgia,  
 469 whether local or general, including any tax hereafter authorized by state law.

470 **SECTION 7-1-2.**

471 Services districts; taxation therein.

472 (a)(1) The general services district shall consist of the total area of Crawford County.  
 473 Roberta-Crawford County shall perform within the general services district those duties,  
 474 functions, and services which are generally available and accessible to all residents  
 475 throughout the total area of such government.

476 (2) The general services district shall constitute a general service tax district within which  
 477 the board of commissioners shall levy and collect taxes and fees and shall appropriate  
 478 money to perform and discharge those powers, functions, and services provided in such  
 479 district.

480 (b)(1) In addition to the general services district, the board of commissioners may also  
 481 establish special services districts within which additional or higher levels of services are  
 482 provided as cities and counties are so authorized by Article IX, Section II, Paragraph VI

483 of the State Constitution. Roberta-Crawford County shall perform within any special  
 484 services districts such additional, more comprehensive, and higher levels of governmental  
 485 duties, functions, and services which benefit primarily the residents of such special services  
 486 districts.

487 (2) Any special services district created by the board of commissioners shall constitute a  
 488 special services tax district within which the board of commissioners may levy and collect  
 489 additional taxes and fees and may appropriate additional money from such taxes and fees  
 490 to perform and discharge those additional powers, functions, and additional services  
 491 provided in such special services district by the unified government.

492 (c) The assessment of real and personal property for ad valorem tax purposes shall be a  
 493 uniform basis throughout the entire area of Roberta-Crawford County; provided, however,  
 494 the rate and manner of additional taxation in services districts may vary in any services  
 495 district from that in another or other services district in such a way as to reflect reasonably  
 496 the kind, character, type, degree, and level of services afforded to such services district or  
 497 districts.

## 498 Chapter 2 - Borrowing and Indebtedness

### 499 SECTION 7-2-1.

#### 500 Allocation of indebtedness.

501 (a) All general indebtedness of Crawford County, whether represented by general obligation  
 502 bonds or otherwise, which may be outstanding upon the effective date of this charter, shall  
 503 be allocated to Roberta-Crawford County and is hereby recognized as the obligation of  
 504 Roberta-Crawford County, Georgia.

505 (b) All general indebtedness of the City of Roberta, whether represented by general  
 506 obligation bonds or otherwise, which may be outstanding upon the effective date of this  
 507 charter, shall be allocated to Roberta-Crawford County and is hereby recognized as the  
 508 obligation of Roberta-Crawford County, Georgia.

509 (c) All indebtedness associated with users of specific services, such as the city or county  
 510 water systems, shall remain the obligation of the users of those systems respectively.

511 (d) The annual tax levy ordinances for the general services district or any special services  
 512 district shall provide, in addition to all other taxes assessed, a tax levy sufficient to pay the  
 513 principal and interest charges on all outstanding general obligation bonds due or to be paid  
 514 in the ensuing fiscal year.

515 **SECTION 7-2-2.**

516 Source of funds.

517 (a) The board shall be empowered and authorized to issue revenue bonds for the purposes  
 518 and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the  
 519 O.C.G.A., the "Revenue Bond Law."

520 (b) All revenue derived by the unified government from the issuance and sale of bonds shall  
 521 be used exclusively for the purposes for which such bonds were issued, and all ad valorem  
 522 taxes collected for the purpose of servicing or retiring such bonds shall be used exclusively  
 523 for the payment of principal and interest thereof.

524 (c) The board shall be empowered and authorized to issue general obligation bonds, execute  
 525 tax anticipation notes, and utilize any other manner of taxation or revenue generation  
 526 otherwise allowable to counties and cities in the State of Georgia.

527 (d) The board shall be empowered and authorized to accept or refuse gifts, donations,  
 528 bequests, or grants from any source for any purpose related to powers and duties of the  
 529 consolidated government and the general welfare of its citizens, on such terms and conditions  
 530 as the donor or grantor may impose.

## 531 Chapter 3 - Financial Administration

532 **SECTION 7-3-1.**

533 Fiscal year; budget; audit.

534 (a) The fiscal year of Roberta-Crawford County shall run from October 1 to September 30.

535 (b) The board of commissioners of the unified government shall adopt an annual budget and  
 536 provide for an annual audit as provided for in Chapter 81 of Title 36 of the O.C.G.A.

537 (c) The manager, with input from all department heads and other appointed officials of the  
 538 board of commissioners, shall prepare and present the annual budget of Roberta-Crawford  
 539 County to the board of commissioners. The commissioners shall have full power and  
 540 authority to adopt, reject, or amend the proposed budget.

541 (d) The City of Roberta and Crawford County shall adopt budgets for the period from  
 542 October 1, 2016, and the date on which the consolidated government becomes effective.  
 543 Between January 1, 2018, and September 30, 2018, the consolidated government shall  
 544 operate under the funds remaining from the fiscal year 2018 of the combined budgets of the  
 545 City of Roberta and Crawford County. The first full fiscal year of the consolidated  
 546 government shall begin October 1, 2018, and conclude September 30, 2019. Beginning in  
 547 fiscal year 2021, effective October 1, 2020, the consolidated government shall roll back the

548 effective millage rate one-half mill for three consecutive years. Such millage roll back may  
 549 be suspended at the discretion of the board of commissioners in any given year if extreme  
 550 economic circumstances require or if additional expenditures for public safety purposes are  
 551 needed.

552 **SECTION 7-3-2.**

553 Lapse of appropriations.

554 All unencumbered balances of appropriations in the current operating budget at the end of  
 555 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds  
 556 from which such appropriations were made.

557 **ARTICLE VIII**

558 **GENERAL PROVISIONS**

559 **SECTION 8-1-1.**

560 Application of laws; laws in force.

561 (a) The general laws of the State of Georgia and those general laws of local application  
 562 through classification by population shall be applicable to and within the limits of  
 563 Roberta-Crawford County.

564 (b) Local Acts of the State of Georgia which apply specifically to either Crawford County,  
 565 the City of Roberta, or both shall be applicable to Roberta-Crawford County.

566 (c) In construing the applicability of provisions of the Constitution and the general laws of  
 567 the State of Georgia which apply in general terms to either counties, municipalities, or both,  
 568 and local Acts of the General Assembly that apply specifically to Crawford County, the City  
 569 of Roberta, or both, the following terms as used in such laws shall be construed to include  
 570 Roberta-Crawford County as follows:

571 (1) "County" shall be construed to include Roberta-Crawford County, Georgia;

572 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to  
 573 include Roberta-Crawford County, Georgia;

574 (3) "Commissioners of roads and revenues," "board of commissioners," "county  
 575 commissioner," and "commissioner" shall be construed to include the Board of  
 576 Commissioners of Roberta-Crawford County, Georgia;

577 (4) "Council," "mayor and council," "aldermen," "board of aldermen," and the "city  
 578 commission" shall be construed to include the Board of Commissioners of  
 579 Roberta-Crawford County, Georgia;

580 (5) "Chairman of the commissioners of roads and revenues," "chairman of the board of  
581 county commissioners," and "commissioner" shall be construed to include the chairperson  
582 of the Board of Commissioners of Roberta-Crawford County, Georgia;

583 (6) "Mayor" shall be construed to include the chairperson of the Board of Commissioners  
584 of Roberta-Crawford County, Georgia; and

585 (7) Any other terms and provisions as used in such Acts to refer specifically to Crawford  
586 County, the City of Roberta, or both, and the officers, employees, departments, and  
587 agencies thereof shall be construed to mean Roberta-Crawford County, Georgia, and its  
588 officers, employees, departments, and agencies.

589 (d) In construing the applicability of laws in force to Roberta-Crawford County, the  
590 following order shall prevail:

591 (1) The Constitution of the State of Georgia;

592 (2) The general laws of uniform application now in force or hereafter enacted by the  
593 General Assembly, as distinguished from general laws of local application through  
594 classification by population, applicable to municipal corporations, counties, or both;

595 (3) The general laws of local application through classification by population;

596 (4) Special laws applicable to Crawford County, not in conflict with this charter;

597 (5) Special laws applicable to the City of Roberta, not in conflict with this charter; and

598 (6) This charter and all ordinances and resolutions passed pursuant thereto.

599 **SECTION 8-1-2.**

600 Federal and state aid.

601 For the purpose of determining its right to receive and for the purpose of receiving state aid  
602 or grant-in-aid from the State of Georgia or from the United States or from any agency or  
603 instrumentality thereof or from any other source, public or private, Roberta-Crawford  
604 County, Georgia, shall be deemed a county but shall also be deemed an incorporated  
605 municipality. When state aid or other grant-in-aid is distributed to any county or  
606 municipality on the basis of population, area, or both, then the entire population and the total  
607 area of Roberta-Crawford County and the population or the area of any special services  
608 district or districts, respectively, shall be considered in calculating and determining the basis  
609 for such distribution. When state aid or other grant-in-aid is distributed to any county on the  
610 basis of rural area, rural road mileage, or rural population, or any combination thereof, then  
611 that area of the general services district outside of any special services district shall be  
612 deemed to constitute a rural area, its road mileage to constitute rural road mileage, and its  
613 population to constitute rural population.

614 **SECTION 8-1-3.**

615 Effect of repeals.

616 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein  
617 of the repealing Act or by any provision of this charter that disclaims an intention to repeal  
618 or affect enumerated laws.

619 **SECTION 8-1-4.**

620 Severability clause.

621 If any provision of this charter or the application thereof to any person or circumstance is  
622 held invalid, such invalidity shall not affect other provisions or applications of this charter  
623 which can be given effect without the invalid provision or application, and to this end the  
624 provisions of this charter are declared to be severable.

625 **SECTION 8-1-5.**

626 Tort and nuisance liability.

627 The tort and nuisance liability of the unified government shall follow the law and rules of the  
628 tort liability applicable to counties in Georgia.

629 **ARTICLE IX**

630 **TRANSITION PROVISIONS**

631 **SECTION 9-1-1.**

632 Election of first officials.

633 (a) The first Board of Commissioners of Roberta-Crawford County, Georgia, shall be  
634 elected as provided in Section 6-1-2 of this charter.

635 (b) The election and any subsequent run-off shall be held in accordance with the provisions  
636 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." The superintendent  
637 of elections shall prepare a list of qualified voters for each of the five commissioner districts  
638 described in Section 2-1-2 of this charter.

639 (c) The qualifications for office for such initial election shall be as prescribed by  
640 subsection (c) of Section 2-1-3 of this charter.

641 (d) Any elected official of Crawford County or of the City of Roberta who is otherwise  
 642 qualified under this charter shall be entitled to qualify and run for office of Roberta-Crawford  
 643 County.

644 **SECTION 9-1-2.**

645 Initial terms of office.

646 All commissioners shall be elected for initial terms of office as set forth in Section 2-1-3 of  
 647 this charter and shall thereafter be elected to four year terms.

648 **SECTION 9-1-3.**

649 Provision of services during transition.

650 In order to unify the two governments and to assure the common and continued  
 651 administration of services currently provided by both the City of Roberta and Crawford  
 652 County, on the effective date of consolidation, all services currently provided by the county  
 653 to all residents of the presently unincorporated county shall be provided to all residents of  
 654 Roberta-Crawford County. Assuming the continued availability of state and federal funds,  
 655 this arrangement shall apply until modified by the board of commissioners.

656 **SECTION 9-1-4.**

657 Initial budget.

658 The initial budget of the Roberta-Crawford County government for the period of time from  
 659 the effective date of the government to the beginning of its first full fiscal year on October 1  
 660 shall be adopted at the first meeting of the Roberta-Crawford County Board of  
 661 Commissioners.

662 **SECTION 9-1-5.**

663 Cooperation of former governments.

664 (a) All officers, officials, and employees of the former City of Roberta and Crawford County  
 665 shall cooperate with and assist the board of commissioners, the manager, and other officers  
 666 of Roberta-Crawford County, Georgia:

667 (1) In planning the consolidation of departments, boards, commissions, authorities, and  
 668 agencies of such former governments and in transferring the functions, duties, and

669 responsibilities of such departments, boards, commissions, authorities, and agencies to the  
670 appropriate agencies of Roberta-Crawford County, Georgia; and

671 (2) In all other respects in order that the transfer of the governments be accomplished in  
672 the most orderly manner possible, the officers of Roberta-Crawford County shall be  
673 entitled to examine all records, files, and other data in the possession of the former  
674 governments and of all officers, officials, employees, and departments thereof.

675 **SECTION 9-1-6.**

676 Ordinances and resolutions.

677 The board of commissioners shall adopt a uniform body of ordinances and resolutions at its  
678 first regular meeting.

679 **SECTION 9-1-7.**

680 Contracts and obligations.

681 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and  
682 other obligations or instruments entered into by Crawford County or the City of Roberta or  
683 for the benefit of either the county or the city prior to the effective date of this charter shall  
684 continue in effect according to the terms thereof as obligations and rights of  
685 Roberta-Crawford County; provided, however, that any obligations created by Crawford  
686 County or the City of Roberta to become effective after the date of approval of this charter  
687 and prior to the effective date of this charter shall be subject to ratification and approval by  
688 the Board of Commissioners of Roberta-Crawford County within six months following the  
689 effective date of this charter.

690 (b) No pending action or proceeding of any nature, whether civil, criminal, judicial,  
691 administrative, or other, by or against the City of Roberta or Crawford County or an agency  
692 or department thereof shall be abated or otherwise affected by the adoption of this charter,  
693 and Roberta-Crawford County shall stand substituted as a party in lieu thereof.

694 **SECTION 9-1-8.**

695 Dissolution of existing governments.

696 (a) On January 1, 2018, the charter of the City of Roberta, approved April 7, 1976  
697 (Ga. L. 1976, p. 4127), as amended, is repealed in its entirety.

698 (b) On January 1, 2018, the Office of the Board of Commissioners of Crawford County and  
699 the City Council of the City of Roberta and all the officers thereof and the offices thereof not

700 continued under this charter are abolished, and all emoluments appertaining thereto shall  
 701 cease. Thereupon the governments of Crawford County and the City of Roberta shall  
 702 terminate as separate political entities and all powers, functions, duties, and obligations  
 703 thereof shall be transferred to and vested in Roberta-Crawford County, Georgia.

704 **SECTION 9-1-9.**

705 Transfer of records and equipment.

706 When an agency of the City of Roberta or of Crawford County is abolished or consolidated  
 707 by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal  
 708 property in possession of the same shall be transferred to and vested in Roberta-Crawford  
 709 County, Georgia.

710 **SECTION 9-1-10.**

711 Officers serve until successors qualify.

712 Notwithstanding any other provision of this charter, any officer performing duties under the  
 713 government of the City of Roberta or Crawford County shall continue to perform the duties  
 714 thereof until a successor, whether under the same title or office of another, shall be elected  
 715 or appointed and qualified to perform the duties, it being the intention hereof that no duty or  
 716 services shall lapse or be abandoned because of lack of an officer to perform same.

717 **SECTION 9-1-11.**

718 Referendum on the charter.

719 (a) It shall be the duty of the superintendent of elections of Crawford County to call a special  
 720 election for approval or rejection of the proposed charter. Such special election shall be  
 721 called for the Tuesday following the first Monday in November, 2016. The superintendent  
 722 of elections shall cause the date and purpose of the election to be published once a week for  
 723 two calendar weeks immediately preceding the date thereof in the official legal organ of  
 724 Crawford County. The ballot shall have written or printed thereon the following:

725 "( ) YES Shall the charter reorganizing and fully unifying the governments of the  
 726 ( ) NO City of Roberta and Crawford County into a single government be  
 727 approved?"

728 (b) All persons desiring to vote for approval of the charter shall vote "Yes," and those  
 729 persons desiring to vote for rejection of the charter shall vote "No." If more than one-half  
 730 of the votes cast by the qualified voters of Crawford County residing within the corporate

731 limits of the City of Roberta are for approval of the charter and if more than one-half of the  
732 total number of votes cast by all the qualified voters of Crawford County are for approval of  
733 the charter, then the charter shall become effective on January 1, 2018. Otherwise, it shall  
734 be void and of no force and effect. The expense of such election shall be borne equally by  
735 the City of Roberta and Crawford County.

736 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the  
737 O.C.G.A., the "Georgia Election Code."

738 (d) A qualified voter, as used in this Act, shall mean a voter of Crawford County qualified  
739 to vote for members of the General Assembly of Georgia. The superintendent of elections  
740 shall certify the returns to the Secretary of State.

741 **SECTION 9-1-12.**

742 Effective date of charter.

743 Section 9-1-11 of this charter and those parts of the charter necessary for conducting  
744 elections in 2017 if the charter is ratified by the voters shall become effective upon the  
745 approval of this charter by the Governor or upon its becoming law without such approval.  
746 The remaining provisions of this charter shall become effective January 1, 2018.

747 **SECTION 9-1-13.**

748 Repeal of conflicting laws.

749 All laws and parts of laws in conflict with this charter are repealed.