

H.B. No. 1341 (COMMITTEE SUBSTITUTE)

By: Representative Oliver of the 121st

GEORGIA, Long County
Office of the Clerk, Superior Court
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This 28th Day of January 2009
Jennifer M. Bell, Deputy
Frank S. Middleton, Clerk

A BILL TO BE ENTITLED

AN ACT

1 To re-create and establish the Board of Commissioners for Long County; to 31
2 to provide for commissioner districts; to provide for elections and terms of office, to 32
3 provide for a chairman and vice-chairman; to provide for meetings and procedures 33
4 to provide for compensation; to provide for bonds; to provide for vacancies; to provide
5 a clerk; to provide for a county attorney; to provide for a county physician; to provide 34
6 for powers, duties, and authority of the board; to provide for purchasing; to provide 35
7 for emergency powers; to provide for budgets and appropriations; to provide for gifts 36
8 and contributions; to provide for penalties; to provide for severability; to provide for
9 the specific repeal of certain local Acts; to provide for other matters relative to the 37
10 foregoing; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA: 38

12 Section 1. The governing authority. The governing authority 39
13 of Long County shall be known and shall be designated as the Board of Commissioners 40
14 of Long County. The board of commissioners shall consist of five members. All 41
15 members of the board of commissioners shall be entitled to vote on any question 42
16 before the board. All members, including the chairman, shall be elected as provided in 43
17 Act.

18 Section 2. Commissioner districts. For the purposes of this 44
19 Act Long County shall be divided into five commissioner districts as follows: 45
20 Commissioner District 1 46

21 Commissioner District 1 will be known as BEARDS CREEK DISTRICT and will be 47

1 bounded northwesterly by Beard's Creed which separates District 1 from Tattnall 48
2 County; Northeastly by the Fort Steward Military Reservation and the Liberty County 49
3 line. Said southern boundary line commencing at the centerline of the U.S. Highway 301 50
4 wherein the same intersects the Tattnall County/Long County line along Beard's Creek 51
5 and running THENCE, in a southeasterly direction along the centerline of U.S. Highway 52
6 to the intersection of County Road 111 known as the Donald Road; THENCE, easterly 53
7 along the centerline of County Road 111 (Donald Road) to the intersection of County 54
8 Road 53, known as the Macedonia Church Road; THENCE, easterly along County road 55
9 53 (Macedonia Church road) to the intersection of Georgia Highway 196; THENCE, 56
10 easterly along the center line of Georgia Highway 196 to the Liberty County line. 57
11 Commissioner District 2 58
12 Commissioner District 2 will be known as RYE PATCH/OAK DALE DISTRICT and 59
13 will be bounded on the North by District 1 above, Northeastly by the Liberty County 60
14 line; Southeastly by Districts 4, 5, and the corporate limits of the City of Ludowici; 61
15 Southwesterly by the Altamaha River which separates Long County from Wayne County, 62
16 Georgia; and Northwesterly by Beard's Creek which separates Long County from 63
17 Tattnall County. Said Southeastern boundary of District 2 commencing at the 64
18 intersection of U.S. Highway 301 and the Altamaha River on the center line of the J. 65
19 Alvin Leapheart, Sr. Memorial Bridge and running; THENCE, in a Northeasterly direction 66
20 along the center line of U.S. Highway 301 to the corporate limits of the City of Ludowici, 67
21 THENCE, Northwesterly along the corporate limits of the City of Ludowici; THENCE, 68
22 Northeasterly along the corporate limits of the City of Ludowici to the center line and 69
23 intersection of the U.S. Highway 301; THENCE, Northwesterly along the center line of 70
24 U.S. Highway 301 to the intersection of County Road 97, know as Horton Road; THENCE, 71
25 Northeasterly along the center of said county road and proceeding there from in a 72
26 northeasterly direction to Doctors Creed wherein the same intersects County Road 46 73
27 known as Lanier Road; THENCE, South along County Road 46 to the intersection of 74
28 County Road 113 (Elam Church Road); THENCE, Northeastly along the center line of 75
29 County Road 113 to County Road 31; THENCE, along the center line of County Road 31 76
30 in a horse shoe direction to County road 113; THENCE, in a Northeasterly direction to 77
31 the Liberty County line.

1 Commissioner District 4 will be known as North Ludowici and bounded 109
2 Northeastly by district 5, Southeastly by District 3, Southwestly by the corporate 110
3 limits of the City of Ludowici and U.S. Highway 301; and Northwestly by district 2. 111
4 The western and Northwestly boundary line commencing at the intersection of the 112
5 Southwestern corporate limits of the City of Ludowici and U.S. Highway 301; THENCE, 113
6 in a Northwestly direction along the corporate limits; THENCE, Northeastly along 114
7 the corporate limits to the center line of U.S. Highway 301; THENCE, Northwestly 115
8 along the center line of U.S. Highway 301 to County Road 97; THENCE, Northeastly 116
9 along the center line of County Road 97 known as Horton Road, to the intersection of 117
10 Doctors Creek and County road 46; THENCE, Southerly along the center line of County 118
11 road 113; THENCE, Northeastly along the center line of County Road 113 to the 119
12 intersection of county Road 41 (known as Barrett Cemetery Road); THENCE, South- 120
13 easterly along County Road 41 to the intersection of U.S. Highway 82; THENCE, South- 121
14 westerly along the center line of U.S. Highway 82 to the Northeastern corporate limits 122
15 of the City of Ludowici; THENCE, Southerly along the corporate limits of the City of 123
16 Ludowici to Academy Street; THENCE, Southwestly along the center line of Academy 124
17 Street across McDonald Street continuing in a Southwestly direction on Academy 125
18 Street to the intersection of Factory Street; THENCE, Northeastly along the center line 126
19 of Factory Street to the intersection of McQueen Street; THENCE, Northeastly, along 127
20 the center line of Factory Street to the intersection of McQueen to the intersection 128
21 of Main Street; THENCE, Southwestly along the center line of Railroad Street to the 129
22 intersection of Cottage Street; THENCE, Northwestly along the center line of Cottage 130
23 Street to the intersection of U.S. Highway 301; THENCE, Southwestly along the center 131
24 line of U.S. Highway 301 to the point of beginning at the Southwestly corporate limits 132
25 of the City of Ludowici. 133
26 Commissioner District 5 134
27 Commissioner District 5 will be known as Tibet District and will be 135
28 bounded Northeastly by the county line with Liberty County; Southeastly by the 136
29 county line with McIntosh County; Southwestly by the Altamaha River which 137
30 separates Long County from Wayne County, Georgia; and Northwestly by U.S Highway 138
31 301, the corporate limits of the City of Ludowici and Districts 2, 3, and 4 above. The 139

1 Northwesterly boundary line commencing at the Western boundary of Long County 140
2 along the center line of U.S. Highway 301 at the J. Alvin Leapheart, Sr. Memorial Bridge 141
3 running THENCE, along the center line of U.S. Highway 301 to the corporate limits of 142
4 the City of Ludowici; THENCE, Northeasterly along the corporate limits of the City of 143
5 Ludowici to County Road 20 known as the Old Macon-Darien Public Road; THENCE 144
6 Southeasterly along the County Road 20 to the intersection of county Road 21; THENCE, 145
7 Northerly along the center line of County road 21 to the intersection of County Road 22; 146
8 THENCE, Northeasterly along the center line of County Road 22 to the intersection of 147
9 County Road 20; THENCE, Northerly along the center line of County Road 20 to the 148
10 intersection of county Road 23; THENCE, along the center line of County Road 23 to the 149
11 intersection of U.S. Highway 82; THENCE, along the center line of Highway 82 in a 150
12 Northeasterly direction to the intersection of county Road 41 known as the Barrett 151
13 Cemetery Road; THENCE, Northwesterly along County 41 to the intersection of County 152
14 Road 113; THENCE, Northerly along County Road 113 to the intersection of County 153
15 Road 31 then in a horse shoe direction on County Road 31 to the intersection of 154
16 County Road 113, THENCE, to the intersection of County Road 29; THENCE, along the 155
17 center line of County Road 29 in an Easterly direction to the Liberty County line. 156

18 Section 3. Election and terms of office of members. (a) The board shall consist of 157
19 five members. One commission member shall represent each district. All members shall 158
20 be registered electors entitled to vote for members of the General Assembly of Georgia 159
21 and shall have resided in Long County for at least one year immediately preceding the 160
22 date of their election. Each member elected under this Act must remain a resident of 161
23 the district from which such member was elected during such member's term of office. 162
24 Only resident electors of a district may vote for candidates seeking office in that district. 163
25 Election shall be by majority vote. 164

26 (b) The presently existing board shall continue in existence until the expiration of 165
27 the present terms of office. The first election to be held pursuant to this Act for the 166
28 election of a commissioner shall be the August 1988, primary election and the 167
29 November, 1988, general election. The member of said board shall be elected for terms 168
30 of four years and until their successors are elected and qualified and shall take office 169

1 on January 1, 1989. The terms of office thereafter shall be for four years and until their 170
2 successors are elected and qualified, with successors taking office on January 1 of each 171
3 year following their election.

4 (c) The chairman of the board of commissioners shall be elected annually by the 172
5 board from its own membership. Thereafter, successors shall be elected by the board 173
6 from its own membership at the first regular meeting of the board held in January of 174
7 each year. Any member of the board who serves as chairman shall be eligible for 175
8 reelection by the board to that office. 176

9 (d) At the first regular meeting held in January the incumbent chairman shall 177
10 preside until the election of a new chairman. In the event the incumbent chairman is 178
11 not elected to the new board of commissioners, the member of the board whose age 179
12 is greatest shall preside until the election of a chairman for the ensuing year. 180

13 Section 4. Chairman. The chairman of the board shall: 181

14 (1) Preside at all meetings of the board unless otherwise adopted 182
15 by appropriate resolution. The rules of order shall be governed by "Roberts Rules of 183
16 Order" unless otherwise adopted by appropriate resolution; 184

17 (2) Be recognized as the official head of Long County, Georgia, by 185
18 state, federal, and other authorities; and 186

19 (3) Generally supervise, direct, and control the administration of 187
20 the affairs of Long County.

21 Section 5. Board Meetings. The commissioners shall hold at least one 188
22 session the first Tuesday of each month at the county site in the county courthouse, 189
23 where the clerk of the board of commissioners shall keep a regular office. At the request 190
24 of a majority of the commissioners, the chairman may at any time call an extra session. 191
25 Written notice of such extra session, including the purpose for which it was called, shall 192
27 be served on each member. The commissioners shall have a right to adjourn from day 193
28 to day until they finish their business. Three members shall constitute a quorum and 194
29 no less than three members shall pass any order on any subject matter, or at any 195
30 meeting where there are more than three members present they shall not conduct any 196

- 1 business or pass on any question unless three board members vote in favor thereof. 197
2 The vote on all questions shall be shown on the minutes by recording yea and nay vote. 198
3 The chairman shall vote on all matters before the board. 199
- 4 Section 6. Official signature. All process, original, reissue, or final, 200
5 citation, notice, deeds, and contracts issued on behalf of said board shall be signed by 201
6 the chairman on behalf of the board under the attest of the clerk. 202
- 7 Section 7. Alternative signatures. Should the chairman or clerk be 203
8 physically or mentally incapacitated, or, in the case of an emergency or absence from 204
9 the country be unable to perform his or her respective duties for any reason, then in 205
10 such event or events, the vice chairman shall be authorized to substitute his signature 206
11 for, and sign in the place of, the chairman, and the assistant clerk may sign in the place 207
12 of the clerk to attest to such signature. 208
- 13 Section 8. Vice Chairman. At the first regular meeting in January 209
14 following each regular election of the members of the board of commissioners, the 210
15 board shall elect a vice chairman. In the event of the absence of the chairman, the vice 211
16 chairman shall preside at board meetings. In the event of the death, disqualification, or 212
17 resignation of the chairman, the vice chairman shall perform the duties and have the 213
18 authority of the chairman until such time as a new chairman is chosen as provided in 214
19 this Act. 215
- 20 Section 9. Compensation. (a) each member of the board of 216
21 commissioners shall be compensated in the amount of \$200.00 per month, payable 217
22 from the funds of Long County. 218
23 (b) in addition to the compensation provided in subsection (a) of this section, 219
24 each member of the board shall be paid the reasonable and necessary expenses 220
25 incurred in carrying out the duties of that person's office, which shall be paid from the 221
26 funds of Long County. The board shall be appropriate resolution establish the 222
27 procedure for submitting claims for the reasonable and necessary expenses incurred. 223

1 Section 10. Bond. Before any commissioner shall qualify and perform 224
2 any of the duties of his office under this Act, he shall give a good bond in the sum of 225
3 \$5,000.00, and that the chairman of the commissioners shall give a bond in the sum of 226
4 \$30,000.00, to be approved by the judge of the Probate Court of Long County and 227
5 payable to the judge of the Probate Court of Long County for the faithful performance 228
6 of any and all duties of such office, and the property of the members of said board as 229
7 well as the securities on either of said bonds, shall be bound from the time of the 230
8 execution thereof for the payment of any and all liabilities arising from the breach of 231
9 such bonds, but each for himself and not for each other. The cost of such bond shall be 232
10 paid from the funds of Long County. 233

11 Section 11. Vacancies. (a) should there be a vacancy in the membership 234
12 of the board of commissioners because of death, resignation, removal of residency 235
13 from the county or commissioner district, or for any reason other than expiration of 236
14 term, then a vacancy shall be filled in the following manner: 237

15 (1) If the unexpired term is ten months or less, the remaining 238
16 members of the board of commissioners of said county shall at once appoint his 239
17 successor to fill out his unexpired term and said successor shall be appointed from the 240
18 commissioner district where the vacancy occurs. 241

19 (2) If the unexpired term is more than ten months and a primary 242
20 election as defined by Code Section 21-1-2 of the O.C.G.A will be held within 120 days, 243
21 but not less than 45 days after the occurrence of the vacancy, then the remaining 244
22 members of the board of commissioners, within 30 days after the occurrence of said 245
23 vacancy shall appoint a qualified person to serve until the vacancy is filled for the 246
24 remaining unexpired term by a person elected at a special election called for the same 247
25 date as the primary election as provided in this paragraph. The election superintendent 248
26 of Long County shall issue the call for a special election for the purposes of election a 249
27 qualified person to fill the vacancy for the remaining unexpired term, and the election 250
28 superintendent shall set the date of that special election for the same date as the 251
29 primary election. The call for that special election shall be issued not more than 45 days 252

1 nor less than 30 days prior to the date of that special election. In the event the 253
2 remaining term is more than ten months but the vacancy occurs within less than 45 254
3 days prior to the date of the next primary election, as defined in this paragraph, then 255
4 such vacancy shall be filled in the manner prescribed in paragraph (3) of this section. 256
5 (3) If the unexpired term is more than ten months and a primary 257
6 election as defined in paragraph (2) of this section, will not be held within 120 days and 258
7 at least 45 days after the occurrence of the vacancy, then within 30 days of the 259
8 occurrence of said vacancy, the election superintendent of Long County shall issue a 260
9 call for a special election for the purposes of electing a qualified person to fill the 261
10 vacancy for the unexpired term. The superintendent shall set the date for that special 262
11 election not less than 30 nor more than 45 days after the date of the issuance of the 263
12 call.
13 (b) The provisions of chapter 2 of Title 21 of the O.C.G.A. shall apply to 264
14 special elections to fill vacancies provided for in this section. 265
15 (c) any other provision of law to the contrary notwithstanding, in the 267
16 event there is no opposed candidate in a precinct in a special primary, no special 268
17 primary shall be held in such precinct. The proper officials of the unopposed 269
18 candidate's political party shall certify him as the party nominee for the office involved 270
19 for the purpose of having his name placed upon the special election ballots or ballot 271
20 labels. Where feasible, the superintendent shall provide notice reasonably calculated 272
21 to inform the affected electorate that no special primary election is to be conducted. 273
22 Each such unopposed candidate shall be deemed to have voted for himself. The 274
23 superintendent shall certify any such unopposed candidate s nominated in the same 275
24 manner as he certifies other candidates nominated pursuant to Code Section 21-2-493 276
25 of the O.C.G.A. 278
26 Section 12. Clerk of the board. The board of commissioner shall appoint 279
27 a person as clerk of the Board of Commissioners of Long County. The clerk shall give 280
28 bond in the amount of \$30,000.00 to be approved by the judge of the probate court of 281
29 Long County and payable to the county for the faithful performance of any and all 282
30 duties of such office. The clerk shall be appointed by a majority vote and shall hold 283

1 office at the will of the board. The clerk shall receive such salary as may be allowed by 284
2 the board of commissioners. The board of commissioners shall record all their 285
3 proceedings in the conduct of the county business, it shall be the duty of the board to 286
4 keep a book in which to record the board's minutes and to keep such other books as 287
5 may be necessary for the use of the county. The board of commissioners shall have a 288
6 seal which shall be affixed to their proceedings, the board of commissioners shall also 289
7 have the right to appoint by a majority vote a deputy clerk who shall have the same 290
8 power and authority of the clerk when acting in place of the clerk, but shall act as clerk 291
9 only during the disqualifying or absence of the clerk. The deputy clerk shall receive such 292
10 salary as may be allowed by the board of commissioners and shall hold office at the will 293
11 of the board. 294

12 Section 13. County attorney. (a) The Board of commissioners of Long 295
13 County, and every new board elected as provided in this Act, shall appoint a county 296
14 attorney at its first regularly held meeting on January of each year. The county attorney 297
15 shall serve at the pleasure of the board and may be discharged upon a vote of a 298
16 majority of the board. 299

17 (b) The county attorney shall: 300

18 (1) Act as a legal advisor, attorney, and counsel to the board of 301
19 commissioner and all of its officers in matters relating to their official duties; 302

20 (2) Prepare or supervise preparation of all contracts, bonds, and 303
21 other instruments in writing in which the county government is concerned; and 304

22 (3) Perform such other duties as may be required by law, 305
23 ordinance or resolution of the board of commissioners. 306

24 (c) All requests for legal opinions from the county attorney shall be made 307
25 through the chairman of the board of commissioners. 308

26 (d) The county attorney may not represent any county official or 309
27 employee if the representation of the county official or employee conflicts with the 310

28 interest of the county government. In such cases, the board of commissioners shall 311

29 employ separate council to represent the county official or employee if the county 312

30 government is obligated to provide representation for such county official or 313

1 employee. 314
2 (e) If needed, the board of commissioners may appoint an assistant 315
3 county attorney upon such terms and conditions as the board may consider appropriate.316
4 (f) No person who serves as county attorney of assistant county attorney 317
5 may represent any client before the board of commissioners. No person who is a 318
6 member of the same law firm as the county attorney or the assistant county attorney 319
7 may represent any client before the board of commissioners. 320
8 (g) No person who serves as county attorney or assistant county attorney 321
9 and no person who is a member of the same law firm as the county attorney or assistant322
10 county attorney may represent the Long County Hospital Authority, and Board of 323
11 Education of Long County, or any municipality located within Long County. 324
12 (h) the compensation of the county attorney shall be fixed by the 325
13 board of commissioners and upon such terms and conditions as may be approved by the 326
14 board. 327

15 Section 14. County Physician. The board shall have authority to employ a county 328
16 physician or physicians for the purposes of giving medical attention to prisoners, 329
17 convicts, and paupers, and any other person requiring the services of a physician in the 330
18 administration of which the board stands charged. In the employing of a county 331
19 physician or physicians, the board may, in its discretion, more definitely fix and outline 332
20 their duties, and shall name the amount of their compensation. 333

21 Section 15. Powers and duties of the board of commissioners. The board of 334
22 commissioners shall have the power to fix and establish, by appropriate resolution or 335
23 ordinance entered on its minutes, policies, rules, and regulations governing all matters 336
24 over which the board of commissioners has authority as the governing authority of Long 337
25 County. Without limiting the generality of the foregoing, the following powers are 338
26 vested in the board of commissioners: 339
27 (1) To levy taxes; 340
28 (2) To fix the rates of all other charges; 341
29 (3) To make appropriations; 342

1 (4) To authorize the incurring of indebtedness; 343
2 (5) To authorize work to be done where the cost is to be assessed against 344
3 benefited property and to fix the basis for such assessment; 345
4 (6) To establish, alter, or abolish, public roads, private ways, bridges, 346
5 and ferries, according to law; 347
6 (7) To establish, abolish, or change election precincts and militia districts 348
7 according to law; 349
8 (8) To allow the insolvent lists for the county; 350
9 (9) To authorize the acceptance for the county of the provisions of any 351
10 optional statute where the statute permits its acceptance by the 352
11 governing authority of a county; 353
12 (10) To regulate land use by the adoption of a comprehensive 354
13 development plan and by the adoption of other planning and zoning 355
14 ordinances which relate reasonable to the public health, safety, morality, 356
15 and general welfare of the county and its citizens; 357
16 (11) To create and change the boundaries of special taxing districts 358
17 authorized by law; 359
18 (12) To fix the bonds of county officers where the same are not fixed by 360
19 statute; 361
20 (13) To direct and control all the property of the county according to law; 362
21 (14) To levy a general tax for general purposes and special taxes for 363
22 particular county purposes; 364
23 (15) To examine and audit the accounts of all officers, including all count 365
24 officers, having the care, management, keeping, collecting, of 366
25 disbursement of money belonging to the county or collected for the 367
26 county's use and benefit and in bringing them to a settlement; 368
27 (16) To examine, settle, and allow all claims against the county; 369
28 (17) To regulate peddling and fix the cost therefore and to fix the cost for 370
29 licenses for the sale of spirituous liquors and alcoholic beverages and to 371
30 fix the costs for the exhibition of shows in the county; 372
31 (18) To enact any ordinances or other legislation the county may be 373

1 given authority to enact; 374
2 (19) To determine the priority of capital improvements; 375
3 (20) To call elections for the voting of bonds; 376
4 (21) To exercise all of the power and authority vested by law in the judge 377
5 of the probate court when sitting for county purposes; 378
6 (22) To fix, levy, and assess license fees, charges, or taxes on all persons, 379
7 firms, and corporations engaging in or offering to engage in any trade, 380
8 business, calling, avocation, or profession in the unincorporated area of 381
9 Long County, except businesses which are subject to regulation by the 382
10 Public Service Commission, and to classify all such persons, firms, and 383
11 corporations according to the nature, manner, and size of the business 384
12 conducted by such persons, firms, and corporations and to fix, levy, and 385
13 assess different license fees, charges, or taxes against different classes of 386
14 trades, businesses, callings, avocations, or professions; 387
15 (23) To adopt ordinances and resolutions to govern and regulate all 388
16 trades, businesses, callings, avocations, or professions, not contrary to 389
17 regulations prescribed by general law, for the purpose of protecting and 390
18 preserving the health, safety, welfare, and morals of the citizens of said 391
19 county, and to prescribe penalties for the violation of any such 392
20 ordinances and resolutions, including the operation of such businesses 393
21 without the obtaining of a license or when such license is revoked or 394
22 suspended; 395
23 (24) To prevent animals from running at large in the county; to regulate 396
24 the manner and numbers in which animals may be kept; to take up and 397
25 impound animals and to punish all owners or other persons keeping 398
26 animals for failure or refusal to obey any ordinance controlling or 399
27 regulating the keeping of animals and to fix penalties and charges to be 400
28 paid for the violation of any such ordinance; to provide for the sale and 401
29 disposition of unclaimed animals impounded; to levy and collect a tax 402
30 upon dogs; and to do any and all things necessary to carry out the 403
31 purposes of this paragraph for the public interest. 404

1 (25) To prescribe penalties and punishment for the violation of zoning 405
2 ordinances, building codes, including electrical, plumbing, heating, and 406
3 air conditioning regulations, and all other lawful ordinances adopted by 407
4 the board of commissioners pursuant to this or any other law in force in 408
5 said county; 409
6 (26) To provide ordinances for the preservation and protection of county 410
7 property and equipment and the administration and use of county 411
8 facilities, such as parks, playgrounds, and swimming pools, by the public, 412
9 and to prescribe penalties and punishment for violations thereof; 413
10 (27) To prescribe fire safety regulations not inconsistent with general 414
11 law, relating to both fire prevention and detection and to fire fighting, 415
12 and to prescribe penalties and punishment for violation thereof; 416
13 (28) To prohibit or regulate and control erection and maintenance of 417
14 signs, billboards, trees, shrubs, fences, buildings, and any and all other 418
15 structures or obstruction upon or adjacent to the rights of way of streets 419
16 and roads within the unincorporated area of said county and to prescribe 420
17 penalties and punishment for violation of such ordinances; 421
18 (29) To adopt ordinances and regulations for the prevention of idleness, 422
19 loitering, vagrancy, disorderly conduct, public drunkenness, and 423
20 disturbing the peace in the unincorporated area of said county and to 424
21 prohibit the playing of lotteries therein, and to prohibit or regulate such 425
22 other conduct and activities within such area of Long County which, 426
23 while not constituting offenses against the general laws of this state, are 427
24 deemed by the board of commissioners to be detrimental and offensive 428
25 to the peace, good order, and dignity of Long County and to the welfare 429
26 and morals of the citizens thereof; 430
27 (30) To purchase real property for roads, parks, offices, polling places, 431
28 and any and all public needs authorized by law which would require the 432
29 use of real property; and 433
30 (31) To exercise all powers no or hereafter vested in county governing 434

1 authorities by the Constitution and general laws of this state. 434

2 Section 16. Board as purchasing agent. The board of commissioners shall 435

3 be the purchasing agent for Long County for all things needed by the different departments of 436

4 Long County and for the purchase of all other supplies for elected or appointed offices and their 437

5 office that by law the board of commissioners is required to provide. 438

6 Section 17. Purchasing authority. (a) The board of commissioners, any member 439

7 thereof, or any other county officer authorized by law to use public or county funds for the 440

8 purchase of goods or property of any kind for public or county purposes shall not purchase such 441

9 goods or property from any store in which such county governing authority, any member 442

10 thereof, or other county officer is an employee, or in which he is directly or indirectly 443

11 interested, or form any person or partnership of which he is a member or by whom he is 444

12 employed, unless by sanction of the majority of the members of the county governing 445

12 authority or unless it is made clearly to appear that such individual, partnership, or owner of 446

13 the store offers and will sell the goods or property as cheaply as or cheaper than the same can 447

14 be bought elsewhere. 448

15 (b) Any board member or any county officer violating subsection (a) of this 449

16 section shall be removed from office upon proper proceedings instituted by any taxpayer in the 450

17 county. Any contract made in violation of subsection (a) of this section shall be illegal. 451

18 Section 18. Emergency powers of board. To meet a public emergency 452

19 threatening life, health, property, or public peace, the board of commissioners may adopt 453

20 emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to 454

21 levy taxes, or to grant, renew, or extend a franchise, or to regulate the rate charged for any 455

22 public utility or service, or to authorize the borrowing of money. An emergency ordinance or 456

23 resolution shall be in the form prescribed for ordinances or resolutions generally, except that it 457

24 shall be plainly designated as an emergency ordinance or resolution and shall contain a 458

25 declaration stating what emergency exists. An emergency ordinance or resolution may be 459

26 adopted with or without amendment or may be rejected at the meeting at which it is 460

27 introduced, but the affirmative vote of at least three members of the board of commissioners 461

28 shall be required for its adoption. It shall become effective upon adoption or at such later time 462

29 as it may specify. Every emergency ordinance or resolution shall automatically stand repealed 463

1 on the sixteenth day following the date on which it was adopted but, if the emergency still 464
2 exists, the automatic repeal of the ordinance or resolution shall not prevent its reenactment 465
3 in the manner specified in this subsection. An emergency ordinance or resolution may also be 466
4 repealed by adoption of the repealing ordinance or resolution in the same manner specified in 467
5 this section for adoption of emergency ordinances or resolutions. 468
6 Section 19. Budgets and appropriations. Prior to the beginning of each fiscal 469
7 year, the Board of Commissioners of Long County shall prepare an annual operating budget 470
8 which will cover all expenses and costs of operating the offices and departments of the county. 471
9 The board of commissioners shall have published in the official organ of the county, prior to 472
10 formal adoption of the budget, a copy of the prepared budget. After such publication and at its 473
11 next regular meeting, the board shall formally adopt a budget for the ensuing fiscal year. 474
12 Upon adoption by the board, it shall be unlawful to transfer monies from the account of one 475
13 department to the account of another department or to authorize the expenditure of funds 476
14 for purposes other than those specifically included in the budget unless the board by 477
15 appropriate resolution adopted by said board authorizes the transfer of funds from one 478
16 department to another to meet the needs of the governing authority of Long County. 479
17 Section 20. Gifts and contributions. The board of commissioners may receive 480
18 contributions for the improvement of public roads of the county from persons who own 481
19 property along the same, or from any other person who may be interested in the improvement 482
20 of the roads, and such contributions, when received, shall be used for the improvement of the 483
21 road designated by the contributor, and it shall be the duty of the clerk to receive such 484
22 contributions and to disburse the same, as directed by the commissioners. And he shall keep a 485
23 book of accounts which should correctly show all such contributions, from whom received and 486
24 a correct disbursement of the same, to whom paid, and shall take and file receipts for all 487
25 such disbursements and for any misappropriation of any such funds, he and his securities on his 488
26 bond shall be liable therefore. 489

27 Section 21. Penalties. The board of commissioners is authorized to adopt 490
28 ordinances prescribing penalties and punishment for violation of any and all ordinances or 491
29 resolutions adopted by the board to carry out any of the provisions of this Act or of any other 492
30 law and to prescribe maximum penalties and punishment for violation of same, expect that 497
31 the same shall in no event exceed a fine of \$500.00, imprisonment in the county jail for 30 days, 498
32 or labor on the work gang for 60 days for any single offense, or any combination thereon. 499

1 Section 22. Severability. In the event any section, subsection, sentence, clause, 500
2 or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication 501
3 shall in no manner affect the other sections, subsections, sentences, clauses, or phrases or this 502
4 Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or 503
5 phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The 504
6 General Assembly declares that it would have passed the remaining parts of this Act if it had 505
7 known that such part of parts hereof would be declared or adjudged invalid or unconstitutional. 506

8 Section 23. Compliance with Section 5 of the Voting Rights Act of 1965. The 507
9 within procedure for election of the Board of Commissioners of Long County is in compliance 508
10 with the Consent Decree, Order, and Judgment in the case of Willie T. Glover, et al. vs. Long 509
11 County, Georgia Board of Commissioners, et al., Civil Action No. CV 287-20 in the United States 510
12 District Court for the Southern District of Georgia, Brunswick Division, the United States 511
13 Department of Justice having interposed no objection by letter dated July 9, 1987, in 512
14 correspondence WBR:LLT:PRD:gmh:sw; DJ 166-012-3; S1562-1563; S3225-3227. 513

15 Section 24. An Act establishing the Board of Commissioners of Long County, 514
16 approved August 10, 1921 (Ga. L. 1921, p. 525), as amended, is repealed in its entirety. 515

17 Section 25. All laws and parts of laws in conflict with this Act are repealed. 516