

CODE OF ORDINANCES

Newton County, Georgia

Division I

*Prepared by
the
Northeast Georgia Regional Development Center
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Section 1-001 Education Districts

1. The Board of Education of Newton County shall be composed of five members. In compliance with the order entered July 9, 1992, by the U.S. District Court for Northern Georgia, Atlanta Division, in Ellis-Cooksey et al. v. Newton County Board of Commissioners et al., Civil Action 92-CV-1283-MHS, and approved by the U.S. Justice Department on August 14, 1992, for the purposes of electing members of the Board of Education, Newton County is divided into five education districts as follows:

Education District: 1

Newton County

- VTD: 0004 Brewers
- VTD: 0005 Brick Store
- VTD: 0009 Mansfield
- VTD: 0010 Newborn
- VTD: 0012 Rocky Plains
- VTD: 0014 Leguin

Education District: 2

Newton County

- VTD: 0001 Town (Part)
 - Tract: 1004.
 - Block(s): 307, 308, 309, 310, 312, 313, 314, 316, 317
 - Tract: 1006.
 - Block(s): 105, 112, 113, 114, 115, 116A, 116C, 120, 121
 - Tract: 1007.
 - Block(s): 106, 117, 118, 119, 120, 121, 122, 123, 127, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147
- VTD: 0003 Covington Mills (Part)
 - Tract: 1006.
 - Block(s): 118D, 160
- VTD: 0006 Cedar Shoals (Part)
 - Tract: 1005.
 - Block(s): 183B
 - Tract: 1006.
 - Block(s): 148B, 149B, 159B, 163B, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188
 - Tract: 1009.
 - Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212
- VTD: 0007 Downs
- VTD: 0013 Stansell (Part)
 - Tract: 1005.

Block(s): 155, 171, 172

Tract: 1009.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 521, 153, 154, 155, 160, 161, 162, 163, 192, 193, 194, 195

Education District: 3

Newton County

VTD: 0001 Town (Part)

Tract: 1004.

Block(s): 227

Tract: 1005.

Block(s): 103, 129A, 131A, 132, 133, 134

Tract: 1006.

Block(s): 101, 102A, 102B, 103A, 103B, 104, 106, 107, 108, 109A, 109B, 110A, 110B, 111A, 111C, 117A, 117B

VTD: 0002 Almon (Part)

Tract: 1001.

Block(s): 227, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310

Tract: 1004.

Block(s): 131

Tract: 1005.

Block(s): 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 152, 160, 161, 162, 163, 164, 165

Tract: 1006.

Block(s): 154C, 155, 156, 157, 158

VTD: 0006 Cedar Shoals (Part)

Tract: 1005.

Block(s): 166A, 167, 168A, 177, 178A, 178B, 179, 180, 181, 182, 183A, 184, 185, 187

Tract 1006.

Block(s): 111B, 111D, 116B, 118B, 118C, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148A, 149A, 150, 151, 152, 153A, 153B, 154A, 154B, 159A, 161, 162, 163A, 164

VTD: 0008 Gum Creek (Part)

Tract: 1001.

Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 165, 166, 169, 170, 171, 172, 173, 174, 175, 177, 178, 270

VTD: 0013 Stansell (Part)

Tract: 1005.

Block(s): 150, 151, 153, 154, 156, 157, 158, 159, 166B, 168B, 169, 170, 173, 174, 175, 176, 186

Education District: 4

Newton County

VTD: 0001 Town (Part)

Tract: 1004.

Block(s): 110B, 126A, 126B, 126D, 127B, 136, 137, 138, 139A, 139B, 140A, 140B, 141A, 141B, 142A, 142B, 143, 144, 145A, 145B, 146A, 146B, 155A, 156, 157, 158, 159, 160A, 161, 162, 163, 206, 207, 208, 209, 223, 224, 225, 226, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 244, 250, 251, 252, 253, 254, 306, 311, 315

Tract: 1005.

Block(s): 101A, 101B, 102, 128A, 129B, 130A, 130B, 131B

Tract: 1006.

- Block(s): 118A, 119
 Tract: 1007.
 Block(s): 105, 107, 108, 113, 114, 115, 116, 124, 126, 128, 132A, 133, 134, 135A, 136, 137, 150A, 152, 153, 154, 155, 156, 157, 158, 159, 160
- VTD: 0002 Almon (Part)
 Tract: 1001.
 Block(s): 267, 268, 269
 Tract: 1004.
 Block(s): 128, 129, 130, 132, 133, 134, 135
 Tract: 1005.
 Block(s): 128B
- VTD: 0003 Covington Mills (Part)
 Tract: 1001.
 Block(s): 216A, 217A, 218, 220A, 222A, 225A, 232A, 234, 235A, 235B, 236B, 236A, 242A, 243
 Tract: 1003.
 Block(s): 101A, 102, 103, 104A, 104B, 105A, 105B, 105C, 106A, 113A, 113B, 114A, 114B, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125A, 125B, 126, 127, 128, 129A, 129B, 130A, 130B, 131A, 131B, 133, 135, 136, 137, 155
 Tract: 1004.
 Block(s): 101A, 101B, 101C, 101D, 102A, 102B, 105, 241, 242, 243, 245, 246, 247, 248, 249, 305
 Tract: 1007.
 Block(s): 132B
- VTD: 0008 Gum Creek (Part)
 Tract: 1001.
 Block(s): 224, 249, 250, 251B
- VTD: 0011 Oxford (Part)
 Tract: 1001.
 Block(s): 216B, 217B, 217C, 220B, 221, 222B, 223, 225B, 226, 236B, 242B, 244, 245A, 251A, 252, 253, 254, 255, 256, 257, 258, 264, 266
 Tract: 1004.
 Block(s): 109, 110A, 111, 112, 120, 121, 127A

Education District: 5

Newton County

- VTD: 0001 Town (Part)
 Tract: 1004.
 Block(s): 210, 217, 218, 219
 Tract: 1007.
 Block(s): 102, 103, 104, 109, 110, 130, 131, 148A, 149A, 149B
- VTD: 0003 Covington Mills (Part)
 Tract: 1001.
 Block(s): 201, 202, 203, 204, 205, 228, 229, 230, 231, 233A, 233B, 237, 238, 239, 240,
 Tract: 1003.
 Block(s): 101B, 106B, 107, 108, 109, 110, 111, 112, 123, 132A, 132B, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173A, 173B, 174, 175A, 175B, 176A, 176B, 177, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254A, 254B, 255, 256, 257, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 312, 313, 314, 315, 316
 Tract: 1004.
 Block(s): 103A, 104A, 106A, 151, 153A, 201, 202, 203, 204A, 205A, 211, 212, 213, 214, 215, 216, 220, 221, 222, 301, 302, 303, 304
 Tract: 1007.
 Block(s): 101, 111, 112, 125, 129, 135B, 135C, 148B, 149C, 150B, 151, 161, 162, 163, 164, 165, 166, 167

VTD: 0008 Gum Creek (Part)

Tract: 1001.

Block(s): 146, 147, 148, 149, 150, 151, 152, 153, 154, 159, 160, 161, 162, 163, 164, 167, 168, 176, 179, 180, 181, 182, 183, 184, 209, 210, 211, 212, 213, 246, 247, 248

VTD: 0011 Oxford (Part)

Tract: 1001.

Block(s): 155, 156, 157, 158, 206, 207, 208, 214, 215, 219, 225C, 232B, 245B, 259, 260, 261, 262, 263, 265, 282, 283, 284

Tract: 1004.

Block(s): 103B, 104B, 106B, 107, 108, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126C, 142C, 147, 148, 149, 150, 152, 153B, 154, 155B, 160B, 204B, 205B

2. For the purposes of this section:
 - A. The terms "Tract," "Block," and "VTD" 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 1990 for the State of Georgia;
 - B. The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;
 - C. Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any education district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;
 - D. Any part of the Newton County School District which is not included in any education district described in this section shall be included within that education district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and
 - E. Any part of the Newton County School District which is described in this section as being included in a particular education district shall nevertheless not be included within such education district if such part is not contiguous to such education district. Such noncontiguous part shall instead be included within that education district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.
3. The members of the Board of Education in office on January 1, 1993, shall serve the terms for which they were elected and until their successors are elected and qualified.
 - A. In the general election of 1994 successors to the members of the Board elected in 1990 from Education Districts 1, 3, and 5, respectively, under previously existing provisions of this Act shall be elected and shall take office on January 1, 1995, for terms of four years and until their respective successors are elected and qualified. Thereafter, successors shall be elected quadrennially and shall take office on the first day of January in the year following their election for terms of four years and until their successors are elected and qualified.
 - B. In the general election of 1996 successors for the members elected in 1992 from Education Districts 2 and 4, respectively, shall be elected and shall take office on January 1, 1997, for terms of four years and until their respective successors are elected and qualified. Thereafter, successors shall be elected quadrennially and shall take office on the first day of January in the year following their election for terms of four years and until their successors are elected and qualified. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1976, p. 3505, Ga.L. 1984, p. 3501, Ga.L. 1992, p. 6528, Ga.L. 1993, p. 4361.)

Section 1-002 Members

There shall be elected to the Board of Education of Newton County one member from each of the education districts provided in section 1-101. Candidates may not offer for election to the Board from any district other than the district in which their legal residence lies. Each member of the Board shall be elected by the qualified electors of the education district he represents only. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1971, p. 2881, Ga.L. 1976, p. 3505.)

Section 1-003 Qualifications

No person shall be eligible to represent an education district unless he is at least 21 years of age and has been a resident of the State at least one year and a resident of the district from which he offers as a candidate for at least six months immediately preceding the date of the election. In the event a member moves his residence from the district from which he qualified. His place on the Board shall immediately become vacant. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1971, p. 2881.)

Section 1-004 Terms

The terms of office of the members of the Board of Education of Newton County in office on December 31, 1976, shall expire on January 1, 1977. At the 1976 general election, members of the Board from all five education districts provided in section 1-101 shall be elected. The members of the Board elected at said election from education districts 1, 3, and 5 shall take office on January 1, 1977, and shall serve terms of two years and until their successors are elected and qualified. The members of the Board elected at said election from education districts 2 and 4 shall take office on January 1, 1977, and shall serve terms of four years and until their successors are elected and qualified. Thereafter, successors to members of the Board shall be elected at the general election immediately preceding the expiration of the member's term of office, shall take office on the first day of January following their election, and shall serve for a term of four years and until their successors are duly elected and qualified. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1971, p. 2881, Ga.L. 1976, p. 3505.)

Section 1-005 Chairman, Quorum

The Board shall elect one of their members as chairman to serve for a term established by resolution duly adopted by the Board. The Board may provide by resolution for such other officers as the Board shall determine. Three members of the Board shall constitute a quorum for the transaction of business. All members of the Board shall be compensated in the amount of six hundred dollars (\$600.00) per month, and the chairman shall be compensated in the amount of six hundred dollars (\$600.00) per month. The member and the chairman shall also receive reimbursement for actual and necessary expenses incurred in carrying out their official duties. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1976, p. 3505, Ga.L. 1980, p. 3473, Ga.L. 1985, p. 4641, Ga.L. 1986, p. 4211, Ga.L. 1986, p. 4211, Ga.L. 1988, p. 4744, Ga.L. 1991, p. 3586.)

Section 1-006 Vacancies

In the event any vacancy occurs in the office of a member of the Board of Education of Newton County, the remaining members of the Board shall select a successor to fill such vacancy until the next general election, at which time a successor shall be elected by the qualified electors of the education district from which the member was elected whose position is vacant, to serve out the unexpired term. In the event the vacancy occurs in the office of chairman of the Board, the remaining members shall elect from one of their members as new chairman to serve out the unexpired term of office. The Board of Education of Newton County created by this Act shall be the successor to all the rights, powers, duties and obligations of the old Board of Education of Newton County and shall be subject to all constitutional and statutory provisions relating to county Boards of education. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1971, p. 2881, Ga.L. 1976, 3505.)

Section 1-007 Superintendent

The County School Superintendent of Newton County serving at the time of the approval of this Act shall continue to serve out the term of office to which he was elected. At the expiration of his term of office, the Board of Education of Newton County shall appoint the County School Superintendent of Newton County and he shall serve at the pleasure of the Board. To be eligible to hold the office of County School Superintendent, the candidate must possess such qualifications as are prescribed for county school superintendents by the laws of this State as well as such other qualifications as may be prescribed from time to time by the State Board of Education and by the State and regional accrediting agencies. The Board shall fix the compensation to be received by the superintendent. (Ga.L. 1967, p. 2405.)

Section 1-008 Bids

The superintendent shall keep a book of vouchers signed by the party or parties from whom supplies may be bought and by such party or parties itemized in every important particular, stating the numbers of articles or pounds, etc., rate, prices, the purpose for which to be used, and the total amount received. The superintendent shall keep all vouchers properly bound and accessible to public inspection and for the use of the grand jury or the auditor. The

superintendent, before making any purchase which individually or in an aggregate is in excess of five hundred dollars (\$500.00), shall have the approval of the majority of the Board in writing or competitive bids shall be taken; however, said bids may be waived by the majority consent of the Board, the signing of said purchase order and said purchase order being entered into the minutes of the meeting when approved. (Ga.L. 1967, p. 2405, as amended by Ga.L. 1976, p. 3559.)

CHAPTER 2: LICENSE FEE

Section

2-101 Taxation for Business in Unincorporated Areas

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Section 2-001 Taxation for Business in Unincorporated Areas

The Board of Commissioners of Newton County is hereby authorized, for regulatory and revenue purposes to levy, assess and collect a license fee from any person, firm or corporation, except those subject to regulation by the State Public Service Commission, who may maintain a place of business or who may in any manner engage in any type of business in any area of Newton County outside the incorporated limits of municipalities and to levy and collect excise taxes in connection with any amusement or sporting activity in any unincorporated area of Newton County. To provide for public welfare, health and security of the people of Newton County, the Board shall have the right to regulate and exercise police powers over any businesses operated within the unincorporated areas of said County, except those subject to regulation by the State Public Service Commission and to prescribe such rules and regulations as may be necessary to effectuate the powers herein granted. Violation of any regulations adopted by the Board shall constitute a misdemeanor and shall be punishable as such upon conviction thereof. (Ga.L. 1973, p. 2878.)

(Ga.L. 1971, p. 945 as continued by Ga.L. 1986, p. 3908.)

CHAPTER 3: BOARD OF COMMISSIONERS

Section

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ARTICLE I. BOARD OF COMMISSIONERS

Section 3-101 Board of Commissioners Created, Districts

There shall be a Board of Commissioners of Newton County which shall consist of five members. In compliance with the order entered July 9, 1992, by the U.S. District Court for Northern Georgia, Atlanta Division, in **Ellis-Cooksey et al. v. Newton County Board of Commissioners et al.**, Civil Action 92-CV-1283-MHS, and approved by the U.S. Justice Department on August 14, 1992, for the purposes of electing members of the Board of Commissioners, Newton County is divided into five commissioner districts as follows:

Commissioner District: 1

Newton County

- VTD: 0004 Brewers
- VTD: 0005 Brick Store
- VTD: 0009 Mansfield
- VTD: 0010 Newborn
- VTD: 0012 Rocky Plains
- VTD: 0014 Leguin

Commissioner District: 2

Newton County

- VTD: 0001 Town (Part)
 - Tract: 1004.
 - Block(s): 307, 308, 309, 310, 312, 313, 314, 316, 317
 - Tract: 1006.
 - Block(s): 105, 112, 113, 114, 115, 116A, 116C, 120, 121
 - Tract: 1007.
 - Block(s): 106, 117, 118, 119, 120, 121, 122, 123, 127, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147
- VTD: 0003 Covington Mills (Part)
 - Tract: 1006.
 - Block(s): 118D, 160
- VTD: 0006 Cedar Shoals (Part)
 - Tract: 1005.
 - Block(s): 183B
 - Tract: 1006.
 - Block(s): 148B, 149B, 159B, 163B, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188
 - Tract: 1009.
 - Block(s): 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 212
- VTD: 0007 Downs
- VTD: 0013 Stansell (Part)
 - Tract: 1005.
 - Block(s): 155, 171, 172
 - Tract: 1009.
 - Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 160, 161, 162, 163, 192, 193, 194, 195

Commissioner District: 3

Newton County

- VTD: 0001 Town (Part)
 - Tract: 1004.
 - Block(s): 227
 - Tract: 1005.
 - Block(s): 103, 129A, 131A, 132, 133, 134
 - Tract: 1006.
 - Block(s): 101, 102A, 102B, 103A, 103B, 104, 106, 107, 108, 109A, 109B, 110A, 110B, 111A, 111C, 117A, 117B
- VTD: 0002 Almon (Part)

- Tract: 1001.
Block(s): 227, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310
- Tract: 1004.
Block(s): 131
- Tract: 1005.
Block(s): 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 152, 160, 161, 162, 163, 164, 165
- Tract: 1006.
Block(s): 154C, 155, 156, 157, 158
- VTD: 0006 Cedar Shoals (Part)
 - Tract: 1005.
Block(s): 166A, 167, 168A, 177, 178A, 178B, 179, 180, 181, 182, 183A, 184, 185, 187
 - Tract: 1006.
Block(s): 111B, 111D, 116B, 118B, 118C, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148A, 149A, 150, 151, 152, 153A, 153B, 154A, 154B, 159A, 161, 162, 163A, 164
- VTD: 0008 Gum Creek (Part)
 - Tract: 1001.
Block(s): 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 165, 166, 169, 170, 171, 172, 173, 174, 175, 177, 178, 270
- VTD: 0013 Stansell (Part)
 - Tract: 1005.
Block(s): 150, 151, 153, 154, 156, 157, 158, 159, 166B, 168B, 169, 170, 173, 174, 175, 186, 186

Commissioner District: 4

Newton County

- VTD: 0001 Town (Part)
 - Tract: 1004.
Block(s): 110B, 126A, 126B, 126D, 127B, 136, 137, 138, 139A, 139B, 140A, 140B, 141A, 141B, 142A, 142B, 143, 144, 145A, 145B, 146A, 146B, 155A, 156, 157, 158, 159, 160A, 161, 162, 163, 206, 207, 208, 209, 223, 224, 225, 226, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 244, 250, 251, 252, 253, 254, 306, 311, 315
 - Tract: 1005.
Block(s): 101A, 101B, 102, 128A, 129B, 130A, 130B, 131B
 - Tract: 1006.
Block(s): 118A, 119
 - Tract: 1007.
Block(s): 105, 107, 108, 113, 114, 115, 116, 124, 126, 128, 132A, 133, 134, 135A, 136, 137, 150A, 152, 153, 154, 155, 156, 157, 158, 159, 160
- VTD: 0002 Almon (Part)
 - Tract: 1001.
Block(s): 267, 268, 269
 - Tract: 1004.
Block(s): 128, 129, 130, 132, 133, 134, 135
 - Tract: 1005.
Block(s): 128B
- VTD: 0003 Covington Mills (Part)
 - Tract: 1001.
Block(s): 216A, 217A, 218, 220A, 222A, 225A, 232A, 234, 235A, 235B, 236A, 242A, 243
 - Tract: 1003.
Block(s): 101A, 102, 103, 104A, 104B, 105A, 105B, 105C, 106A, 113A, 113B, 114A, 114B, 115, 116, 117, 118, 119, 120, 121, 122, 124, 125A, 125B, 126, 127, 128, 129A, 129B, 130A, 130B, 131A, 131B, 133, 135, 136, 137, 155
 - Tract: 1004.

Block(s): 101A, 101B, 101C, 101D, 102A, 102B, 105, 241, 242, 243, 245, 246, 247, 248, 249, 305

Tract: 1007.

Block(s): 132B

VTD: 0008 Gum Creek (Part)

Tract: 1001.

Block(s): 224, 229, 250, 251B

VTD: 0011 Oxford (Part)

Tract: 1001.

Block(s): 216B, 217B, 217C, 220B, 221, 222B, 223, 225B, 226, 236B, 242B, 244, 245A, 251A, 252, 253, 254, 255, 256, 257, 258, 264, 266

Tract: 1004.

Block(s): 109, 110A, 111, 112, 120, 121, 127A

Commissioner District: 5

Newton County

VTD: 0001 Town (Part)

Tract: 1004.

Block(s): 210, 217, 218, 219

Tract: 1007.

Block(s): 102, 103, 104, 109, 110, 130, 131, 148A, 149A, 149B

VTD: 0003 Covington Mills (Part)

Tract: 1001.

Block(s): 201, 202, 203, 204, 205, 228, 229, 230, 231, 233A, 233B, 237, 238, 239, 240, 241

Tract: 1003.

Block(s): 101B, 106B, 107, 108, 109, 110, 111, 112, 123, 132A, 132B, 134, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173A, 173B, 174, 175A, 175B, 176A, 176B, 177, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 221, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254A, 254B, 255, 256, 257, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311A, 311B, 312, 313, 314, 315, 316

Tract: 1004.

Block(s): 103A, 104A, 106A, 151, 153A, 201, 202, 203, 204A, 205A, 211, 212, 213, 214, 215, 216, 220, 221, 222, 301, 302, 303, 304

Tract: 1007.

Block(s): 101, 111, 112, 125, 129, 135B, 135C, 148B, 149C, 150B, 151, 161, 162, 163, 164, 165, 166, 167

VTD: 0008 Gum Creek (Part)

Tract: 1001.

Block(s): 146, 147, 148, 149, 150, 151, 152, 153, 154, 159, 160, 161, 162, 163, 164, 167, 168, 176, 179, 180, 181, 182, 183, 184, 209, 210, 211, 212, 213, 246, 247, 248

VTD: 0011 Oxford (Part)

Tract: 1001.

Block(s): 155, 156, 157, 158, 206, 207, 208, 214, 215, 219, 225C, 232B, 245B, 259, 260, 261, 262, 263, 265, 282, 283, 284

Tract: 1004.

Block(s): 103B, 104B, 106B, 107, 108, 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126C, 142C, 147, 148, 149, 150, 152, 153B, 154, 155B, 160B, 204B, 205B

1. For the purposes of this section:
 - A. The terms "Tract," "Block," and "VTD" 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 1990 for the State of Georgia;
 - B. The term "Precinct" is synonymous with the term "voting precinct" and means a geographical area designated by Article 7 of Chapter 2 or 3 of Title 21 of the O.C.G.A., within which all electors vote at one polling place;

- C. Precinct names and designations following VTD designations are included for convenience only; and in the event the description of any commissioner district contains a conflict between the geographical boundaries of any VTD and the boundaries of the following named precinct, the geographical boundary of the VTD as shown on the census maps for the United States decennial census of 1990 for the State of Georgia shall control;
 - D. Any part of Newton County which is not included in any commissioner district described in this section shall be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia; and
 - E. Any part of Newton County which is described in this section as being included in a particular commissioner district shall nevertheless not be included within such commissioner district if such part is not contiguous to such commissioner district. Such noncontiguous part shall instead be included within that commissioner district contiguous to such part which contains the least population according to the United States decennial census of 1990 for the State of Georgia.
2. The chair and members of the Board of Commissioners in office on January 1, 1993, shall serve the terms for which they were elected and until their successors are elected and qualified.
- A. In the general election of 1994 successors to the members of the Board elected in 1990 from Commissioner Districts 2 and 4, respectively, under previously existing provisions of this Act shall be elected and shall take office on January 1, 1995, for terms of four years and until their respective successors are elected and qualified. Thereafter, successors shall be elected quadrennially and shall take office on the first day of January in the year following their elections for terms of four years and until their successors are elected and qualified.
 - B. In the general election of 1996 successors for the chair of the Board and members elected in 1992 from Commissioner Districts 1, 3, and 5, respectively, shall be elected and shall take office on January 1, 1997, for terms of four years and until their respective successors are elected and qualified. Thereafter, successors shall be elected quadrennially and shall take office on the first day of January in the year following their election for terms of four years and until their successors are elected and qualified. (Ga.L. 1962, p. 2784, as amended by Ga.L. 1976, p. 3402, Ga.L. 1984, p. 3507, Ga.L. 1992, p. 6537, Ga.L. 1993, p. 4370.)

Section 3-102 Elections

There shall be elected to the Board of Commissioners of Newton County one member from each of the commissioner districts who shall be elected by the qualified voters of the commissioner district which he represents only. Candidates shall offer for election to the Board from the commissioner districts in which their legal residence lies. (Ga.L. 1967, p. 2782, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3402.)

Section 3-103 Terms

The terms of office of the members of the Board of Commissioners of Newton County in office on December 31, 1976, shall expire on January 1, 1977. At the 1976 general election, members of the Board from all five commissioner districts shall be elected. The members elected at said election from commissioner districts 2 and 4 shall take office on January 1, 1977, and shall serve terms of two years and until their successors are elected and qualified. The members elected at said election from commissioner districts 1, 3, and 5 shall take office on January 1, 1977, and shall serve four-year terms and until their successors are elected and qualified. Thereafter, members who are elected to succeed members of the Board of Commissioners of Newton County, as provided for herein, shall be elected at the general election which is conducted in that year in which the members' respective terms of office expire, shall take office on the first day of January following their election, and shall serve for a term of four years and until their successors are duly elected and qualified. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3402.)

Section 3-104 Eligibility

No person shall be eligible to represent a commissioner district unless he is at least 21 years of age and has been a resident of the State for at least one year and a resident of the district from which he offers as a candidate for at least six months immediately preceding the date of the election. In the event a member moves his residence from the district from which he qualified, his place on the Board shall immediately become vacant. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-105 Chairman

There shall be a Chairman of the Board of Commissioners of Newton County who shall be elected by the qualified electors of the entire county. The Chairman of the Board of Commissioners of Newton County in office on January 1, 1976, shall serve as a chairman for the remainder of his term and until his successor is elected and qualified. At the general election conducted in 1976, the chairman of said Board shall be elected and shall take office on the first day of January following his election, to serve for a term of four years and until his successor is duly elected and qualified. Thereafter, successors to the chairman of said Board shall be elected at the general election which is conducted in that year in which the term of office expires, and shall take office on the first day of January following such election for a term of four years and until his successor is duly elected and qualified. Any person desiring to offer as a candidate for election as chairman of said Board shall specifically designate that he is running for the Chairman of the Board of Commissioners of Newton County. No person shall be eligible to serve as Chairman of the Board of Commissioners of Newton County unless he is at least 21 years of age, a freeholder, and has been a resident of the State at least one year and a resident of Newton County for at least six months immediately preceding the date of the election. In the event the chairman moves his residence from Newton County, the office of chairman shall be declared vacant. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-106 Compensation

1. On and after the effective date of this Act, each Newton County officer who is elected for the first time after July 1, 199, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - A. Five percent (5%) of the base salary for each four-year term of office served by the individual county officer, figured at the end of such period of service; and
 - B. Cost-of-living increases, calculated in the following manner: on and after July 1, 1992, whenever the employees in the classified service of the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by state employees is in different percentages or different amounts as to certain categories of employees, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by a percentage or amount to exceed the average percentage or average amount of the general increase in salary granted to the state employees.
2. The compensation of any Newton County officer who was elected for the first time prior to July 1, 1993, shall not be decreased below the amount of the compensation that officer was receiving on June 1, 1993. On and after the effective date of this Act, each Newton County officer who was elected for the first time prior to July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - A. For officers who have completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section; or
 - B. For officers who have not completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section, as if the officer had served four complete four-year terms, provided that county officers subject to this subparagraph shall not be eligible for an additional longevity increase until such county officer has completed four four-year terms; and
3. For all officer elected for the first time prior to July 1, 1993, cost-of-living increases, calculated as provided in paragraph (2) of subsection (a) of this section.
 - A. The compensation set out in subsections (a) and (b) of this section shall be paid in equal monthly installments from the funds of Newton County.
 - B. Each Newton County officer shall also be entitled to any expenses other than salary provided by local law.

(Ga.L. 1976, p. 3032, Ga.L. 1977, p. 3259, Ga.L. 1981, p. 3304, Ga.L. 1981, p. 4719, Ga.L. 1994, p. 4156)

Section 3-107 Salary

1. The Chairman of the Board of Commissioners shall receive a salary supplement of five hundred dollars (\$500.00) per month. Such salary supplement shall be in addition to the salary and salary supplement received by the chairman pursuant to an Act providing for the compensation of certain Newton County officials, approved April 6, 1981 (Ga.L. 1981, p. 3304), as now or hereafter amended.
2. The members of the Board of Commissioners other than the chairman shall receive a salary of six hundred dollars (\$600.00) per month. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1981, p. 4719, Ga.L. 1985, p. 4136, Ga.L. 1987, p. 5358, Ga.L. 1989, p. 3983, Ga.L. 1990, p. 4070.)

Section 3-108 Reimbursement for Expenses

1. In addition to other compensation provided by law, the chairman and members of the Board of Commissioners shall receive reimbursement for actual and necessary expenses, excluding mileage or transportation costs, when the chairman and members are out of town overnight on county business.
 - A. In addition to the compensation provided for herein, the chairman and the members of the Board of Commissioners shall receive reimbursement for mileage driven on county business in personal vehicles. Such reimbursement shall correspond to the rate per mile authorized for employees of the State of Georgia.
 - B. The reimbursements provided for in subsection (a) shall be paid only upon presentation of an itemized statement of expenses and mileage.(Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032, Ga.L. 1981, p. 4719.)

Section 3-109 Bonds

The commissioners, before entering upon their duties of office, shall give a good and sufficient bond to be approved by the judge of the probate court of said county in the sum of ten thousand dollars (\$10,000.00) for the faithful discharge of their duties as county commissioners. For any violations or neglect of duty as provided by this Act, said bonds shall become actionable, suit thereon to be brought in the name of the judge of the probate court of said county, for the use of any person damaged thereby, or for the County of Newton for any breach thereof by malfeasance or misfeasance in office or for any tort, or wrong committed under color of his office. The commissioners shall, before entering upon the duties of their office, make oath before the judge of the probate court of said county to faithfully administer all things and affairs coming under their jurisdiction as county commissioners to the best interests of said county and to carry out the provisions of this Act. (Ga.L. 1976, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-110 Clerk

The Board shall have a clerk to keep all books and records of said Board. Said clerk shall perform all duties required of him by said Board in keeping all the records and minutes of meetings of the Board and keeping the Board's office open and all records open to public inspection by any taxpayer of Newton County. Said clerk shall receive such compensation as shall be determined by the Board, which compensation shall be payable from the funds of Newton County. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-111 Conflict of Interest

It shall be unlawful for any candidate for election to the Board or for any nomination thereof to enter into any agreement or understanding with any person or persons as to the disposal of any work, the purchase of any supplies, or any appointment which is or shall be under the control of the Board, and any person so offending shall be ineligible to hold said office, and upon conviction shall be punished as for a misdemeanor. (Ga.L. 1967, p. 2784, as amended by, Ga.L. 1976, p. 3032.)

Section 3-112 Vacancy in Office

In the event a vacancy occurs on the Board of Commissioners of Newton County by death, resignation or otherwise, the remaining members shall appoint a person to fill such vacancy until the next general election, at which time a successor shall be elected for the unexpired term. Any person appointed by the Board to fill a vacancy shall reside within the commissioner district in which said vacancy occurred, and any person elected to fill a vacancy shall reside within the commissioner district in which said vacancy occurred and shall be elected in the same manner as the member whose position is vacant. In the event a vacancy occurs in the office of Chairman of the Board of Commissioners of Newton County by death, resignation or otherwise, the Board of Commissioners shall appoint a

person to fill such vacancy until the general election, at which time a person shall be elected to fill such vacancy for the unexpired term. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

ARTICLE II. POWERS AND DUTIES OF THE BOARD OF COMMISSIONERS AND THE CHAIRMAN

Section 3-201 Powers

The Board of Commissioners of Newton County shall be the policy making body of Newton County. The Chairman of the Board of Commissioners of Newton County shall be the administrative officer of the county and unless otherwise prohibited, his acts shall be binding unless three members of the Board shall make their objections known within thirty days of his act, stating the reasons therefor, at an official meeting of the Board, or if a meeting is not scheduled to be held prior to said action by said chairman, then three members of the Board shall make their objections known to the chairman, in writing, stating their objections and the reasons therefor, and said action by the chairman shall be stayed until the next official meeting of the Board. At such official meeting of the Board, a majority of said Board may vote to override the action of the chairman and thereby render his prior action nugatory. The chairman may vote on a question only when the members of the Board shall be evenly divided thereon. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-202 Chain of Command

The Board of Commissioners shall at no time enter into administrative acts, contact employees or personnel of said county in relation to any duty or work habits of said employee, request any service or actions on the part of said employee except through the chairman, unless as hereinafter set out in Section 2-103 and 2-107. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-203 Chairman, Power & Authority

The Chairman of the Board of Commissioners shall have power and authority to hire and fire all employees of the road and bridge department. The chairman shall have power and authority to hire and fire other county employees with the approval of a majority of the Board; provided, however, the Chairman and the Board shall have no authority to hire and fire employees of other elected county officials and the Board of Tax Appraisers. The salary and wage ranges and numbers of employees in each range shall be set by the Board at their first meeting of each fiscal year. It shall be at the discretion of the Chairman as to the amount to be paid within said range. The chairman shall report to the Board at its regular monthly meetings all positions to be filled in the ensuing month and all suspensions or replacements thereof which took place in the prior month. All said reports shall be spread upon the minutes of the Board. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-204 Delegation to Chairman

The Board shall set all specifications for work to be done in the county; such specifications may be delegated to the chairman but only by an affirmative vote of three (3) members of the Board. The Board shall make periodic inspections of the county properties and of the work being carried on by the county and the Board shall, upon request, make report to the first grand jury meeting in Newton County each calendar year of the financial condition of Newton County and of the progress of the works begin carried on by the county. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-205 Duties

Should the Chairman fail to exercise any of his duties provided for by law, then a member of the Board, at the next regular meeting, may bring an accusation against such chairman in writing and outlining the duties which such chairman has failed to exercise, and order said chairman to show cause why such duties have not been exercised. Such accusation shall be entered in the minutes of the meeting. The chairman shall then be afforded an opportunity to respond to such charges and show cause why such duties have not been exercised, if in fact such duties were not exercised. Such response shall also be entered in the minutes of the meeting. If, after such accusation, response and further discussion, a majority of the Board, excluding the Chairman, feels that it is necessary for the welfare of the county to compel such Chairman to exercise such duties, the Board may exercise the duty themselves or may make a written request to the Judge of the Superior Court of Newton County to issue a writ of mandamus commanding the Chairman to exercise such duties. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-206 Clerk, Deputy Clerk

The Board of Commissioners shall have the authority to hire a clerk of the Board and may also hire a deputy clerk. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-207 County Attorney

The Board of Commissioners shall elect the county attorney by affirmative vote of three of the members of the Board, and he shall serve at the pleasure of the Board. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

ARTICLE III. MEETINGS OF THE BOARD OF COMMISSIONERS

Section 3-301 Meetings

The Board of Commissioners shall hold two meetings per month which shall be called the regular monthly meetings of the Board of Commissioners of Newton County, and the Board shall designate at their first meeting of the year what days of the month said regular meetings shall be held. There shall be such other special or called meetings as may be called by the Chairman during each month, and upon the refusal of the Chairman to call any special or called meeting, requested by a member, then said meeting may be held by said member posting with the clerk of the county commissioners his notice, in writing, at least one day in advance, of said meeting his intention of holding said meeting, the reason for holding said meeting, and same shall have affixed thereto the signature of two members of the Board of Commissioners, including the member requesting the meeting. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-302 Agenda

Any matters which any individual member wishes to be brought before the Board shall be submitted to the Chairman in writing on the day previous to the regular meeting day or on the day previous to such called meeting. If the Chairman is out of town or cannot be located or reached, said notice may be given by leaving a written copy of the matter to be brought before the Board with the clerk of the Board of Commissioners. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-303 Calendar

All matters so requested by the Board shall be entered upon a calendar prepared by the Chairman, along with matters to be brought before the Board by the Chairman, in an orderly fashion for the deliberations of the Board. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-304 Employees

No person or any employee or official of Newton County shall be called before said Board except by the Chairman. Should the Chairman refuse to call any person before the Board, as requested by any member of the Board, then upon the vote of three of the members of the Board, the Board may direct to the clerk to call such person or county employee or official before the Board: all such directions by the Board shall be spread upon the minutes of the Board. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

Section 3-305 Absence of Chairman

Should the Chairman be absent from any meeting, then the Board may require, by a vote of three of the members of the Board, the clerk to call such person, county employee or official before said Board. In the event of the absence of the Chairman, the Board may elect a Vice Chairman who shall act as the Chairman during the absence of the Chairman. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1972, p. 3479, Ga.L. 1976, p. 3032.)

ARTICLE IV. FINANCE

Section 3-401 Budget

1. The Board of Commissioners shall prepare a budget for the ensuing fiscal year to begin July 1 of each year and going through June 30 of the following year. The budget shall be prepared by the 15th of June of each year, said budget to be published in the legal organ, wherein the sheriff's advertisements appear in Newton County, by the first week in July of each year. Said budget shall set forth all the anticipated revenues for the ensuing fiscal year, and all anticipated expenditures for the ensuing fiscal year setting forth in detail all categories where funds are to be received or expended. Said budget shall not exceed the anticipated revenues of Newton County as based upon the tax digest for the current tax year as approved and upon such other monies as were received by Newton County from all other sources during the previous fiscal year.
2. Notwithstanding any other provision of any other law to the contrary, the Judge of the Probate Court, the Sheriff, the Clerk of the Superior Court and the Tax Commissioner of Newton County shall prepare budgets for the ensuing fiscal year based on the same fiscal years the Board of Commissioners and shall submit such budgets by June 1 of each year. (Ga.L. 1976, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-402 Budget, Submittal

Notwithstanding any provision of the law to the contrary, with regard to the budget of any elected official of Newton County, who is required by law to submit a budget for the operation of his office to the Board of Commissioners, said commissioners shall have the power and authority to determine the amounts which shall represent the final budget of said official and only those amounts so determined by said Board shall be paid from the funds of the county. After the Board of Commissioners approve the budget of the elected officials of Newton County, it will become the responsibility of the elected official to administer the budget. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-403 Vouchers

The Chairman shall keep a book of vouchers signed by the party or parties from whom supplies may be bought and by such party or parties itemized in every important particular, stating the number of articles or pounds, etc., rate, price, the purpose for which to be used, and the total amount received. The Chairman shall keep all vouchers properly bound and accessible to public inspection and for the use of the grand jury or the auditor. Any purchases of items whose aggregate purchase price shall be in excess of five hundred dollars (\$500.00) shall be approved by the full Board before being authorized. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-404 Purchases

The Chairman, before making any purchase which individually or in an aggregate is in excess of five hundred dollars (\$500.00), shall have the approval of the majority of the Board and competitive bids shall be taken; however, said bids may be waived by the unanimous consent of the Board with all five Board members and the Chairman signing said purchase order and said purchase order being entered into the minutes of the meeting when approved. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-405 Road Work

The Chairman shall carry out all road work, have complete control as to the manner and methods which said road projects are to be carried out; however, prior to the beginning of construction on any road or road project, the chairman shall bring said project to the attention of the Board, giving an estimated cost of its completion, including all labor, materials and subcontract costs which would be encountered therein.

The Board of Commissioners shall designate what road work, building or other works of the county, which shall be taken up by the chairman. All such instructions shall be entered into the minutes. The Board shall not authorize or set forth any expenditures which would cost in excess of the amount of funds budgeted. No work shall be instituted without the affirmative vote of three commissioners, excepting the chairman. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-406 Chairman's Signature Required

The Chairman's signature is required on all checks or vouchers issued by Newton County and any vouchers issued and/or signed by the Chairman, shall be deemed to be signed with his full knowledge of the intent and

purposes for which said check or voucher was issued. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-407 Financial Statement

The Chairman shall present to the Board of Commissioners at their first meeting in each month a financial statement showing to the commissioners expenditures and income of the previous month. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3022.)

Section 3-408 Voucher Signature

One of the members of the Board of Commissioners so designated shall sign each voucher or check along with the Chairman of the Board of Commissioners. Said Board shall designate from its membership such member to sign such checks and vouchers. It shall be deemed that any voucher issued and/or signed by said member of the Board was signed with the full knowledge and cognizance of what said voucher or check was paid for and purposes for which same is or was to be used. Any check or voucher so signed or issued by said member shall be considered the action of all members of the Board unless objected to, in writing, within sixty (60) days after issuance. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1971, p. 3022, Ga.L. 1976, p. 3032.)

Section 3-409 Itemized Account

The Chairman shall, at the end of each month, make out an itemized account of all the transactions of his office, stating the amount of money or monies received and from what source, the amount of money or monies expended and for what purposes during that month, and post the same on the bulletin board at the courthouse within ten days after the end of each month, there to remain for a period of thirty days. He shall undersign each monthly statement so posted and make oath as to the correctness of the same before the judge of the probate court of said county. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-410 Financial Interest

It shall be a misdemeanor for any member of the Board, the clerk or anyone serving under the Board or anyone employed upon the road force of Newton County to have any financial interest in the sale or purchase of any article or work done to or from the county. Any person so offending shall upon conviction be punished as for a misdemeanor. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

Section 3-411 Board of Auditors

The Board of Commissioners in January following each election year shall appoint a Board of Auditors or Auditor who shall be certified public accountants to audit the books and accounts of the Board, the Sheriff, the Judge of the Probate Court, the Tax Commissioner, and the Clerk of the Superior Court, and it shall be the duty of said Auditor and the Board to audit all the books, accounts, and transactions of the Board, the Sheriff, the Judge of the Probate Court, the Tax Commissioner, and the Clerk of the Superior Court, and said auditors shall have the power to examine on oath all commissioners or any other public official set out herein or any person serving under the Board or any other public official set out herein relative to any account or item on said books and accounts or any transaction in said office. Said Auditor shall perform its duties herein prescribed and submit a report of its findings to the grand jury sitting at the fall term of the Newton Superior Court. The Board employing said auditors shall prescribe what sum shall be paid for said work and said Board shall be required to draw its warrant for this amount and pay said auditors as the case may be for their services in this behalf. Said report to be published in county newspapers where legal advertisements are published. (Ga.L. 1967, p. 2784, as amended by Ga.L. 1976, p. 3032.)

CHAPTER 4: CONVEYANCES

Section

- 4-101 Land Conveyance to Newton County
- 4-102 Conveyance of Stained Glass Window to Newton County Authorized
- 4-103 Exchange of Lands with Newton County Board of Education

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Section 4-001 Land Conveyance to Newton County

1. The State of Georgia Department of Transportation is the owner of approximately three tracts of real property located in Newton County, Georgia; and
2. Said real property consist of all those tracts or parcels of land lying and being Newton County, Georgia, and being generally described as follows:
3. All that tract or parcel of land lying and being in Town District, Newton County, Georgia, and being Lots Nos. 19, 20, and 21 of the E. F. Callaway subdivision, plat of which is recorded in Newton County, Georgia deed records in Plat Book No. 1, page 59, to which reference is prayed for more particular description. Each of said lots being 100 x 400 feet and join and make on tract 300 x 400 feet and bounded as follows: On east by Old Orphan's Home road; north by property of Chester Meadors; west by Howard Piper Estate; and on South by J. L. Speers."; and
4. In order to accommodate the request of Newton County, the Department of Transportation desires to sell such property to Newton County.

Section 4-002 Conveyance of Stained Glass Window to Newton County Authorized

1. A Resolution authorizing the Governor and the Secretary of State to convey a certain stained glass window to Newton County; and for other purposes.
2. In the year 1896, Mrs. William C. Clarke did present to the State of Georgia on behalf of the Ladies Executive Committee and Newton County a stained glass window; and
3. Such stained glass window depicted the cultural achievements of Newton County and the history of such county; and
4. Such window had been an integral part of the exhibit of Newton County at the Cotton States Exposition; and
5. For many years the stained glass window was proudly displayed by the State in the State Library; and
6. Now the State Library has moved to new quarters and no longer has place to properly display said window; and
7. The citizens of Newton County are desirous to have said window returned to them;
8. The stained glass window above referred to is hereby declare surplus and of no further value to the State. The Governor and the Secretary of State are hereby authorized to return to Newton County said stained glass window.

(Approved March 25, 1958; Ga.L. 1958, p. 546.)

Section 4-003 Exchange of Lands with Newton County Board of Education

1. Authorizing the Governor to convey certain property owned by the State in Newton County, and used for military purposes to the Newton County Board of Education in exchange for a conveyance by the Newton County Board of Education to the State of certain other land located in Newton County, Georgia, suitable for use for military purposes and acceptable by the Military Department for such usage.

2. The State of Georgia now owns certain land in the City of Covington, County of Newton, under a conveyance of the Newton County Board of Education, recorded in Deed Book Number 37, page 531 of the Records of Newton Superior Court, and such land is being used by the State for military purposes; and

3. The Newton County Board of Education is about to construct additional public school facilities and has need of said state-owned land for the construction of such facilities; and
4. The Newton County Board of Education has agreed to remove and transfer the facilities of the State now located on such property to another location in Newton County, Georgia, equally suitable and acceptable to the State for use for such purposes, and to convey title to such other property to the State of Georgia.
5. Upon receipt of a conveyance from the Newton County Board of Education conveying to the State of Georgia title to another tract of land located in said county suitable and acceptable to the Military Department for use for military purpose, and upon the agreement in writing of said board of education to transfer present State facilities to such other site without cost to the State, the Governor is hereby authorized and empowered to convey to the Newton County Board of Education all interest now held by the State in the aforesaid property in the City of Covington, County of Newton, presently employed by the State for military purposes.

(Ga.L. 1953, p. 142)

CHAPTER 5: PROBATE

Section

5-101	Compensation
5-102	Deputies, Budgets
5-103	Budgets
5-104	Salary
5-105	Fees
5-106	Office Expenses
5-107	Bonds

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Section 5-001 Compensation

1. "General law" means an Act providing a schedule of minimum salaries for the judges of the probate courts of the various counties within the State of Georgia, approved March 21, 1974 (Ga.L. 1974, p. 455), as now or hereafter amended.
2. "Newton County officers" means the Sheriff, the Tax Commissioner, the Judge of the Probate Court, the Clerk of the Superior Court and the Chairman of the Board of Commissioners of Newton County.
3. On and after the effective date of this Act, each Newton County officer shall receive an annual salary which shall be equal to the highest minimum annual salary, including increases based on years of service, established by any general law for any county officer of Newton County. Such salaries shall be paid in equal monthly installments from the funds of Newton County.
4. Each Newton County officer shall also be entitled to any expenses, other than salary, provided by local law.
5. It is the intent of this Act to provide a salary system for certain officers of Newton County in order to reflect increases in the cost of living.

Section 5-002 Deputies, Budgets

The ordinary shall have the authority to appoint and fix the compensation of such deputies, clerks, assistants and other personnel as he shall deem necessary to efficiently and effectively discharge the official duties of his office. At least thirty days but not more than sixty days before the first day of January each year, beginning with January 1968, the ordinary shall present to the governing authority of Newton County the number of such personnel needed by his office, together with the compensation to be paid each employee, and a proposed budget covering the costs of operating said office, including the costs for all personnel and expenses, for the next ensuing year. A copy of said budget shall also be submitted to the Grand Jury first convening in each calendar year. By no later than April 15, 1967, the ordinary shall submit the governing authority of Newton County a budget which shall be prepared in accordance with the provisions of this section for the remainder of the calendar year 1967. Thereafter all such budgets shall be submitted at the time in the manner provided for in this section. It shall be within the sole power and authority of the ordinary, during his respective term of office, to designate and name the person or persons who shall be employed as deputies, clerks, assistants or other employees, and to prescribe their duties and assignments, and to remove or replace any such employees at will and within his sole discretion.

Section 5-003 Budgets

The governing authority of Newton County and the grand jury shall be authorized to review the budgets submitted by the ordinary and to consult with the ordinary regarding the same, but neither the said governing authority nor the grand jury shall be authorized to reject or disapprove the budget submitted by the ordinary, and any changes made in said budget shall be approved by the ordinary. The governing authority of Newton County shall cause the budget submitted by the ordinary to be advertised in the official organ of Newton County once each week for two weeks during January of each calendar year.

Section 5-004 Salary

Any other provisions of this Act to the contrary notwithstanding, the budget covering the cost of operating the office of the ordinary of Newton County shall be the same in subsequent years as the budget approved for the calendar year 1970. However, the budget in future years may be increased upon written request by the ordinary to the board of commissioners of Newton County, provided such increase is approved by said board of commissioners.

Section 5-005 Fees

After the effective date of this Act, the ordinary shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, monies and all other emoluments and perquisites formerly allowed him as compensation for services in the capacity of ordinary or judge of the court of ordinary, and shall receive and hold the same in trust for said county as public monies, and shall pay the same over the fiscal authority of Newton County, Georgia, on or before the 10th day of each month next following the month in which they were collected or received. At the time of each such monthly payment, he shall also furnish to the fiscal authority of said county a detailed, itemized statement of all such funds received during the preceding month. The statement shall show the respective amounts of money collected and the source thereof, and the fiscal authority of Newton County, Georgia, shall give said ordinary a receipt therefor, and said fiscal authority shall keep a separate account showing such collections and the sources from which they are paid.

Section 5-006 Office Expenses

The compensation of the ordinary, the compensation of his deputies and other employees, and the cost of materials, supplies, furnishings, furniture and utilities shall be paid from any funds of the county available for such purpose.

Section 5-007 Bonds

The official bonds of the said ordinary and all of his deputies, as may be required by law, shall be procured by said ordinary and his deputies, and the premiums and costs therefor shall be paid out of the funds of Newton County, Georgia.

CHAPTER 6: CORONER

Section

6-101 Compensation

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Section 6-001 Compensation

The coroner of Newton County is hereby placed on an annual salary in lieu of the fee system of compensation for all of his services. The coroner shall be compensated in the amount of one thousand dollars (\$1,000.00) per annum to be paid in equal monthly installments from the funds of Newton County. Such salary shall be in lieu of all fees and costs, commissions, allotments, monies and all other emoluments and perquisites of whatever kind previously allotted the coroner; and they shall become the property of Newton County and shall be paid to the fiscal officer of Newton County on or before the fifteenth day of each month for the preceding month. (Ga.L. 1970, p. 2354.)

CHAPTER 7: GAME, FISH REGULATED

Section

7-101 Wire Fish-Baskets
7-102 Seining

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Section 7-001 Wire Fish-Baskets

Be it enacted by the General Assembly of Georgia that it shall be lawful for the citizens of Rockdale and Newton Counties to use wire fish-baskets in the waters and streams of said counties, during the months of July and August of each year, provided, that such baskets are constructed of wire of not less than one and one half (1 ½) inch mesh. (Ga.L. 1933, p. 654.)

Section 7-002 Seining

Be it further enacted that it shall be lawful and permissible for citizens of said counties to seine in the waters and streams of Rockdale and Newton Counties, during the months of July and August of each year. (Ga.L. 1933, p. 654.)

CHAPTER 8: NEWTON COUNTY MAGISTRATE COURT

Section

8-101 Created
8-102 Chief Magistrate
8-103 Deputies

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Section 8-001 Created

The magistrate court created in Newton County pursuant to the provisions in Article VI of the Constitution of 1982 shall be governed by the provisions of this Act and in any case for which provision is not made by this Act shall be governed by the provisions of general law.

Section 8-002 Chief Magistrate

The Judge of the Probate Court of Newton County shall serve as chief magistrate of Newton County.

Section 8-003 Deputies

The judge of probate court in his capacity as chief magistrate may appoint one or more of the deputy clerks of the probate court to serve as clerk or deputy clerks of the magistrate courts; and any or all of the clerical personnel of the probate court shall be authorized to perform clerical duties for the magistrate court.

(Ga.L. 1984, p. 5133)

CHAPTER 9: NEWTON COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY

Section

9-101 Newton County Industrial Development Authority

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Section 9-001 Newton County Industrial Development Authority

1. **Created.** There is hereby created a body corporate and politic in Newton County to be known as the Newton County Industrial Development Authority, which shall be an instrumentality of Newton County and a public corporation and which is hereby referred to as the "Authority."
2. **Members, Etc.** The Authority shall consist of five (5) directors, who shall be eligible for reappointment. The Commissioner of Road and Revenues of Newton County, the Mayor of the City of Covington, and the President of the Covington-Newton County Chamber of Commerce, Inc., shall appoint themselves or other persons as directors for terms of office concurrent with their respective terms as Commissioner of Roads and Revenues of Newton County, Mayor of the City of Covington, and President of the Covington-Newton County Chamber of Commerce, Inc. The remaining two (2) directors of the Authority shall be appointed by a majority vote of the Commissioner of Roads and Revenues of Newton County, the Mayor of the City of Covington, and the President of the Covington-Newton County Chamber of Commerce, Inc., for terms of five (5) years each and until their successors are duly appointed and qualified. In the event the Commissioners of Roads and Revenues of Newton County, the Mayor of the City of Covington, and the President of the Covington-Newton County Chamber of Commerce, Inc., cannot agree on the appointments of the two (2) directors of the Authority or fail to appoint the other two (2) directors for any reason, then such directors shall be appointed by a majority vote of the Board of Directors of the Covington-Newton County Chamber of Commerce, for terms of five (5) years each and until their successors are duly appointed and qualified. Vacancies for unexpired terms shall be filled by a majority vote of the Commissioners of Road and Revenues of Newton County, the Mayor of the City of Covington, and the President of the Covington-Newton County Chamber of Commerce, Inc. A majority of the directors shall constitute a quorum and the majority may act for the Authority in any matter. No vacancy shall impair the power of the Authority to act.
3. **Same.** The directors of the Authority shall elect one (1) of their members as Chairman and another as Vice-Chairman, and shall also elect a Secretary and Treasurer or a Secretary-Treasurer, either of who may, but need not be, a director of the Authority. The directors shall receive no compensation for their services, but shall be reimbursed for their actual expenses incurred in the performance of their duties. The Authority shall make bylaws and regulations for its government and may delegate to one (1) or more of its directors or its officers, agents, and employees such powers and duties as may be deemed necessary and proper. The Authority shall have perpetual existence as hereinafter provided.
4. **Bonds.** The property obligations and the interest obligations of the Authority shall have the same immunity from taxation as the property obligations and interest on the obligations of Newton County. The exemption from taxation herein provided shall not extend to tenants nor lessees of the Authority.
5. **Powers.** The Authority shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this amendment, including, but without limiting the generality of the foregoing, the power:
 - A. to sue and be sued;
 - B. to adopt and amend a corporate seal;
 - C. to make and execute contracts and other instruments necessary to exercise the powers of the Authority, any of which contracts may be made with Newton County or may be made with any one or more municipal corporations in Newton County. Newton County and all municipal corporations therein are hereby authorized to enter into contracts with the Authority;
 - D. to receive and administer gifts, grants, and devises of any property and to administer trusts;
 - E. to acquire by purchase, gift or construction of any real or personal property desired to be acquired as part of any project or for the purpose of improving, extending, adding to, reconstructing,

- renovating or remodeling any project or part thereof already acquired, or for the purpose of demolition to make room for such project or any part thereof;
- F. to sell, lease, exchange, transfer, assign, pledge, mortgage or dispose of, or grant options for any such purposes, any real or personal property or interest therein;
 - G. to mortgage, pledge, or assign any revenues, income, tolls, charges or fees received by the Authority;
 - H. to issue bonds for the purpose of providing funds for carrying out the purpose of the Authority;
 - I. to appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants and employees and to provide their compensation and duties;
 - J. to construct, acquire, own, repair, remodel, maintain, extend, improve and equip projects located on land owned or leased by the Authority, and to pay all or part of the cost of any such project from the proceeds of revenue-anticipation bonds of the Authority or from any contribution or loans by persons, firms or corporations, or any other contribution, all of which the Authority is hereby authorized to receive and accept and use;
 - K. to issue revenue-anticipation bonds for the purpose of paying all or any part of the cost of any project, including the cost of extending, adding to or improving such project, or for the purpose of refunding any such bonds of the Authority theretofore issued. Such revenue-anticipation bonds shall be issued and validated under and in accordance with the applicable provisions of the Act of the General Assembly of 1937 (Ga.L. 1937, pp. 761-774), as amended, providing for the issuance of revenue-anticipation bonds. As security for the payment of any revenue-anticipation bonds so authorized, any property, real or personal, of the Authority may be pledged, mortgaged, conveyed, assigned, hypothecated or otherwise encumbered and the Authority may execute any trust agreement or indenture containing any provisions not in conflict with law for the security of such bonds, which trust agreement or indenture may provide for foreclosure or forced sale of any property of the Authority upon default on such bonds either in payment of principal or interest or upon default in the performance of any term or condition contained in such agreement or indenture. The State of Georgia on behalf of the State and Newton County and each municipal corporation therein hereby waives any right the State, Newton County or any municipal corporation therein may have to prevent the forced sale or foreclosure of any property of the Authority so mortgaged or encumbered and any such mortgage or encumbrance may be foreclosed in accordance with law and the terms thereof. For purposes of the aforesaid judicial validation, the Authority shall be regarded as being located in Newton County, and the Superior Court of Newton County shall have jurisdiction and the requisite notices shall be published in Newton County. If no exception is filed to the decree validating such bonds within twenty (20) days from the date upon which such decree is entered, such decree shall be final and no appeal may be taken therefrom;
 - L. to do all things necessary or convenient to carry out the powers expressly conferred by this amendment.
6. **Debt.** The Authority shall not be authorized to create in any manner any debt, liability or obligation against the State of Georgia or Newton County and nothing herein contained shall be construed to create a right to compel any exercise of the taxing power of Newton County to pay any indebtedness on the interest thereon of the Authority nor to enforce payment thereon against any property of Newton County.
7. **Tort Liability.** The Authority shall have the same immunity and exemption from liability for torts and negligence as the State of Georgia when in performance of the work of the Authority shall have the same immunity and exemption from liability for torts and negligence as the officers, agents and employees of the State of Georgia when in performance of their public duties or work of the State. The Authority may be sued the same as private corporations on any contractual obligation of the Authority.
8. **Property Exempt from Levy.** The property of the Authority shall not be subject to levy and sale under legal process except such property, income, or funds as may be pledged, assigned, mortgaged or conveyed to secure an obligation of the Authority, and any such property, funds or income may be sold under legal process or under any power granted by the Authority to enforce payment of the obligation;
9. **Purpose.** This amendment is adopted for the purpose of promoting and expanding the public good and welfare and industry and trade within Newton County and reducing unemployment to the greatest extent possible, and this amendment and any law enacted with reference to the Authority shall be liberally construed for the accomplishment of these purposes.
10. **Further Powers.** The General Assembly may by law further define and prescribe the powers and duties of the Authority and exercise thereof, and may enlarge and restrict the same, and may likewise further

regulate the management and conduct of the Authority. The Authority shall be an instrumentality of Newton County, and the scope of its operations shall be limited to the territory embraced within Newton County. The General Assembly shall not extend the jurisdiction of the Authority nor the scope of its operations beyond the limits of Newton County.

11. **Debt.** There shall be no limitation upon the amount of debt which the Authority may incur, but no debt created by the Authority shall be a debt of the State of Georgia or Newton County.
12. **Property.** Should said Authority for any reason be dissolved, title to all property of any kind and nature, real and personal, held by the Authority at the time of such dissolution shall revert to Newton County, subject to any mortgages, liens, leases or other encumbrances outstanding against or in respect to said property at that time.

(Ga.L. 1964, p. 825, as continued by Ga.L. 1985, p. 4932.)

Note: Pursuant to Ga.L. 1981, p. 3302 the Newton County Industrial Development Authority is hereby given the same rights, powers, privileges, exemptions, and immunities as a development authority within the meaning of an Act known as the "Development Authorities Law," approved March 28, 1969 (Ga. Laws 1969, p. 137), as now or hereafter amended. In such capacity and within the meaning of the "Development Authorities Law," the Newton County Industrial Development Authority is authorized to undertake and carry out any project and exercise any power as any development authority subject to the provisions of the "Development Authorities Law." For such purposes, the definition of "project" and the duties, rights, responsibilities, and obligations of a development authority, as amended, are incorporated into this Act by reference and are made fully applicable to the Newton County Industrial Development Authority. (Ga.L. 1981, p. 3302.)

Note: Pursuant to Ga.L. 1985, p. 4932, the Newton County Industrial Development Authority is specifically continued as part of the constitution of the State of Georgia.

Note: Revenue Bonds - Anything contained in that local constitutional amendment creating this Authority, (Ga.L. 1964, p. 825), or Section 1 of this Act to the contrary notwithstanding, the Authority shall have the power to issue its revenue bonds directly on behalf and for the benefit of Newton County, Georgia, and all municipal corporations and other political subdivisions situated therein, collectively the "public subdivisions," provided that the properties to be financed for any such public subdivision with the proceeds of such revenue bonds shall be used by such public subdivision, directly or indirectly, at least fifty-one percent (51%) for gas, water, and electrical utilities, CATV facilities, or such other authorized utility franchise activities. The relative usages of such financed properties may be established conclusively by action of the governing body of any such pertinent public subdivision with reference to the square footage or cubic footage for such financed properties or any other objective manner which would generally establish that the financed properties are used at least fifty-one percent (51%) for the activities specified in this section. (Ga.L. 1981, p. 3302, as amended by Ga.L. 1991, p. 3529.)

CHAPTER 10: NEWTON COUNTY WATER AND SEWERAGE AUTHORITY

Section

10-101	Short Title
10-102	Newton County Water and Sewerage Authority.
10-103	Vacancies
10-104	Removal of Members
10-105	Definitions
10-106	Powers
10-107	Competitive Bidding on Contracts
10-108	Contractors to Give Bond
10-109	Members of the Authority Not to be Interested in Contracts
10-110	Revenue Bonds
10-111	Form; Denominations; Registration; Place of Payment
10-112	Signatures; Seal
10-113	Negotiability; Exemption from Taxation
10-114	Sale; Price
10-115	Proceeds of Bonds
10-116	Interim Receipts and Certificate or Temporary Bonds
10-117	Replacement of Lost or Mutilated Bonds
10-118	Conditions Precedent to Issuance; Object of Issuance
10-119	Credit Not Pledged
10-120	Trust Indenture as Security
10-121	To Whom Proceeds of Bonds Shall be Paid
10-122	Sinking Fund
10-123	Remedies of Bondholders
10-124	Refunding Bonds
10-125	Venue and Jurisdiction
10-126	Validation
10-127	Interests of Bondholders Protected
10-128	Monies Received Considered Trust Funds
10-129	Purpose of the Authority
10-130	Rates, Charges and Revenues; Use
10-131	Coordination with the Newton County Planning Commission
10-132	Rules and Regulations for Operation of Projects
10-133	Financial Statements and Audit Reports
10-134	Powers Declared Supplemental and Additional
10-135	Liberal Construction of Act
10-136	Effect of Partial Invalidity of Act
10-137	Repeal

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Be it enacted by the General Assembly of Georgia:

Section 10-001 Short Title

This Act may be cited as the "Newton County Water and Sewerage Authority Act." (Ga.L. 1970, p. 2449.)

Section 10-002 Newton County Water and Sewerage Authority

There is created a body corporate and politic to be known as the Newton County Water and Sewerage Authority, which shall be deemed to be a political subdivision of the State of Georgia and a public corporation and by that name, style, and title said body may contract and be contracted with, sue, and be sued, implead and be impleaded, and complain and defend in all courts of law and equity. The Authority shall consist of eight members. The mayor and council of the town of Oxford, the mayor and council of the town of Porterdale, and the mayor and council of the City of Covington, respectively, shall nominate one member each and thereafter it shall be the duty of the Board of Commissioners of Newton County to appoint said nominees. The remaining five (5) members shall be nominated and appointed as follows: each member of the Board of Commissioners of Newton County shall recommend one person from such commissioner's district and the entire board shall approve the appointment of such members. The two (2) members of the Authority who were previously appointed by the Board of Commissioners and who are serving on the effective date of this Act shall serve until their regular terms expire and their successors are elected and qualified. Such members shall be deemed to be the appointees from the districts in which they reside. The three new members of the Authority provided for by this Act shall be appointed for initial terms as follows: one member shall serve for an initial term of one (1) year, one for an initial term of two (2) years, one for an initial term of three (3) years, and thereafter the term of office for all members of the Authority shall be for a period of five (5) years, and until their successors are appointed and qualified. Any member of the Board of Commissioners of Newton County shall be eligible for appointment to and service on said Authority. Five (5) members shall constitute a quorum. No vacancy on the Authority shall impair the right of the quorum to exercise all the rights and perform all the duties of the Authority. The members of the Authority shall elect a chairman and vice chairman of the Authority from among the members thereof and shall also elect a secretary-treasurer who need not be a member of the Authority. The members of the Authority shall be entitled to a compensation for their services at the rate of six hundred dollars (\$600.00) per annum, payable monthly, and all members shall be reimbursed for their actual expenses necessarily incurred in the performance of their duties. The Authority shall make rules and regulations for its own government. It shall have perpetual existence. The Authority shall have the right to appoint an administrator from the membership of the Authority. (Ga.L. 1970, p. 2449, as amended by Ga.L. 1978, p. 3655, Ga.L. 1989, p. 4667.)

Section 10-003 Vacancies

In the event of a vacancy in the membership of the Authority by reason of death, cause, resignation or disability, said vacancy shall be filled by the Board of Commissioners of Newton County. (Ga.L. 1970, p. 2449.)

Section 10-004 Removal of Members

The Board of Commissioners of Newton County may remove any members appointed by it for cause. No member of the Authority shall be removed unless he has been given a copy of the charges against him and an opportunity to be publicly heard in his own defense in person or by counsel with at least ten (10) days written notice. A member removed from office shall have the right of judicial review of his removal by an appeal to the Superior Court of Newton County but only on the ground of error of law or abuse of discretion. In case of an abandonment of his office, conviction of a crime involving moral turpitude or a plea of nolo contendere thereto, the office of such member shall be declared vacant by the Authority. A member shall be deemed to have abandoned his office upon failure to attend any regular or special meeting of the Authority for a period of three (3) months without excuse approved by a resolution of the Authority. (Ga.L. 1970, p. 2449.)

Section 10-005 Definitions

As used in this Act the following words and terms shall have the following meanings:

1. The word "Authority" shall mean the Newton County Water and Sewerage Authority created by Section 2 of this Act.
2. The word "project" shall mean and include the acquisition and construction of all necessary and usual water facilities useful and necessary for the obtaining of one or more sources of water supply, the treatment of water and the distribution and sale of water to users and consumers, including counties and municipalities for the purpose of resale, within and without the territorial boundaries of Newton County and the operation, maintenance, additions, improvements, and extensions of such facilities so as to assure an adequate water utility system deemed by the Authority necessary or convenient for the efficient operation of such type of undertaking. Said term shall also include all necessary and usual facilities for the treatment and disposal of sewerage in said county.

3. The term "cost of the project" shall embrace the cost of construction, the cost of all lands, properties, right easements and franchises acquired, the cost of all machinery and equipment, financing charges, interest prior to and during construction, and for one year after completion of construction, cost of engineering, architectural and legal expenses, and of plans and specifications, and other expenses necessary or incident to determining the feasibility or practicability of the project, administrative expense, and such other expenses as may be necessary or incident to the financing herein authorized, the construction of any project, the placing of the same in operation, and the condemnation of property necessary for such construction and operation. Any obligation or expense incurred for any of the foregoing purposes shall be regarded as a part of the cost of the project and may be paid or reimbursed as such out of the proceeds of revenue bonds issued under the provisions of this Act for such project.
4. The terms "revenue bonds" and "bonds" as used in this Act, shall mean revenue certificates as defined and provided for in the Revenue Certificate Law of Georgia (Ga.L. 1937, p. 761, as amended), and such type of obligations may be issued by the Authority as authorized under said Revenue Certificate Law and in addition, shall also mean obligations of the Authority the issuance of which are hereinafter specifically provided for in this Act.
5. Any project shall be deemed "self-liquidating" if, in the judgment of the Authority, the revenues and earnings to be derived by the Authority therefrom will be sufficient to pay the cost of operating, maintaining and repairing, improving and extending the project and to pay the principal and interest of the revenue bonds which may be issued for the cost of such project or projects.
(Ga.L. 1970, p. 2449.)

Section 10-006 Powers

1. The Authority shall have powers:
 - A. To have a seal and alter the same at pleasure;
 - B. To acquire by purchase, lease or otherwise, and to hold, lease and dispose of real and personal property of every kind and character for its corporate purposes;
 - C. To acquire in its own name by purchase, on such terms and conditions and in such manner as it may deem proper, or by condemnation in accordance with the provisions of any and all existing laws applicable to the condemnation of property for public use, real property or right of easements therein or franchises necessary or convenient for its corporate purposes, and to use the same so long as its corporate existence shall continue and to lease or make contracts with respect to the use of or dispose of the same in any manner it deems to the best advantage of the Authority, the Authority being under no obligation to accept and pay for any property condemned under this Act except from the funds provided under the authority of this Act, and in any proceedings to condemn, such orders may be made by the court having jurisdiction of the suit, action or proceedings as may be just to the Authority and to the owners of the property to be condemned, and no property shall be acquired under the provisions of this Act upon which any lien or other encumbrance exists, unless at the time such property is so acquired a sufficient sum of money be deposited in trust to pay and redeem the fair value of such lien or encumbrance; and if the Authority shall deem it expedient to construct any project on any other lands, the title to which shall then be in the State of Georgia, the Governor is hereby authorized to convey for and in behalf of the State, title to such lands to the Authority upon payment to the State Treasurer for the credit of the general fund of the State of the reasonable value of such lands, such value to be determined by three appraisers to be agreed upon by the Governor and the Chairman of the Authority;
 - D. To appoint, select and employ, officers, agents and employees, including engineering, architectural and construction experts, fiscal agents and attorneys, and fix that respective compensations;
 - E. To make contracts, leases and to execute all instruments necessary or convenient, including contracts for construction of projects and leases of projects or contracts with respect to the use of projects which it causes to be erected or acquired, and any and all persons, firms and corporations and any and all political subdivisions, departments, institutions or agencies of the State are hereby authorized to enter into contracts, leases or agreements with the Authority upon such terms and for such purposes as they deem advisable; and without limiting the generality of the above, authority is specifically granted to municipal corporations and counties and to the Authority to enter into contracts, lease agreements, or other undertakings relative to the furnishing of water, water and sewerage facilities and related services by the Authority to such municipal corporations and counties, or the furnishing of water and of such sewerage facilities and services

by municipal corporations, counties, corporations, or individuals to the Authority for a term not exceeding fifty (50) years.

- F. To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage projects as hereinabove defined, the cost of any such project to be paid in whole or in part from the proceeds and revenue bonds of the Authority or from such proceeds and any grant from the United States of America, State of Georgia or any agency or instrumentality thereof;
- G. To accept loans and grants of money or materials or property of any kind from the United States of America, State of Georgia or any agency or instrumentality thereof upon such terms and conditions as the United States of America, State of Georgia or such agency or instrumentality, may impose;
- H. To borrow money for any of its corporate purposes and to issue negotiable revenue bonds payable solely from funds pledged for that purpose, and to provide for the payment of the same and for the rights of the holders thereof. Pursuant to applicable State law, the Authority may obtain temporary loans at any time during the year.
- I. To exercise any power usually possessed by private corporations performing similar functions, which is not in conflict with the Constitution and laws of this State; and
- J. To do all things necessary or convenient to carry out the powers expressly given in this Act.

(Ga.L. 1970, p. 2449, as amended by Ga.L. 1978, p. 3655.)

Section 10-007 Competitive Bidding on Contracts

1. Except in the purchase of unique articles or articles which for any reason are unobtainable in the open market, and except as hereinafter provided, competitive bids shall be secured before any purchase or sale by contract or otherwise is made by the Authority, or before any contract is awarded for construction, alterations, supplies, equipment, repairs or maintenance, or for rendering any services to the Authority other than professional services, and the purchase shall be made from, or the contract shall be awarded to, the lowest responsible bidder, or a sale to the highest responsible bidder. Where the amount involved is one thousand dollars (\$1,000.00) or more, no purchase of any unique article or other articles unobtainable in the open market shall be made unless a report detailing why such unique article or other articles are unobtainable in the open market is submitted to the governing authority of Newton County.
2. All purchases, contracts and sales of one thousand dollars (\$1,000.00) or more shall be awarded after advertising in the official organ of Newton County at least two (2) weeks prior to the bid opening. Bids shall be publicly opened and read aloud at a date, time and place designated in the invitation to bid. Invitations to bid shall be sent at least one (1) week prior to the bid opening to at least three (3) potential bidders who are qualified technically and financially to submit bids, or in lieu thereof, the Authority shall keep on file a memorandum showing that less than three (3) potential bidders so qualified exist in the market area within which it is practicable to obtain bids.
3. Written price quotations from at least three (3) qualified and responsible vendors shall be obtained for all purchases and sales under one thousand dollars (\$1,000.00) but more than five hundred dollars (\$500.00) or in lieu thereof, the Authority shall keep on file a memorandum showing that less than three (3) vendors so qualified exist in the market area within which it is practicable to obtain quotations, except as hereinafter provided.
4. Purchases of sales under five hundred dollars (\$500.00) may be negotiated with or without competitive bidding under sound procurement procedures as promulgated and established by the Authority.
5. Competitive bidding requirements may be waived if it is determined by the Authority that an emergency directly and immediately affecting customer service or public health, safety or welfare requires immediate delivery of supplies, materials, equipment or services; provided, however, that a record explaining the emergency shall be submitted to the governing authority of Newton County.
6. The Authority shall have the right to reject any or all bids, or parts of any or all bids, whenever in the opinion of the Authority such rejection is necessary for the protection of the interests of the Authority. In such cases, the Authority shall re-advertise for new bids on the same or different terms.

(Ga.L. 1970, p. 2449.)

Section 10-008 Contractors to Give Bond

Contractors who are awarded contracts by the Authority shall be required to give bond in an amount equal to the amount of the bid, with good security, for the faithful performance of the contract and to indemnify the Authority for any damages occasioned by a failure to perform the same within the prescribed time. Such bond shall be approved by and filed with the Authority or shall be approved by and filed with such other person as may be designated by the Authority. (Ga.L. 1970, p. 2449.)

Section 10-009 Members of the Authority Not to be Interested in Contracts

The Authority is hereby prohibited from entering into a contract for the purchase of goods, property or service with any member of the Authority, his employer, partner, principal, agent, servant or employee, nor shall the Authority enter into any contract in which any member of the Authority is financially interested, directly or indirectly. Neither shall the Chairman nor any member of the Authority, his partner, employer, principal, agent, servant or employee enter into any contract with the Authority, or sell to the Authority any goods, property or service; provided, however, this Section shall not apply to goods or services purchased from any public utility which is regulated by the Georgia Public Service Commission. Any contract made in violation of the provisions of this Section shall be void, and any person knowingly offending this Section shall be removed from office as a member of the Authority upon proper proceedings instituted by any taxpayer in said county in accordance with the provisions of Section 23-1714 of the Code of Georgia of 1933 relating to the removal of county officers. (Ga.L. 1970, p. 2449.)

Section 10-010 Revenue Bonds

The Authority, or any authority or body which had or which may in the future succeed to the powers, duties, and liabilities vested in the authority created by this Act, shall have power and is authorized at one time, or from time to time, to provide by resolution for the issuance of negotiable revenue bonds of the authority in a sum not to exceed fifty million outstanding at any one time for the purpose of paying all or any part of the cost as defined in this Act of any one or more projects. The principal and interests of such revenue bonds shall be payable solely from the special fund provided in this Act for such payment. The bonds of each issue shall be dated, shall bear interest at such rate or rates not exceeding the interest allowed by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law," as now provided or may hereafter be provided by amendment thereto, payable semiannually, shall mature at such time or times not exceeding forty (40) years from their date or dates, shall be payable in such medium of payment as to both principal and interest as may be determined by the authority, and may be made redeemable before maturity, at the option of the authority, at such price or prices and under such terms and conditions as may be fixed by the authority in the resolution providing for the issuance of the bonds. (Ga.L. 1970, p. 2449, as amended by Ga.L. 1992, p. 6469, Ga.L. 1994, p. 5101, Ga.L. 1996, p. 3728.)

Section 10-011 Form; Denominations; Registration; Place of Payment

The Authority shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof, which may be at any bank or trust company within or without the State. The bonds may be issued in coupon or registered form, or both, as the Authority may determine, provision may be made for the registration of any coupon bond as to principal alone and also as to both the principal and interest. (Ga.L. 1970, p. 2449.)

Section 10-012 Signatures; Seal

In any office whose signature shall appear on any bonds or whose facsimile signature shall appear on any coupon shall cease to be such officer before the delivery of such bonds, such signature shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All such bonds shall be signed by the Chairman of the Authority and official seal of the Authority shall be fixed thereto and attested by the secretary of the Authority and any coupons attached thereto shall bear the signature or facsimile signature of the Chairman of the Authority. Any coupon may bear the facsimile signature of such person and any bond may be signed, sealed and attested on behalf of the Authority by such persons as at the actual time of the execution of such bonds shall be duly authorized or hold the proper office, although at the date of such bonds such persons may not have been so authorized or shall not have held such office. (Ga.L. 1970, p. 2449.)

Section 10-013 Negotiability; Exemption from Taxation

All revenue bonds issued under the provisions of this Act shall have and are hereby declared to have all the qualities and incidents of negotiable instruments under the negotiable instruments law of the State. Such bonds and the income thereof shall be exempt from all taxation within the State. Ga.L. 1970, p. 2449.

Section 10-014 Sale; Price

The Authority may sell such bonds in such manner and for such price as it may determine to be for the best interest of the Authority, but no such sale shall be made at a price so low as to require the payment of interest on the money received therefor at a greater rate than the interest allowed by the Revenue Bond Law as now provided or may hereafter be provided by amendment thereto, computed with relation to the absolute maturity of the bonds in accordance with standard tables of bond values, excluding, however, from such computation the amount of any premium to be paid on redemption of any bond prior to maturity. (Ga.L. 1970, p. 2449.)

Section 10-015 Proceeds of Bonds

The proceeds of such bonds shall be used solely for the payment of the cost of the project or projects, and unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, additional bonds may in like manner be issued to provide the amount of such deficit, which unless otherwise provided in the resolution authorizing the issuance of the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be entitled to payment from the same fund without preference or priority of the bonds first issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be paid into the fund hereinafter provided for the payment of principal and interest of such bonds. (Ga.L. 1970, p. 2449.)

Section 10-016 Interim Receipts and Certificate or Temporary Bonds

Prior to the preparation of definitive bonds, the Authority may, under like restrictions issue interim receipts, interim certificates or temporary bonds, with or without coupons exchangeable for definitive bonds upon the issuance of the latter. (Ga.L. 1970, p. 2449.)

Section 10-017 Replacement of Lost or Mutilated Bonds

The Authority may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. (Ga.L. 1970, p. 2449.)

Section 10-018 Conditions Precedent to Issuance; Object of Issuance

Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified or required by this Act. In the discretion of the Authority, revenue bonds of a single issue may be issued for the purpose of any particular project. Any resolution providing for the issuance of revenue bonds under the provisions of this Act shall become effective immediately upon its passage and need not be published or posted and any such resolution may be passed at any regular or special or adjourned meeting of the Authority by a majority of its members. (Ga.L. 1970, p. 2449.)

Section 10-019 Credit Not Pledged

Revenue bonds issued under the provisions of this Act shall not be deemed to constitute a debt of Newton County or a pledge of the faith and credit of said county, but such bonds shall be payable solely from the fund hereinafter provided for and the issuance of such revenue bonds shall not directly, indirectly or contingently obligate said county to levy or to pledge any form of taxation whatever therefor or to make any appropriation for the payment, and all such bonds shall contain recitals on their face covering substantially the foregoing provisions of this Section. (Ga.L. 1970, p. 2449.)

Section 10-020 Trust Indenture as Security

In the discretion of the Authority, any issuance of such revenue bonds may be secured by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside of the State. Such trust indenture may pledge or assign fees, tolls, revenues and earnings to be received by the Authority. Either the resolution providing for the issuance of revenue bonds or such trust indenture may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants setting forth the duties of the Authority in relation to the acquisition of property, the construction of the project, the maintenance, operation, repair and insurance of the project, and the custody, safeguarding and application of all monies, and may also provide that any project shall be constructed and paid for under the supervision and approval of consulting engineers or architects employed or designated by the Authority, and satisfactory to the original purchasers of the bond issued therefor and may also require that the security given by contractors and by any depository of the proceeds for the bonds or revenues or other monies be satisfactory to such purchasers, and may also contain provisions concerning the conditions, if any, upon which additional revenue bonds may be issued. It shall be lawful for any bank or trust company incorporated under the laws of this State to act as such depository and to furnish such indemnifying bonds or pledge such securities as may be required by the Authority. Such indenture may set forth the rights and remedies of the bondholders and of the trustee, and may restrict the individual right of action of bondholders as is customary in trust, indentures securing bonds and debentures of corporations. In addition to the foregoing, such trust indentures may contain such other provisions as the Authority may deem reasonable and proper for the security of the bondholders. All expenses incurred in carrying out such trust indenture may be treated as a part of the cost of maintenance, operation and repair of the project affected by such indenture. (Ga.L. 1970, p. 2449.)

Section 10-021 To Whom Proceeds of Bonds Shall be Paid

The Authority shall, in the resolution provided for the issuance of revenue bonds or in the trust indenture, provide for the payment of the proceeds of the sale of the bonds to any officer or person who, or any agent, bank or trust company which shall act as trustee of such funds, and shall hold and apply the same to the purposes hereof, subject to such regulations as this Act and such resolution or trust indenture may provide. (Ga.L. 1970, p. 2449.)

Section 10-022 Sinking Fund

The revenues, fees, tolls and earnings derived from any particular project, or projects, regardless of whether or not such fees, earnings, and revenues were produced by a particular project for which bonds have been issued unless otherwise pledged and allocated, may be pledged and allocated by the Authority to the payment of the principal and interest on revenue bonds of the Authority as the resolution authorizing the issuance of the bonds or in the trust instrument may provide, and such funds so pledged from whatever source received, which said pledge may include funds received from one or more or all sources, shall be set aside at regular intervals as may be provided in the resolution or trust indenture, into a sinking fund which said sinking fund shall be pledged to and charged with the payments of (1) the interest upon such revenue bonds as such interest shall be due, (2) the principal of the bonds as the same shall be due, (3) the necessary charges of paying agents for paying principal and interest, and (4) any premium upon bonds retired by call or purchase as hereinabove provided. The use and disposition of such sinking fund shall be subject to such regulations as may be provided in the resolution authorizing the issuance of the revenue bonds or in the trust indenture, but, except as may otherwise be provided in such resolution or trust indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without distinction or priority of one over another. Subject to the provisions of the resolution authorizing the issuance of the bonds or in the trust indenture surplus monies in the sinking fund may be applied to the purchase or redemption of bonds and any such bonds so purchased or redeemed shall forthwith be canceled and shall not again be issued. (Ga.L. 1970, p. 2449.)

Section 10-023 Remedies of Bondholders

Any holder of revenue bonds issued under the provisions of this Act or any of the coupons appertaining thereto, and the trustee under the trust indenture, if any, except to the extent of the rights herein given may be restricted by the resolution passed before the issuance of the bonds or by the trust indenture, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the State of Georgia or granted hereunder or under such resolution or trust indenture, and may enforce and compel performance of all duties required by this Act or by such resolution or trust indenture, to be performed by the Authority, or any officer thereof, including the fixing, charging, and collecting of revenues, fees, tolls, and other charges for the use of the facilities and services furnished. (Ga.L. 1970, p. 2449.)

Section 10-024 Refunding Bonds

The Authority is hereby authorized to provide by resolution for the issue of revenue funding bonds of the Authority for the purpose of refunding any revenue bonds issued under the provisions of this Act and then outstanding, together with accrued interest thereon. The issuance of such revenue refunding bonds, the maturities and all other details thereof, the rights of the holders thereof, and the duties of the Authority in respect to the same, shall be governed by the forcing provisions of this Act insofar as the same may be applicable. (Ga.L. 1970, p. 2449.)

Section 10-025 Venue and Jurisdiction

Any action to protect or enforce any rights under the provisions of this Act or any suit or action against such Authority shall be brought in the Superior Court of Newton County, Georgia, any action pertaining to validation of any bonds issued under the provision of this Act shall likewise be brought in said court which shall have exclusive, original jurisdiction of such actions. (Ga.L. 1970, p. 2449.)

Section 10-026 Validation

Bonds of the Authority shall be confirmed and validated in accordance with the procedure of the Revenue Certificate Law of 1937, as amended. The petition for validation shall also make party defendant to such action any municipality, county, authority, subdivision or instrumentality of the State of Georgia which has contracted with the Authority for furnishing or receiving the services and facilities of the water and sewerage system for which bonds are to be issued and sought to be validated and such municipality, county, authority, subdivision or instrumentality shall be required to show cause, if any, why such contract or contracts and the terms and conditions thereof should not be inquired into by the court and the validity of the terms thereof be determined and the contract or contracts adjudicated as security for the payment of any such bonds of the Authority. The bonds when validated, and the judgment of validation shall be final and conclusive with respect to such bonds, against the Authority issuing the same, and any municipality, county, authority, subdivision or instrumentality contracting with the said Newton County Water and Sewerage Authority. (Ga.L. 1970, p. 2449.)

Section 10-027 Interests of Bondholders Protected

While any of the bonds issued by the Authority remain outstanding, the powers, duties or existence of said Authority or of its officers, employees or agents shall not be diminished or impaired in any manner that will affect adversely the interests and rights of the holders of such bonds, and as other entity, department, agency or authority will be created which will compete with the Authority to such an extent as to affect adversely the interests and rights of the holders of such bonds, nor will the State itself so compare with the Authority. The provisions of this Act shall be for the benefit of the Authority and the holder of any such bonds, and upon the issuance of bonds under the provisions hereof, shall constitute a contract with the holders of such bonds. (Ga.L. 1970, p. 2449.)

Section 10-028 Monies Received Considered Trust Funds

All monies received pursuant to the authority of this Act, whether as proceeds from the sale of revenue bonds, as grants or other contributions, or as revenues, fees and earnings, shall be deemed to be trust funds to be held and applied solely as provided in this Act. (Ga. L. 1970, p. 2449.)

Section 10-029 Purpose of the Authority

Without limiting the generality of any provisions of this Act the general purpose of the Authority is declared to be that of acquiring an adequate source or sources of water supply, treatment of such water, and thereafter the distribution of same to the Newton County water system, and the various municipalities in said county and environs, including adjoining counties and municipalities located therein, but such general purpose shall not restrict the Authority from selling and delivering water direct to consumers in those areas where there does not now exist water distribution systems and where neither any county nor municipality deems it desirable or feasible to furnish water in such locality. It is also the general purpose of the Authority to treat and dispose of sewerage and provide the necessary facilities for said purpose. (Ga.L. 1970, p. 2449.)

Section 10-030 Rates, Charges and Revenues; Use

The Authority is hereby authorized to prescribe and fix and collect rates, fees, tolls or charges, and to revise from time to time and collect such rates, fees, tolls or charges for the services, facilities or commodities furnished, and in anticipation of the collection of the revenues of such undertaking or project, to issue revenue bonds as herein provided to finance in whole or in part the cost of the acquisition, construction, reconstruction, improvement, betterment or extension of the water and sewerage utility systems, and to pledge to the punctual payment of said bonds and interest thereon, all or any part of the revenues of such undertakings or projects, including the revenues of improvements, betterments or extensions thereto thereafter made. (Ga.L. 1970, p. 2449.)

Section 10-031 Coordination with the Newton County Planning Commission

The Authority shall submit to the Newton County Planning Commission all plans relating to the construction of facilities to provide services for large residential subdivisions, commercial centers or industrial plants so that the Planning Commission will have an opportunity to make comments or recommendations on same. (Ga.L. 1970, p. 2449.)

Section 10-032 Rules and Regulations for Operation of Projects

It shall be the duty of the Authority to prescribe rules and regulations for the operation of the project or projects constructed under the provisions of this Act, including the basis on which water services and facilities shall be furnished. (Ga.L. 1970, p. 2449.)

Section 10-033 Financial Statements and Audit Reports

1. The Authority shall establish a fiscal year for its operation, and as soon after the end of each fiscal year as is feasible, the Authority shall cause to be prepared and printed a report and financial statement of the Authority's operations for the fiscal year just ended and of its assets and liabilities. A copy of such report shall be sent to the governing authority of Newton County, and additional copies shall be made available for distribution to the general public on written requests therefor.
2. The Authority shall appoint in due time each year a firm of independent certified public accountants as auditors who shall examine the books, records and accounts of the Authority for the purpose of auditing and reporting upon its financial statement for such year. The report of such auditors shall be appended to such financial statement.
3. Whenever the Authority deems it necessary or advisable, it shall be authorized to employ a firm of qualified independent engineers to survey the condition of the Authority's facilities and operations from an engineering standpoint and make a report thereof together with its recommendations for improvement in its physical facilities and operating procedures. A copy of such report shall be sent to the governing authority of Newton County and to the governing authority of each municipality located therein and additional copies shall be made available for distribution to the general public on written requests therefor.

(Ga.L. 1970, p. 2449.)

Section 10-034 Powers Declared Supplemental and Additional

The foregoing Sections of this Act shall be deemed to provide an additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing. (Ga.L. 1970, p. 2449.)

Section 10-035 Liberal Construction of Act

This Act being for the welfare of various political subdivisions of the State and its inhabitants, shall be liberally construed to effect the purpose hereof. (Ga.L. 1970, p. 2449.)

Section 10-036 Effect of Partial Invalidity of Act

The provisions of this Act are severable and if any of its provisions shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions. (Ga.L. 1970, p. 2449.)

Section 10-037 Repeal

This Act does not in any way take from Newton County or any municipality located therein or any adjoining county the authority to own, operate and maintain water systems or issue revenue certificates as is provided by the Revenue Certificate Law of Georgia. (Ga.L. 1970, p. 2449.)

CHAPTER 11: NORTHEAST GEORGIA REGIONAL DEVELOPMENT CENTER

Section

11-101 Northeast Georgia Regional Development Center

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Section 11-001 Northeast Georgia Regional Development Center

Pursuant to Ga.L. 1996, p. 1493, Newton County has transferred its membership from the McIntosh Trail Regional Development Center to the Northeast Georgia Regional Development Center.

The text of this Act is incorporated as if fully set out herein.

CHAPTER 12: JUDGE OF THE PROBATE COURT

Section

12-101	Compensation of the Judge of the Probate Court
12-102	Judge of the Probate Court
12-103	Jurisdiction of the Probate Court

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Section 12-001 Compensation of the Judge of the Probate Court

An Act to provide for a change in the compensation of the Sheriff, the Tax Commissioner, the Judge of the Probate Court, the Clerk of the Superior Court and the Chairman of the Board of Commissioners of Newton County to reflect increases in the cost of living; to define certain terms; to provide an effective date; to repeal conflicting laws; and for other purposes. (No. 174 (Senate Bill No. 314).)

1. On and after the effective date of this Act, each Newton County officer who is elected for the first time after July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - A. Five percent (5%) of the base salary for each four-year term of office served by the individual county officer, figured at the end of such period of service; and
 - B. Cost-of-living increases, calculated in the following manner: on and after July 11, 1992, whenever the employees in the classified service of the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by the state employees is in the different percentages or different amounts as to certain categories of employees, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by a percentage or amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees.
2. The compensation of any Newton County officer who was elected for the first time prior to July 1, 1993, shall not be decreased below the amount of the compensation that officer was receiving on June 1, 1993. On and after the effective date of this Act, each Newton County officer who was elected for the first time prior to July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County to which shall be added the following:
 - A. For officers who have completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section; or
 - B. For officers who have not completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section, as if the officer had served four complete four-year terms, provided that county officers subject to this subparagraph shall not be eligible for an additional longevity increase until such county officer has completed four four-year terms; and
 - C. For all officers elected for the first time prior to July 1, 1993, cost-of-living increases, calculated as provided in paragraph (2) of subsection (a) of this section.
3. The compensation set out in subsections (A) and (B) of this section shall be paid in equal monthly installments from the funds of Newton County.
4. Each Newton County officer shall also be entitled to any expenses other than salary provided by local law.

(Ga.L. 1981, p. 3304, as amended by Ga.L. 1994, p. 4156.)

5. It is the intent of this Act to provide a salary system for certain officers of Newton County in order to reflect increases in the cost of living.

Section 12-002 Judge of the Probate Court

1. **Salary.** The present method of compensating the Judge of the Judge of the Probate Court of Newton County, known as the fee system, is hereby abolished and in lieu thereof the Judge of the Probate Court shall receive a base salary of fifteen thousand dollars (\$15,000.00) per annum, to be paid in equal monthly installments from the funds of Newton County. In addition to such base salary, the Judge of the Probate Court shall also receive a longevity increase for each year actually served, effective on July 1, for the years 1978, 1979, 1980, and 1981. Such longevity increase for each of said years shall be the lesser of six hundred dollars (\$600.00) per year or the amount for that year derived by multiplying the base salary by a percentage equal to the Urban Wage Earners and Clerical Workers, All Items - United States City Average, as such index is calculated for June of each such year and such index as it exists for the month of July 1977. Such longevity increase shall be calculated in June of each such year and be payable in equal monthly installments from county funds beginning with the month of July of each year with the first such increase becoming payable on July 1, 1978. It is specifically provided that the salary provided herein for the Judge of the Probate Court shall be in lieu of all fees, commissions, costs, fines, emoluments and perquisites of whatever kind formerly allowed him as compensation for services in the capacity of Judge of the Probate Court. (Ga.L. 1967, p 2411, as amended by Ga.L. 1971, p. 3005, Ga.L. 1977, p. 3268.)
2. **Deputies, Budget, Etc.** The ordinary shall have the authority to appoint and fix the compensation of such deputies, clerks, assistants and other personnel as he shall deem necessary to efficiently and effectively discharge the official duties of his office. At least thirty days but not more than sixty days before the first day of January each year, beginning with January 1968, the ordinary shall present to the governing authority of Newton County the number of such personnel needed by his office, together with the compensation to be paid each employee, and a proposed budget covering the costs of operating said office, including the costs for all personnel and expenses, for the next ensuing year. A copy of said budget shall also be submitted to the Grand Jury first convening in each calendar year. By not later than April 15, 1967, the ordinary shall submit to the governing authority of Newton County a budget which shall be prepared in accordance with the provisions of this section for the remainder of the calendar year of 1967. Thereafter, all such budgets shall be submitted at the time and in the manner provided for in this section. It shall be within the sole power and authority of the ordinary, during his respective term of office, to designate and name the person or persons who shall be employed as deputies, clerks, assistants or other employees, and to prescribe their duties and assignments, and to remove or replace any of such employees at will and within his sole discretion. (Ga.L. 1967, p. 2411.)
3. **Budgets.** The governing authority of Newton County and the grand jury shall be authorized to review the budgets submitted by the ordinary and to consult with the ordinary regarding the same, but neither the said governing authority nor the grand jury shall be authorized to reject or disapprove the budget submitted by the ordinary, and any changes made in said budget shall be approved by the ordinary. The governing authority of Newton County shall cause the budget submitted by the ordinary to be advertised in the official organ of Newton County once each week for two weeks during January of each calendar year. (Ga.L. 1967, p. 2411.)
4. **Budgets.** Any other provisions of this Act to the contrary notwithstanding, the budget covering the cost of operating the office of the ordinary of Newton County shall be the same in subsequent years as the budget approved for the calendar year 1970. However, the budget in future years may be increased upon written request by the ordinary to the board of commissioners of Newton County, provided such increase is approved by said board of commissioners. (Ga.L. 1967, p. 2411, as amended by Ga.L. 1970, p. 2352.)
5. **Fees.** After the effective date of this Act, the ordinary shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, monies and all other emoluments and perquisites formerly allowed him as compensation for services in the capacity of ordinary or judge of the court of ordinary, and shall receive and hold the same in trust for said county as public monies, and shall pay the same over to the fiscal authority of Newton County, Georgia, on or before the 10th day of each month next following the month in which they were collected or received. At the time of each such monthly payment, he shall also furnish to the fiscal authority of said county a detailed, itemized statement of all such funds received during the preceding month. The statement shall show the respective amounts of money collected and the source thereof, and the fiscal authority of Newton County, Georgia, shall give said ordinary a receipt therefor, and said fiscal authority shall keep a separate account showing such collections and the sources from which they are paid. (Ga.L. 1967, p. 2411.)
6. **Office Expenses.** The compensation of the ordinary, the compensation of his deputies and other employees, and the cost of materials, supplies, furnishings, furniture and utilities shall be paid from any funds of the county available for such purpose. (Ga.L. 1967, p. 2411.)

7. **Bonds.** The official bonds of the said ordinary and all of his deputies, as may be required by law, shall be procured by said ordinary and his deputies, and the premiums and costs thereof shall be paid out of the funds of Newton County, Georgia.

Section 12-003 Jurisdiction of the Probate Court

1. **Jurisdiction.**
 - A. The probate court of Newton County shall have jurisdiction to hear and determine violations of all ordinances of Newton County.
 - B. The court shall have the power to require the posting of cash and surety bonds for appearance and to forfeit such bonds for no appearance.
 - C. The court shall have the power to punish violations of county ordinances according to the maximum punishment described in each ordinance; but no fine shall exceed two hundred dollars (\$200.00) and no imprisonment shall exceed 30 days for any single offense.
 - D. The court shall have the power to punish contempts by fine not exceeding twenty dollars (\$20.00) or by imprisonment not exceeding ten (10) days or both. (Ga.L. 1982, p. 4441.)
2. **Prosecuting Attorney.** The county attorney or such other attorney as the county governing authority may designate shall be the prosecuting attorney. (Ga.L. 1982, p. 4441, as amended by Ga.L. 1983, p. 4350.)
3. **Execution of Fines.** Execution may issue immediately upon any fine imposed by the court and not immediately paid. (Ga.L. 1982, p. 4441.)
4. **Costs of Fines.** In each case of conviction, the costs assessable shall be ten dollars (\$10.00) which together with any fines shall be paid into the county treasury. (Ga.L. 1982, p. 4441.)
5. **Citations.**
 - A. The probate judge shall develop a citation form for the prosecution of any county ordinances in the probate court.
 - B. Each citation shall state the time and place at which the accused is to appear for trial, shall identify the offense with which the accused is charged, shall have an identifying number by which it shall be filed with the court, shall indicate the identity of the accused and the date of service, and shall be signed by the county agent who completes and serves it.
 - C. Prosecutions for violations of county ordinances shall be commenced by the completion, signing, and service of a citation by any agent of the county who is authorized by the county governing authority to issue citations. The original of the citation shall be personally served upon the accused; and copies shall promptly be filed with the court and the prosecuting attorney.
 - D. No person shall be arrested prior to the time of trial; but any defendant who fails to appear for trial shall be arrested thereafter on the warrant of the probate judge and required to post a bond for his future appearance. (Ga.L. 1982, p. 4441, as amended by Ga.L. 1983, p. 4350.)
6. **Arrest Warrants and Executions on Fines.** The sheriff of Newton County shall execute arrest warrants and executions on fines in connection with this Act and shall receive and house all persons sentenced to confinement for contempt or violation of county ordinances. (Ga.L. 1982, p. 4441, as amended by Ga.L. 1983, p. 4350.)
7. **Review of Convictions.** Review of convictions shall be by certiorari to the superior court as provided by general law. (Ga.L. 1982, p. 4441.)

CHAPTER 13: SHERIFF

Section

ARTICLE I. SHERIFF

13-101 Appointment to Office of County Police
13-102 Sheriff or Deputy as County Police

ARTICLE II. COMPENSATION OF SHERIFF

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13-202 Salary
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ARTICLE III. SALARY

13-301 Salary
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ARTICLE I. SHERIFF

Section 13-101 Appointment to Office of County Police

It shall be lawful for the sheriff of Newton County or his deputy to hold the office of county police in and for said county. (Ga.L. 1941, p. 947.)

Section 13-102 Sheriff or Deputy as County Police

The Commissioner of Roads and Revenues, or other fiscal authority having charge of the county's fiscal affairs, shall be empowered and authorized to appoint the sheriff of said county or his deputy to the office of county police, and to fix the salary of such appointed county police, and to pay such salary out of the funds of said county. (Ga.L. 1941, p. 947.)

ARTICLE II. COMPENSATION OF SHERIFF

Section 13-201 Compensation

1. 'General Law' means any of the following Code sections of the O.C.G.A.:
A. Code Sections 15-16-20 and 15-16-20.1, providing a schedule of minimum salaries for the sheriffs of the various counties within the State of Georgia, as now or hereafter amended;
(Ga.L. 1981, p. 3305.)

Section 13-202 Salary

1. On and after the effective date of this Act, each Newton County officer who is elected for the first time after July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:

- A. Five percent (5%) of the base salary for each four-year term of office served by the individual county officer, figured at the end of such period of service; and
 - B. Cost-of-living increases, calculated in the following manner: on and after July 1, 1992, whenever the employees in the classified service of the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by state employees is in different percentages or different amounts as to certain categories of employees, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by a percentage or amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees.
2. The compensation of any Newton County officer who was elected for the first time prior to July 1, 1993, shall not be decreased below the amount of the compensation that officer was receiving on June 1, 1993. On and after the effective date of this Act, each Newton County officer who was elected for the first time prior to July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
- A. For officers who have completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section; or
 - B. For officers who have not completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (a) of subsection (a) of this section, as if the officer had served four complete four-year terms, provided that county officers subject to this subparagraph shall not be eligible for an additional longevity increase until such county officer has completed four four-year terms; and
 - C. For all officers elected for the first time prior to July 1, 1993, cost-of-living increases, calculated as provided in paragraph (2) of subsection (a) of this section.
3. The compensation set out in subsections (a) and (b) of this section shall be paid in equal monthly installments from the funds of Newton County.
4. Each Newton County officer shall also be entitled to any expenses other than salary provided by local law.

(Ga.L. 1981, p. 3304, as amended by Ga.L. 1994, p. 4156.)

Section 13-203 Budget

The governing authority of Newton County and the grand jury shall be authorized to review the budgets submitted by the sheriff and to consult with the sheriff regarding the same, but neither the said governing authority nor the grand jury shall be authorized to reject or disapprove the budget submitted by the sheriff, and any changes made in said budget shall be approved by the sheriff. The governing authority of Newton County shall cause the budget submitted by the sheriff to be advertised in the official organ of Newton County once each week for two weeks during January of each calendar year. (Ga.L. 1963, p. 2704, as amended by Ga.L. 196, p. 3290, Ga.L. 1968, p. 2735.)

Section 13-204 Budget

Any other provisions of this Act contrary notwithstanding, the budget covering the cost of operating the office of the sheriff of Newton County shall be the same in subsequent years as the budget approved for the calendar year 1970. However, the budget in future years may be increased upon written request by the sheriff to the Board of Commissioners of Newton County, provided such increased is approved by said Board of Commissioners. (Ga.L. 1963, p. 2704, as amended by Ga.L. 1970, p. 2359.)

Section 13-205 Fees

After the effective date of this Act, the sheriff shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, fines and all other emoluments and perquisites formerly allowed him as compensation for services in any capacity, and shall receive and hold the same in trust for said county as public monies, and shall pay the same over to the fiscal authority of Newton County, Georgia, on or before the 10th day of each month next following the month in which they were collected or received. At the time of each such monthly payment, he shall also furnish to the fiscal authority of said county a detailed, itemized statement of all such funds received during the preceding month. The statement shall show the respective amounts of money collected and the source thereof, and the fiscal authority of Newton County, Georgia, shall give said sheriff a receipt thereof, and said fiscal authority shall keep a separate account showing such collections and the sources from which they are paid. (Ga.L. 1963, p. 2704, as amended by Ga.L. 1967, p. 3290, Ga.L. 1968, p. 2735.)

Section 13-206 Automobiles, Etc.

The compensation of the sheriff, the compensation of his deputies and other employees, and the cost of automobiles, equipment, materials, supplies, furnishings, furniture and utilities shall be paid from any funds of the county available for such purposes. (Ga.L. 1963, p. 2704, as amended by Ga.L. 1967, p. 3290, Ga.L. 1968, p. 2735.)

Section 13-207 Bonds

The official bonds of the sheriff and all of his deputies, as may be required by law, shall be procured by said sheriff and his deputies, and the premiums and costs therefor shall be paid out of the funds of Newton County, Georgia. (Ga.L. 1963, p. 2704, as amended by Ga.L. 1967, p. 3290, Ga.L. 1968, p. 2735.)

ARTICLE III. SALARY

Section 13-301 Salary

The Sheriff of Newton County shall receive a base salary of fifteen thousand dollars (\$15,000.00) per annum, to be paid in equal monthly installments from the funds of Newton County. In addition to such base salary, the sheriff shall also receive a longevity increase for each year actually served, effective on July 1, for the years of 1978, 1979, 1980, and 1981. Such longevity increases for each of said years shall be the lesser of six hundred dollars (\$600.00) per year or the amount for that year derived by multiplying the base salary by a percentage equal to the difference in the United States Consumer Price Index for Urban Wage Earners and Clerical Workers. All items - United States City Average, as such index is calculated for June of each such year and such index as it exists for the month of July 1977. Such longevity increase shall be calculated in June of each such year and shall be payable in equal monthly installments from county funds beginning with the month of July of each such year with the first such increase becoming payable on July 1, 1978. The salary provided herein for the sheriff shall be in lieu of all fees, commissions, costs, fines, emoluments and perquisites of whatever kind heretofore received by the sheriff for his services as such. (Ga.L. 1963, p. 2704, as amended by Ga.L. 1967, p. 3290, Ga.L. 1968, p. 2735, Ga.L. 1971, p. 3000, Ga.L. 1977, p. 3265.)

Section 13-302 Deputies, Etc.

The sheriff shall have the authority to appoint and fix the compensation of such deputies, clerks, assistants and other personnel as he shall deem necessary to efficiently and effectively discharge the official duties of his office. At least thirty days but not more than sixty days before the first day of January of each year, beginning with January 1968, the sheriff shall present to the governing authority of Newton County the number of such personnel needed by his office, together with the compensation to be paid each employee, and a proposed budget covering the costs of operating said office for the next ensuing year. Said budget shall include the costs for all personnel, supplies, equipment, including automobiles and equipment, operation, and maintenance thereof, and other expenses incurred in operating the sheriff's office. A copy of said budget shall also be submitted to the grand jury first convening in each calendar year. But not later than April 15, 1967, the sheriff shall submit to the governing authority of Newton County a budget which shall be prepared in accordance with the provisions of this section for the remainder of the calendar year 1967. Thereafter, all such budgets shall be submitted at the time and in the manner provided for in this section. It shall be within the sole power and authority of the sheriff, during his respective term of office, to designate and name the person or persons who shall be employed as deputies, clerks, assistants or other employees, and to prescribe

their duties and assignments, and to remove or replace any of such employees at will and within his sole discretion.
(Ga.L. 1963, p. 2704, as amended by Ga.L. 1965, p. 2616, Ga.L. 1967, p. 3290, Ga.L. 1968, p. 2735.)

CHAPTER 14: CLERK OF THE SUPERIOR COURT

Section

14-101	Compensation
14-102	Deputies, Etc.
14-103	Budget
14-104	Budget
14-105	Fees
14-106	Office Expenses
14-107	Bonds

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Section 14-001 Compensation

Code Sections 15-6-88, 15-6-89, and 15-6-90, providing a schedule of minimum salaries for the clerks of the superior courts of the various counties within the State of Georgia, as now or hereafter amended;

1. On and after the effective date of this Act, each Newton County officer who is elected for the first time after July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - A. Five percent (5%) of the base salary for each four-year term of office served by the individual county officer, figured at the end of such period of service; and
 - B. Cost-of-living increases, calculated in the following manner: on and after July 1, 1992, whenever the employees in the classified service of the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by state employees is in different percentages or different amounts as to certain categories of employees, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by a percentage or amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees.
2. The compensation of any Newton County officer who was elected for the first time prior to July 1, 1993, shall not be decreased below the amount of the compensation that officer was receiving on June 1, 1993. On and after the effective date of this Act, each Newton County officer who was elected for the first time prior to July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - A. For officers who have completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section; or
 - B. For officers who have not completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section, as if the officer had served four complete four-year terms, provided that county officers subject to this subparagraph shall not be eligible for an additional longevity increase until such county officer has completed four four-year terms; and
 - C. For all officers elected for the first time prior to July 1, 1993, cost-of-living increases, calculated as provided in paragraph (2) of subsection (a) of this section.
3. The compensation set out in subsections (a) and (b) of this section shall be paid in equal monthly installments from the funds of Newton County.
4. Each Newton County officer shall also be entitled to any expenses other than salary provided by local laws.

(Ga.L. 1981, p. 3304, as amended by Ga.L. 1994, p. 4156.)

Section 14-002 Deputies, Etc.

The Clerk of the Superior Court shall have the authority to appoint and fix the compensation of such deputies, clerks, assistants and other personnel as he shall deem necessary to efficiently and effectively discharge the official duties of his office. At least thirty days but not more than sixty days before the first day of January each year, beginning with January 1968, the Clerk of the Superior Court shall present to the governing authority of Newton County the number of such personnel needed by his office, together with the compensation to be paid each employee, and proposed budget covering the costs of operating said office, including the cost for all personnel and expenses, for the next ensuing year. A copy of said budget shall also be submitted to the grand jury first convening in each calendar year. By not later than April 15, 1967, the Clerk of the Superior Court shall submit to the governing authority of Newton County a budget which shall be prepared in accordance with the provisions of this section for the remainder of the calendar year 1967. Thereafter, all such budgets shall be submitted at the time and in the manner provided for in this section. It shall be within the sole power and authority of the Clerk of the Superior Court, during his respective term of office, to designate and name the person or persons who shall be employed as deputies, clerks, assistants or other employees, and to prescribe their duties and assignments and to remove or replace any of such employees at will and within his sole discretion. (Ga.L. 1967, p. 2418.)

Section 14-003 Budget

The governing authority of Newton County and the grand jury shall be authorized to review the budgets submitted by the Clerk of the Superior Court and to consult with the Clerk of the Superior Court regarding the same, but neither the said governing authority nor the grand jury shall be authorized to reject or disapprove the budget submitted by the Clerk of the Superior Court, and any changes made in said budget shall be approved by the Clerk of the Superior Court. The governing authority of Newton County shall cause the budget submitted by the Clerk of the Superior Court to be advertised in the official organ of Newton County once each week for two weeks during January of each calendar year. (Ga.L. 1967, p. 2418.)

Section 14-004 Budget

Any other provisions of this Act to the contrary notwithstanding, the budget covering the cost of operating the Office of the Clerk of the Superior Court of Newton County shall be the same in subsequent years as the budget approved for the calendar year 1970. However, the budget in future years may be increased upon written request by the Clerk of the Superior Court to the Board of Commissioners of Newton County, provided such increase is approved by said Board of Commissioners. (Ga.L. 1967, p. 2418, as amended by Ga.L. 1970, p. 2357.)

Section 14-005 Fees

After the effective date of this Act, the Clerk of the Superior Court shall diligently and faithfully undertake to collect all fees, fines, forfeitures, commissions, costs, allowances, penalties, funds, monies and all other emoluments and perquisites formerly allowed him a compensation for services in the capacity as clerk of superior court, and shall receive and hold the same in trust for said county as public monies, and shall pay the same over to the fiscal authority of Newton County, Georgia, on or before the 10th day of each month next following the month in which they were collected or received. At the time of each such monthly payment, he shall also furnish to the fiscal authority of said county a detailed, itemized statement of all such funds received during the preceding month. The statement shall show the respective amounts of money collected and the source thereof, and the fiscal authority of Newton County, Georgia, shall give said clerk a receipt therefor, and said fiscal authority shall keep a separate account showing such collections and the sources from which they are paid. (Ga.L. 1967, p. 2418.)

Section 14-006 Office Expenses

The compensation of the clerk, the compensation of his deputies and other employees, and the cost of materials, supplies, furnishings, furniture and utilities shall be paid from any funds of the county available for such purpose. (Ga.L. 1967, p. 2418.)

Section 14-007 Bonds

The official bond of the said clerk and all of his deputies, as may be required by law, shall be procured by said clerk and his deputies, and the premiums and costs therefor shall be paid out of the funds of Newton County, Georgia. (Ga.L. 1967, p. 2418.)

CHAPTER 15: LAW BOOKS OF THE SUPERIOR COURTS

Section

15-101 Law Books of the Superior Courts

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Section 15-001 Law Books of the Superior Courts

The State Librarian is hereby authorized and directed to furnish to the Clerk of the Superior Court of Newton County, without cost to said county, except for payment of packing and transportation charges, the following volumes to wit: Volumes, 3, 5, 12, 20, 23, 30, 34, 38, 40, 43, 44, 46, 48, 54, 60, 61, 62, 65, 68, 76, 78, 84, 88, 101, 110, 111, 122, 123, 129, 130, 146, 147, 166, 167, and 170 of the Georgia Supreme Court Reports; and Volumes 2, 14, 15, 18, 21, 22, 23, 26, 28, and 31 of the Georgia Court of Appeals Reports.

Be it further resolved, that if for any reason the State Librarian cannot furnish above named books, the Governor is hereby authorized to draw his warrant on the State Treasury for the amount required to purchase same on any unappropriated funds in the State Treasury, provided said funds are available for this purpose. (Ga.L. 1957, p. 255.)

CHAPTER 16: TAXATION

Section

16-101	Homestead Exemption for Aged and Disabled Persons
16-102	General Assembly Powers as to Levy, Etc.
16-103	Homestead Exemption for County Purposes

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Section 16-001 Homestead Exemption for Aged and Disabled Persons

1. **Homestead Exemption for Aged and Disabled Persons.** This Act is passed pursuant to Article VII, Section II, Paragraph II of the Constitution, authorizing the grant of homestead exemptions from ad valorem taxation levied by local taxing jurisdictions. (Ga.L. 1991, p. 4328.)
2. **Definitions.** As used in this Act, the term:
 - A. **"Disabled"** means that person is permanently mentally or physically incapacitated to the extent that he or she is unable to be gainfully employed.
 - B. **"Gross Income"** means all income, from whatever source.
 - C. **"Homestead"** means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A.
 - D. **"Net Income"** means net income for purposes of computing net taxable income under Chapter 7 of Title 48 of the O.C.G.A., relating to income taxes, but does not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except that such income which is in excess of the maximum amount authorized to be paid to a person and that person's spouse under the federal Social Security Act shall be so included as net income. (Ga.L. 1991, p. 4328.)
3. **Exemption**
 - A. The homestead of each resident of Newton County is exempted from Newton County ad valorem taxes and Newton County School District ad valorem taxes, except taxes levied to pay interest on and to retire bonded indebtedness of the county or the county school district, in the amount of four thousand dollars (\$4,000.00).
 - B. The exemption granted by this section shall not apply to or affect any state or municipalities ad valorem taxes. (Ga.L. 1991, p. 4328.)
4. **Age 65 or Older.** Each resident of Newton County who is 65 years of age or older or who is totally disabled is granted an exemption on that person's homestead from all Newton County ad valorem taxes and Newton County School District ad valorem taxes in the amount of twenty thousand dollars (\$20,000.00), if that person's net income, together with the net income of that person's spouse who occupies and resides at such homestead, does not exceed fifteen thousand dollars (\$15,000.00) for the immediately preceding year for income tax purposes. The value of any homestead in excess of the amount exempted by this section shall remain subject to taxation. The exemption granted by this section shall not apply to or affect any state or municipalities ad valorem taxes. (Ga.L. 1991, p. 4328.)
5. **Age 62 or Older.** Each resident of Newton County who is sixty-two (62) years of age or older is granted an exemption on that person's homestead from all Newton County ad valorem taxes and Newton County School District ad valorem taxes in the amount of twenty thousand dollars (\$20,000.00), if that person's gross income, together with the gross income of that person's spouse who occupies and resides at such homestead, does not exceed ten thousand dollars (\$10,000.00) for the immediately preceding year from income tax purposes. The value of any homestead in excess of the amount exempted by this section shall remain subject to taxation. The exemption granted by this section shall not apply to or affect any state or municipal ad valorem taxes. (Ga.L. 1991, p. 4328.)
6. **Qualifications; Application.** If the tax officials of Newton County have in their records on January 1, 1993, sufficient information to determine that a taxpayer qualifies for a homestead exemption granted by Section 3, 4, or 5 of this Act, the taxpayer shall be granted such exemption without filing an application. Otherwise a taxpayer shall apply for an exemption as provided by general law; but once a homestead exemption has been granted in one year it shall continue to be granted for future years without further application as long as the taxpayer qualifies. (Ga.L. 1991, p. 4328.)

7. **Notice of Ineligibility.** It shall be the duty of any person to notify the Tax Commissioner of Newton County in the event such person becomes ineligible for any exemption granted by this Act. (Ga.L. 1991, p. 4328.)
8. **Each Exemption; In Lieu of; Not Addition.** Each exemption granted by this Act shall be in lieu of and not in addition to any other exemption from Newton County School District ad valorem taxes and Newton County ad valorem taxes which is lower in amount than such exemption granted by this Act. If the amount of any other exemption applicable to any resident is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this Act, such other exemption shall apply. (Ga.L. 1991, p. 4328.)
9. **Tax Year.** The exemptions granted by this Act shall apply to the tax year beginning on January 1, 1993, and all tax years thereafter. (Ga.L. 1991, p. 4328.)

Section 16-002 General Assembly Powers as to Levy, Etc.

1. **General Assembly Powers as to Levy, Etc.** Article VII of the Constitution of Georgia is hereby amended by adding at the end thereof a new Section to be appropriately numbered and to read as follows:

"Paragraph I. The General Assembly of Georgia shall have the power, by general, local or special law applicable to Newton County, to:

- A. Prescribe the date or time when the fiscal authorities of said county shall make or fix the levy of ad valorem taxes and the amount of assessments and other charges to be made for any purpose against property or property owners;
- B. Prescribe the manner in which bills and notices converting taxes or assessments or other charges, including those due to the State of Georgia and Newton County, shall be prepared, the number of such bills or notices, and the information to be shown thereon, or to delegate authority to determine such matters;
- C. Provide when the payment of taxes or assessments or other charges, including those due to the State of Georgia and Newton County, shall be due, either in installments or in one sum, and when default in such payment shall occur; and
- D. Authorize payments or partial payments of taxes, assessments or other charges, or installments thereof to be apportioned between the State of Georgia and Newton County, in the same proportions that the taxes, assessments or other charges due each shall bear to the whole bill or bills reserving to the taxpayer the right to direct how money paid by taxpayer shall be applied."

(Ga.L. 1975, p. 1684, as continued by Ga.L. 1986, p. 4568.)

Section 16-003 Homestead Exemption for County Purposes

1. **Ad Valorem Taxes.** For the purposes of this Act, the term:
 - A. **"Ad Valorem Taxes for County Purposes"** means all ad valorem taxes for county purposes levied by, for, or on behalf of Newton County, except taxes to retire school bond indebtedness and county school district taxes for educational purposes.
 - B. **"Homestead"** means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A. but only includes real property where the person who is the applicant holds real property subject to a written lease of not less than ten (10) years in duration; the applicant has held the property subject to such a lease for not less than three (3) years prior to the year for which application is made; and the applicant is the owner of all improvements located on the real property.

(Ga.L. 1996, p. 3823.)

2. **Exemption on Homestead.** Each resident of Newton County is granted an exemption on that person's homestead from all Newton County ad valorem taxes for county purposes in the amount of four thousand dollars (\$4,000.00) of the assessed value of that homestead. The value of the homestead in excess of the amount exempted by this section shall remain subject to taxation. (Ga.L. 1996, p. 3823.)
3. **Application Forms.** The Tax Commissioner of Newton County or the designee thereof shall provide application forms for the exemption granted by this Act and shall require such information as may be necessary to determine the eligibility of the owner for the exemption. (Ga.L. 1996, p. 3823.)
4. **Exemption Renewed.** The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. The exemption shall be automatically renewed from year to year as long as

the owner occupies the residence as a homestead. It shall be the duty of any person granted the homestead exemption under this Act to notify the Tax Commissioner of Newton County or the designee thereof in the event that person for any reason becomes ineligible for that exemption. (Ga.L. 1996, p. 3823.)

5. Affect on Taxes/Residents

- A.** The exemption granted by this Act shall not apply to or effect any state taxes, municipal taxes, or county school district taxes for educational purposes.
- B.** The exemption granted by this Act to certain lessees shall not affect the eligibility of residents of Newton County for any homestead exemption from Newton County ad valorem taxes for county purposes otherwise available and based upon their ownership of such property.
- C.** The exemption granted by this Act shall be in lieu of any other homestead exemption from Newton County ad valorem taxes for county purposes.

(Ga.L. 1996, p. 3823.)

- 6. Effective Date.** The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 1997. (Ga.L. 1996, p. 3823.)

CHAPTER 17: OFFICE OF TREASURER

Section

17-101 Office of Treasurer Abolished

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Section 17-001 Office of Treasurer Abolished

The office of County Treasurer of Newton County is abolished as of the end of the term of office of the person presently serving as county treasurer. Provided, that in the event a vacancy occurs in said office for any reason, prior to the end of said term, the office shall be abolished effective as of date of such vacancy.

CHAPTER 18: TAX COMMISSIONER

Section	
18-101	Commissioner as Treasurer
18-102	Office Created
18-103	Term, Etc.
18-104	Taxes Due
18-105	Compensation
18-106	Deputies, Budget, Etc.
18-107	Budget Review
18-108	Future Budget
18-109	Fees
18-110	Oath and Bond

Section 18-001 Commissioner as Treasurer

All duties heretofore exercised by the Treasurer of said county shall be assumed by the Commissioner of Roads and he shall be the disbursing office for Newton County and shall be required to make bond with a surety company doing business in the State of Georgia, in the sum of ten thousand dollars (\$10,000). The premium on said bond shall be paid by Newton County.
(Ga.L. 1956, p. 2345.)

Section 18-002 Office Created

The offices of tax receiver and tax collector of Newton County are hereby consolidated and combined into the one Office of Tax Commissioner of Newton County. The rights, duties and liabilities of said Office of Tax Commissioner, except as otherwise provided herein, shall be the same as those imposed upon tax receivers and tax collectors by the laws of this State. (Ga.L. 1963, p. 2707.)

Section 18-003 Term, Etc.

The first election for the Office of Tax Commissioner created herein shall be held at the same time as the election for other county officers of Newton County as held in 1964, and the person so elected shall have office on January 1, 1965, for a term of four (4) years and until his successor is elected and qualified. All future elections for tax commissioner shall likewise be held at the same time as elections for other county officers, and all future tax commissioners shall likewise have a term of office of four (4) years and until their successors are elected and qualified. Nothing herein shall affect the term of office of the present tax collector and tax receiver of Newton County and the terms of such tax collector and tax receiver shall continue through December 31, 1964. Should any vacancy occur in the Office of Tax Commissioner, such vacancy shall be filled as vacancies are filled in the Office of Tax Collector. (Ga.L. 1963, p. 2707.)

Section 18-004 Taxes Due

All taxes due and payable to Newton County at the time the Tax Commissioner takes office shall continue to be due and payable until paid. All tax fi fas theretofore issued shall have full force and effect and be collectible as issued. (Ga.L. 1963, p. 2707.)

Section 18-005 Compensation

1. **'General Law'** means any of the following Code sections of the O.C.G.A.:
 - A. Code Section 48-5-183, providing a schedule of minimum salaries for tax collectors and tax commissioners of the various counties within the State of Georgia, as now or hereafter amended.
2. On and after the effective date of this Act, each Newton County officer who is elected for the first time after July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum

annual salary established by any general law for any county officer of Newton County to which shall be added the following:

- A. Five percent (5%) of the base salary for each four-year term of office served by the individual county officer, figured at the end of such period of service; and
 - (1) Cost-of-living increases, calculated in the following manner: on and after July 1, 1992, whenever the employees in the classified service of the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by state employees is in different percentages or different amounts as to certain categories of employees, the sum of the base salary and the addition for longevity in paragraph (1) of this subsection shall be increased by a percentage or amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees.
 - B. The compensation of any Newton County officer who was elected for the first time prior to July 1, 1993, shall not be decreased below the amount of the compensation that officer was receiving on June 1, 1993. On and after the effective date of this Act, each Newton County officer who was elected for the first time prior to July 1, 1993, shall receive an annual base salary which shall be equal to the highest minimum annual salary established by any general law for any county officer of Newton County, to which shall be added the following:
 - (1) For officers who have completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section; or
 - (2) For officers who have not completed four four-year terms by July 1, 1993, longevity increases calculated as provided in paragraph (1) of subsection (a) of this section, as if the officer had served four complete four-year terms, provided that county officers subject to this subparagraph shall not be eligible for an additional longevity increase until such county officer has completed four four-year terms; and
 - C. For all officers elected for the first time prior to July 1, 1993, cost-of-living increases, calculated as provided in paragraph (2) of subsection (a) of this section.
- 3. The compensation set out in subsections (a) and (b) of this section shall be paid in equal monthly installments from the funds of Newton County.
 - 4. Each Newton County officer shall also be entitled to any expenses other than salary provided by local law.

(Ga.L. 1967, p. 2414, Ga.L. 1971, p. 3008, Ga.L. 1977, p. 3262.)

Section 18-006 Deputies, Budget, Etc.

The Tax Commissioner shall have the authority to appoint and fix the compensation of such deputies, clerks, assistants and other personnel as he shall deem necessary to discharge efficiently and effectively the official duties of his office. At least thirty (30) days but no more than sixty (60) days before the first day of January each year, beginning with January 1968, the Tax Commissioner shall present to the governing authority of Newton County the number of such personnel needed by his office, together with the compensation to be paid each employee, and a proposed budget covering the costs of operating said office, including the costs for all personnel and expenses, for the next ensuing year. A copy of said budget shall also be submitted to the Grand Jury first convening in each calendar year. By not later than April 15, 1967, the Tax Commissioner shall submit to the governing authority of Newton County a budget which shall be prepared in accordance with the provisions of this section for the remainder of the calendar year 1967. Thereafter, all such budgets shall be submitted at the time and in the manner provided for in this section. It shall be within the sole power and authority of the Tax Commissioner during his respective term of office, to designate and name the person or persons who shall be employed as deputies, clerks, assistants or other employees, and to prescribe their duties and assignments, and to remove or replace any of such employees at will and within his sole discretion. (Ga.L. 1963, p. 2702, as amended by 1967, p. 2414.)

Section 18-007 Budget Review

The governing authority of Newton County and the grand jury shall be authorized to review the budgets submitted by the Tax Commissioner and to consult with the Tax Commissioner regarding the same, but neither the said governing authority nor the grand jury shall be authorized to reject or disapprove the budget submitted by the Tax Commissioner, and any changes made in said budget shall be approved by the Tax Commissioner. The governing authority of Newton County shall cause the budget submitted by the Tax Commissioner to be advertised in the official organ of Newton County once each week for two weeks during January of each calendar year. (Ga.L. 1963, p. 2707, as amended by 1967, p. 2414.)

Section 18-008 Future Budget

Any other provisions of this Act to the contrary notwithstanding, the budget covering the cost of operating the Office of the Tax Commissioner of Newton County shall be the same in subsequent years as the budget approved for the calendar year 1970. However, the budget in future years may be increased upon written request by the Tax Commissioner to the Board of Commissioner of Newton County, provided such increase is approved by said Board of Commissioners. (Ga.L. 1963, p. 2707, as amended by Ga.L. 1970, p. 2355.)

Section 18-009 Fees

All fees, fines, forfeitures, costs, commissions, emoluments, and perquisites of whatever nature provided by law for services rendered by the Tax Commissioner shall be charged and collected by said officer and shall be held by him as county funds. On or before the 10th day of each month, the Tax Commissioner shall pay over to the fiscal authority of Newton County, all such funds as shall have been collected by him for the county during the immediately preceding calendar month. The Tax Commissioner shall keep such books and records as shall be required for the efficient and orderly operation of his office, and all such records shall be open to the inspection of the public and the governing authority of Newton County at all times during the hours for which said office is open for business. (Ga.L. 1963, p. 2707, as amended by Ga.L. 1967, p. 2414.)

Section 18-010 Oath and Bond

The Tax Commissioner, before entering upon the duties of his office, shall take the oath prescribed for the tax collector and shall give bond as is provided by law. (Ga.L. 1963, p. 2707, as amended by Ga.L. 1967, p. 2414.)