

**AN ORDINANCE TO AMEND ACT 401 OF THE SECOND SESSION
OF THE 153RD GENERAL ASSEMBLY OF THE STATE OF GEORGIA;
TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING
PROVISIONS; AND FOR OTHER PURPOSES**

WHEREAS, the Georgia Constitution, Art. 9, § 2, Par. 1 (Home Rule for Counties), subsection (b) provides that, “a county may, as an incident of its home rule power, amend or repeal the local acts applicable to its governing authority”;

WHEREAS, the Second Session of the 153rd General Assembly of the State of Georgia enacted local legislation to reestablish the Board of Commissioners of Newton County (Act No. 401; Ga. L. 2016, p. 3663) (the “Local Act”); and

WHEREAS, Section 1 of the Local Act includes an Article 3 (Finance), Section 3-104 (Approval of Expenditures), which, at subsection (b)(1), provides that,

“The signature of the chair and the manager shall be required on all checks issued by Newton County. In the absence of either the chair or the manager, the signature of any board member shall be required as the second signature.”

WHEREAS, the Board of Commissioners desires to exercise its home rule power to amend the Local Act to provide authority to the County’s Finance Director to countersign checks issued by the County; and

WHEREAS, the Finance Director’s authority to countersign checks issued by the County shall be ministerial only.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of Newton County, Georgia, as follows:

1. That certain paragraph at Section 3-104(b)(1) within Section 1 of Local Act No. 401 (Ga. L. 2016, p. 3663) is hereby amended to read as follows:

“At least two signatures of the chair, the manager, or the finance director shall be required on all checks issued by Newton County. In the absence of two of the three authorized signers (the chair, the manager, or the finance director), the signature of any board member shall be required as the second signature.”

2. If any portion of this Ordinance or the application thereof shall be held invalid or unconstitutional, the other provisions of this Ordinance shall not be affected, and the provisions of this Ordinance are declared severable.
3. Any other ordinance, resolution, local law, or local policy or portion thereof, now in effect, that conflict with any of the provisions of this Ordinance are hereby repealed.
4. This Ordinance shall become effective immediately.

SO ORDAINED this 4th day of April, 2017.



Newton County Board of Commissioners

By: *Marcello Banes*
Marcello Banes, Chairman

Attest: *Jackie Smith*
Jackie Smith, County Clerk