

**A RESOLUTION OF THE NEWTON COUNTY BOARD OF COMMISSIONERS  
TO DISSOLVE THE NEWTON COUNTY RECREATION COMMISSION**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in Article IX, Section II, Paragraph I thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions and regulations; and

**WHEREAS**, O.C.G.A. § 36-64-3 authorizes the governing body of a county to establish a system of supervised recreation; and

**WHEREAS**, in accordance with O.C.G.A. § 36-64-5, the Board of Commissioners previously determined that the power to provide, establish, conduct and maintain a recreation system should be exercised by a Recreation Commission; and

**WHEREAS**, the Newton County Board of Commissioners has now determined that the power to provide, establish, conduct and maintain a recreation system should be exercised by the Newton County Board of Commissioners as an internal County department versus a separate and distinct commission; and

**WHEREAS**, on June 24, 2020, the General Assembly passed HB 1171 supporting dissolution of the Newton County Recreation Commission (see attached); and

**WHEREAS**, Ga. Const. art. IX, § 2 gives counties "home rule" authority to manage the County rather than merely executing decisions made at the state level; and

**WHEREAS**, there is no express preemption preventing Newton County from dissolving an organized group of sporting events for the citizens of Newton County; and

**WHEREAS**, upon the Newton County Recreation Commission's dissolution by the Newton County Board of Commissioners, said recreation commission shall cease to exist as of the effective date the resolution or ordinance, and all assets, debts, rights, and obligations of said recreation commission shall devolve to Newton County; and

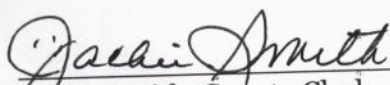
**WHEREAS**, the Newton County Board of Commissioners may seek to create a citizen advisory board to provide input on recreation programming.

**NOW, THEREFORE, BE IT RESOLVED BY THE NEWTON COUNTY BOARD OF COMMISSIONERS AS FOLLOWS:**


- (1) The Newton County Recreation Commission is hereby dissolved;
- (2) A citizen advisory board may be created by the Newton County Board of Commissioners; and
- (3) This action shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without the Governor's approval.

**SO RESOLVED** this 7th day of July 2020.

NEWTON COUNTY BOARD OF COMMISSIONERS

  
Jackie Smith, County Clerk



  
Marcello Banes, Chairman

House Bill 1171 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickerson of the 113<sup>th</sup>, Belton of the 112<sup>th</sup>, Welch of the 110<sup>th</sup>, and Rutledge of the 109<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To authorize Newton County to dissolve the Newton County Recreation Commission; to  
2 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
3 other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 (a) The Newton County Board of Commissioners, by resolution or ordinance, may dissolve  
7 the Newton County Recreation Commission originally created by said board of  
8 commissioners.

9 (b) If the Newton County Recreation Commission is dissolved by the Newton County Board  
10 of Commissioners, said recreation commission shall cease to exist as of the effective date of  
11 the resolution or ordinance, and all assets, debts, rights, and obligations of said recreation  
12 commission shall devolve to Newton County.

13 (c) Nothing herein shall affect the home rule powers of Newton County, or any authority  
14 Newton County has pursuant to Chapter 64 of Title 36 of the O.C.G.A.

15 **SECTION 2.**

16 This Act shall become effective on the first day of the month following the month in which  
17 it is approved by the Governor or in which it becomes law without the Governor's approval.

18 **SECTION 3.**

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