

FIRST APPROVAL: _____

SECOND APPROVAL: _____

ADVERTISED: _____

ADVERTISED: _____

ADVERTISED: _____

RESOLUTION

A RESOLUTION BY THE BOARD OF COMMISSIONERS OF HALL COUNTY, GEORGIA UNDER THE HOME RULE PROVISIONS FOR COUNTIES AS SET FORTH IN ARTICLE IX, SECTION II, PARAGRAPH I OF THE CONSTITUTION OF THE STATE OF GEORGIA OF 1983 TO AMEND AN ACT OF THE GENERAL ASSEMBLY CREATING THE BOARD OF COMMISSIONERS OF HALL COUNTY, APPROVED MARCH 21, 1935 (GA. L. 1935, P. 661), AS AMENDED, SO AS TO DELETE IN ITS ENTIRETY SECTION 13.1 OF SAID ACT RELATING TO THE ENACTMENT, FOLLOWING READINGS AT NO LESS THAN TWO CONSECUTIVE REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS, OF ORDINANCES AND RESOLUTIONS WITH RESPECT TO PERSONS AND PROPERTY SITUATED WITHIN THE COUNTY OF HALL AND OUTSIDE THE TERRITORIAL LIMITS OF ANY MUNICIPALITY LOCATED WITHIN HALL COUNTY; TO PROVIDE FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, an Act creating the Board of Commissioners of Hall County, Georgia was approved on March 21, 1935 (Ga. L. 1935, p. 661); and

WHEREAS, an amendment to the Act was approved by the General Assembly on March 23, 1977 which provided, in a new Section 13.1 of the Act, for the enactment, following readings at no less than two consecutive regular meetings of the Board of Commissioners, of ordinances and resolutions with respect to persons and property situated within Hall County and outside the territorial limits of any municipality located within Hall County; and

WHEREAS, Article IX, Section II, Paragraph III of the Georgia Constitution of 1983 provides counties with general supplementary powers including police powers with respect to persons and property situated within County boundaries and outside the territorial limits of any municipality located within the County; and

WHEREAS, the Board of Commissioners of Hall County desires to amend the Act by deleting Section 13.1 in its entirety so as to affirm the supplementary police powers provided directly to the County by the Georgia Constitution, and so as to streamline the process for enacting ordinances and resolution by the County's governing authority; and

WHEREAS, pursuant to the provisions of the Constitution of the State of Georgia found at Article IX, Section II, Paragraph I (b)(1) and pertaining to Home Rule powers of counties, a Notice containing a synopsis of this proposed amendment has been published in the official County organ once a week for three weeks within a period of sixty (60) days immediately preceding the final adoption of this Resolution; and

WHEREAS, said Notice states, pursuant to Article IX, Section II, Paragraph I (b)(1) of the Constitution of the State of Georgia, that a copy of this proposed amendment is on file in the Office of the Clerk of the Superior Court of Hall County, Georgia for the purpose of examination and inspection by the public; and

WHEREAS, the Board of Commissioners of Hall County believes that the deletion of Section 13.1 of the Act will advance the health, safety, convenience, and welfare of the residents and businesses located within unincorporated Hall County, Georgia.

NOW THEREFORE, be it resolved by the authority of the Board of Commissioners of Hall County, Georgia as follows:

1.

The Act creating the Board of Commissioners of Hall County, Georgia, approved March 21, 1935 (Ga. L. 1935, p. 661), as amended, is hereby amended by deleting Section 13.1 in its entirety. The remaining provisions of the Act shall remain as they are, unaltered by this amendment.

2.

A Notice containing a synopsis of this proposed amendment has been published in the official County organ once a week for three weeks within a period of sixty (60) days immediately preceding the final adoption of this Resolution. Said Notice states that a copy of this proposed amendment is on file in the Office of the Clerk of the Superior Court of Hall County, Georgia for the purpose of examination and inspection by the public.

3.

A copy of this Resolution has been filed with the Clerk of the Superior Court of Hall County, Georgia, Hall County Courthouse, Gainesville, Georgia, for examination and inspection by the public, and the Clerk of Superior Court will furnish anyone a copy thereof upon written request.

4.

All resolutions and ordinances, or parts thereof, in conflict with the terms of this Resolution are hereby repealed, but it is hereby provided that any resolution, ordinance, or law which may be applicable hereto and aid in carrying out and making effective the intent, purpose, and provisions hereof, which shall be liberally construed to be in favor of Hall County, Georgia, is adopted as part hereof.

5.

If any paragraph, subparagraph, sentence, clause, phrase, or any portion of this Resolution shall be declared invalid or unconstitutional by any court of competent jurisdiction or if the provisions of any part of this Resolution as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such

invalidity shall not be construed to affect the portions of this Resolution not so held to be invalid. It is hereby declared to be the intent of the Board of Commissioners to provide for separable and divisible parts, and it does hereby adopt any and all parts hereof as may not be held invalid for any reason.

6.

This Resolution is hereby adopted on November 10, 2021 and on this 9th day of December, 2021 to become effective upon the date of second adoption of this Resolution, the public health, safety, convenience, and welfare demanding it.

HALL COUNTY BOARD OF
COMMISSIONERS

Chairman Richard Higgins

Commissioner, District 1
Kathy Cooper

Commissioner, District 2
Billy Powell

Commissioner, District 3
Shelly Echols

Commissioner, District 4
Jeffrey Stowe

ATTEST:
Clerk, LISA A. RITCHIE

(SEAL)