

NOTICE OF PROPOSED AMENDMENT TO AN ACT CREATING THE BOARD OF COMMISSIONERS OF COBB COUNTY

The Cobb County Board of Commissioners (“the Board”) is notifying the public that at its next two regular meetings on October 11, 2022 at 9:00 am and October 25, 2022 at 7:00 pm, the Board will consider and vote on whether to approve a proposed resolution to amend an Act creating the Board of Commissioners of Cobb County pursuant to the Board’s Home Rule authority under the Georgia Constitution. The Georgia Constitution empowers county governing authorities to amend or repeal local laws provided the local legislation does not address certain subject matters where home rule authority is preempted. A synopsis of the proposed resolution is set forth below:

Synopsis of Resolution

A. Background to the Resolution

The current electoral district boundary lines for Districts 1-4 of the Cobb County Board of Commissioners were required to be redrawn in view of population changes as reflected in the United States Census Bureau’s 2020 Decennial Census. Changes are necessary so that the districts are proportioned in such a way as to satisfy constitutional “one person one vote” requirements mandated by the United States Constitution and the Georgia Constitution. The majority of Cobb County’s local delegation to the Georgia General Assembly supported House Bill 1256 (“HB 1256”), which redrew the electoral district lines for Districts 1 through 4 in accordance with the description contained in Appendix A of HB 1256, which was attached to and made a part of HB 1256 and which was further identified as “User: HD038 Plan Name: CobbCC-HD-038-Draft3-2021 Plan Type: local.”

These electoral district maps were drawn by the staff at the Legislative and Congressional Reapportionment Office of the Georgia General Assembly (“the Reapportionment Office”). The Reapportionment Office has technical expertise in the drawing of electoral boundary maps, and the staff drew the electoral lines for the maps in HB 1256 so as to comply with all legal requirements contained in the United States Constitution, the Georgia Constitution, and the Voting Rights Act of 1965. The electoral districts in HB 1256 also satisfied the traditional redistricting principles of compactness, contiguity, respect for political boundaries, preserving communities of interest, and protection to incumbents. On January 25, 2022, the majority of the Cobb County Board of Commissioners voted to approve the electoral district lines as drawn in HB 1256.

HB 1256 was never voted on by the Georgia General Assembly. Instead, the General Assembly considered and voted to pass a different bill, House Bill 1154 (“HB 1154”), which was supported by the minority of the Cobb County delegation. HB 1154 contained new electoral district lines for Districts 1 through 4 of the Cobb County Board of Commissioners, and these maps were also drawn by the staff at the Reapportionment Office and comply with constitutional requirements. Those electoral district lines were as described in Appendix A of HB 1154, which was attached to and made a part of HB 1154 and which was further identified as “User: HD046 Plan Name: CobbCC-HD046-2022 Plan Type: Local.” HB 1154 was signed by Governor Kemp

on March 2, 2022 and became legally effective as of that date and is now known as Act 562. Act 562 provides that the new district lines become effective on January 1, 2023; however, the law also provided that the 2022 primaries and general election for Districts 1 and 3 were to be based upon the new district lines as established in Act 562.

B. Summary of the Amendment to the Local Law

The resolution amends Sections 2 and 4 of the Act creating the Cobb County Board of Commissioners by changing the electoral district boundary lines to make the electoral district lines consistent with the electoral boundary lines approved by the majority of the Cobb County Board of Commissioners at its January 25, 2022 meeting. As noted above, the maps establishing the electoral boundary lines were drawn by staff at the Reapportionment Office of the General Assembly, and the boundaries created by the district lines satisfy all legal and technical requirements and also comply with traditional redistricting principles. The resolution amends the language in Section 2(b) to provide for the electoral district lines that were approved by the Board of Commissioners. A description of these new electoral district boundary lines and a map showing the boundaries is attached to the proposed resolution as Appendix A.

It is important to note that the proposed amendment would not change the effective date of the new electoral lines established in HB 1154 or the electoral district lines that will apply to the 2022 elections. The amended version of the Act creating the Board of Commissioners establishes January 1, 2023 as the date when the new electoral boundary lines become effective. The amended version of the Act creating the Board of Commissioners establishes that the 2022 elections are to be governed by the electoral district lines as described in HB 1154, as it was originally enacted. The May 2022 primaries were conducted based on the electoral district lines established by HB 1154, as originally enacted, and the November 2022 General Election for Districts 1 and 3 will also use those same electoral district lines. The proposed amendment to HB 1154 adds a new section 4(a) that makes clear that elections after January 1, 2023 will be governed by the new electoral district lines established by the Board's amendment (i.e., the maps contained in HB 1256), but that elections occurring in 2022 will be governed by the electoral district lines as originally established in HB 1154 as it was enacted on March 2, 2022. A description of the electoral boundary lines, as originally established by HB 1154, and a map showing these boundaries is attached to the proposed resolution as Appendix B.

The resolution also corrects certain typographical and other drafting errors in HB 1154, as originally enacted. Section 4(c), as originally enacted, stated that "on or after January 1, 2023, such members of the Board serving from former Commissioner Districts 2 and 4 shall be deemed to be serving from and representing their respective districts as newly described in this section." All four districts are re-districted, effective January 1, 2023 (in both the originally enacted HB 1154 and under the resolution containing the proposed amendment) and, therefore, commissioners from all four districts would serve and represent their new districts as newly described. The proposed amendment thus corrects what appears to have been an inadvertent omission to also reference Districts 1 and 3.

As set forth in Paragraph 3 of the resolution, if the amendment is approved by the Cobb County Board of Commissioners, it will become effective upon the filing with the Georgia Secretary of State of a copy of the amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper attesting to such publication, and all laws and part of local law in conflict with the Amendment will be repealed.

C. Public Viewing and Inspection of the Resolution

A copy of the proposed resolution is on file in the Office of the Superior Court Clerk for Cobb County for the purpose of examination and inspection. The Clerk of the Superior Court shall furnish anyone, upon written request, a copy of the resolution containing the proposed amendment to HB 1154. In addition, the resolution and this synopsis are available for viewing on the Cobb County website.

{LEGAL NOTICE PUBLICATION DATES: September 16, 2022; September 23, 2022 and September 30, 2022}