

## COUNTY POWERS

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## **INTRODUCTION**

Each county is “a body corporate and politic”<sup>1</sup> and a political subdivision of the state. The Georgia Constitution requires that there be no more than 159 counties.<sup>2</sup> The General Assembly has established and named all 159 counties.<sup>3</sup>

Counties are charged with obligations to provide certain services on the state’s behalf, as well as other local government services to their citizens. There are, however, many laws that place restrictions on services provided by county government.

The purpose of this chapter is to give an overview of county government functions, powers and limitations, and services to the public. It provides a broad, surface look at county government responsibilities as established by law. This chapter should be read in conjunction with County Commissioners: Roles and Responsibilities Chapter because some, but not all, county roles and responsibilities must be implemented through the county governing authority.

## **GENERAL PRINCIPLES**

A county acts through its governing authority – generally, a board of commissioners or sole commissioner.<sup>4</sup> Other independent elected officials are also part of the county government, such as:

- Constitutional officers<sup>5</sup> (sheriff, superior court clerk, tax commissioner, probate judge).
- Magistrate judge.
- Coroner.
- State court judge.
- Solicitor general.
- Surveyor.

### **County Boundary**

The boundary of a county is established by local legislation (i.e., legislation enacted by the General Assembly that applies only to the county).<sup>6</sup> However, the county boundary may be changed in three instances:

1. Citizens may file a petition to change the boundary with the probate court.<sup>7</sup> The petition is decided by the grand juries and the governing authorities of the counties impacted by the proposed change.<sup>8</sup>
2. County boundaries may be changed when there is a dispute between counties over the boundary. These boundary disputes are addressed through a presentment of the grand jury of each county to the Governor, who appoints a

land surveyor to define the boundary line.<sup>9</sup> After holding a hearing, the Secretary of State determines the boundary.<sup>10</sup>

3. The boundary of an unincorporated area of the county (i.e., the portion of the county that is not part of a city) is changed whenever a city annexes property within the county.<sup>11</sup>

A county has authority to act in different ways within its boundaries. A county provides certain services throughout the entire county<sup>12</sup> – whether in incorporated areas (i.e., within city boundaries) or the unincorporated area (i.e., portion of the county that is not part of a city). Other services may only be provided in the unincorporated area, unless there is an agreement with the city.<sup>13</sup> Reflecting such differences in county services, counties often have a different tax rate within the incorporated areas of the county (i.e., within the cities).

### **County Seat**

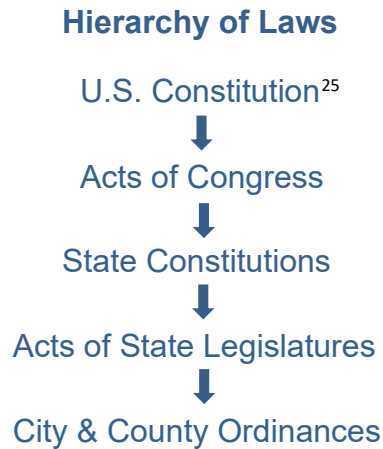
The county seat (also referred to as the county site) is usually a city where the courthouse and other county offices are located<sup>14</sup> (e.g., the county treasurer's office<sup>15</sup>) and county business is conducted. If not inconsistent with the county's local legislation, the county may locate administrative facilities and services, such as jails, correctional institutions, health clinics, hospitals, etc., outside of the county seat.<sup>16</sup> Voters may petition the probate judge to change the county seat.<sup>17</sup>

A courthouse annex may also be located outside of the county seat provided that one superior court judge holds court at least twice each year in the county seat.<sup>18</sup> Alternative sites for court business are sometimes allowed.<sup>19</sup> In counties where the county seat is not in a city, the county may locate a permanent satellite courthouse within the county.<sup>20</sup>

In general, county commission meetings must occur in the courthouse or other administrative offices of the county governing authority within the boundaries of the county seat.<sup>21</sup> There is an exception during emergencies and disasters, during which the county commissioners may meet either inside or outside of the county as necessary to conduct county business.<sup>22</sup>

Computation and canvassing of election returns should occur at a public place in the county seat or other city with appropriate facilities.<sup>23</sup> If a public hearing regarding a hazardous waste facility permit is requested, it must be held in the county seat of the county where the facility is proposed to be located.<sup>24</sup>

## Counties and Laws



Several types of laws establish county roles and responsibilities and govern counties. The U.S. Constitution and the Georgia Constitution contain limitations impacting how a county provides services or manages employees. Federal and state statutes also provide authority and restrictions on how a county may act. Federal and state regulations provide greater detail for the administration of these federal and state statutes. Each county has enabling and local legislation that is adopted by the Georgia General Assembly and only applies to that county. Depending upon the type of changes, this local legislation may be amended by the General Assembly or by the county commissioners through their home rule authority. Decisions from the U.S. Supreme Court, Georgia Supreme Court, 11<sup>th</sup> Circuit Court of Appeals, and Georgia Court of Appeals also provide guidance on what a county may or may not do.

County commissioners may adopt legislation in the form of an ordinance.<sup>26</sup> An ordinance prescribes permanent rules of conduct or permanent rules of government.<sup>27</sup> Provided that the county is not “preempted” by state laws, county commissioners may adopt clearly reasonable ordinances, resolutions, or regulations relating to county property, affairs, and government, as well as ordinances that protect and preserve the public health, safety, and welfare in the unincorporated areas of the county.<sup>28</sup>

### **Role of County with Other Levels of Government**

The county government regularly interacts with other levels of government. For example, counties are subject to legislation enacted by Congress or the General Assembly and cases decided by federal and state appellate courts. Counties are also subject to the regulations duly adopted by federal and state agencies.

Counties are specifically authorized to participate in certain federal programs.<sup>29</sup> Counties may receive funding through grants, loans, and other opportunities available from federal and state agencies. These grants contain restrictions and obligations that a

county must comply with if it chooses to accept the grant. Additionally, counties may house federal prisoners in the county jail,<sup>30</sup> as well as enter into agreements with the U.S. Department of Justice, Department of Homeland Security, and other federal agencies to assist in enforcement of federal immigration and custom laws.<sup>31</sup>

Counties regularly work with and often provide support to the state – particularly, state offices located at the local level. For example, counties must provide facilities<sup>32</sup> and may provide funding for the state’s local public health department.<sup>33</sup> Counties also may assist with the provision of welfare services by the Department of Human Services,<sup>34</sup> which includes the Department of Family and Children Services (DFACS).<sup>35</sup> Counties often provide facilities and compensation supplements to state elected officials and employees, such as the superior court judge, the district attorney, and their staffs.<sup>36</sup>

Counties also work with other local governments, such as school boards and cities. Counties provide election services and tax collection for school boards.<sup>37</sup> Counties may provide election services to cities.<sup>38</sup> Cities depend upon the county digest for the imposition of city property taxes<sup>39</sup> and often contract with their county and tax commissioner to collect city taxes.<sup>40</sup>

Counties and cities may enter into intergovernmental agreements<sup>41</sup>, including mutual aid agreements<sup>42</sup> and service delivery strategy agreements.<sup>43</sup> Counties may consolidate with one or more cities.<sup>44</sup> Cities may contract with the sheriff to house city prisoners<sup>45</sup> and to provide additional law enforcement services<sup>46</sup> as well as the magistrate judge to provide city court services.<sup>47</sup> For more information, see the Intergovernmental Agreements and Service Delivery Strategies Chapter.

Georgia counties may also contract with local governments of other states through the Interlocal Cooperation Act.<sup>48</sup>

## **COUNTY POWERS AND LIMITATIONS**

### **Lawsuits and Claims against the County**

Counties have the authority to file lawsuits, as well as to be sued.<sup>49</sup> In general, an individual or entity wanting to sue the county must file a pre-litigation (“ante litem”) notice with the county within 12 months of the action causing the claim.<sup>50</sup> Private property of citizens may not be used to pay judgments against the county.<sup>51</sup> County taxpayer funds are protected by sovereign immunity<sup>52</sup> from tort claims, except for claims involving the negligent operation of an insured county vehicle.<sup>53</sup> Finally, counties have immunity for antitrust to the same degree as the state.<sup>54</sup>

## Employees

Determination of who is a county employee and who is not a county employee may be complicated. Many individuals working in county buildings may actually be state employees.

### County Employees

In a broad context, county employees are personnel whose compensation and benefits are provided by a county government and who are supervised by county commissioners, a county elected official, or an appointed official. For example, employees of the board of commissioners are county employees. However, the other elected officials – sheriff, superior court clerk, tax commissioner, probate judge, magistrate judge, state court judge, and solicitor general – often have specific employees not usually under the county’s control, unless changed by local law (see the Other County Officials, Officers, Boards, Authorities, and Regional Commissions Chapter). For purposes of this chapter, “county employees” can refer to any or all of the above employees.

Counties are authorized to provide retirement and pension systems to county employees.<sup>55</sup>

Occasionally, there are county paid employees who work under the supervision of state officials, such as county funded superior court law clerks, assistant district attorneys, investigators, victim witness coordinators, and other staff of the district attorney's office.<sup>56</sup>

There are limitations on a county’s powers with its employees. Similar to private employers, counties are generally subject to federal and state employment laws,<sup>57</sup> including any civil service law that may apply in a particular county.

### School Board Employees

Employees who work for a county school system (i.e., administration, teachers, bus drivers, etc.) are not considered county employees.

### State Employees

County employees should not be confused with *state* employees, whose compensation and benefits are provided by the state and are supervised by state officials. These state employees may include administrative assistants to superior court judges and many of the staff in district attorney offices, such as assistant district attorneys, investigators, administrative assistants, etc. A county may provide supplements to these state employees,<sup>58</sup> but the employees are still state employees.

There are also state employees in the county offices of state agencies, such as the Public Health Department and the Department of Family and Children Services. Although state officials may refer to these employees as being at the county level, they are not employees of the county.

## County Property

State law establishes limitations and restrictions on how a county acquires, uses, and sells county property, which includes real property, personal property, and money.

### Acquiring Property

The title of all deeds, grants, or other documents that are provided for the use and benefit of a county vest in the county.<sup>59</sup> Control of county property remains in the authority of the county commissioners,<sup>60</sup> while the protection of county property is the responsibility of the sheriff.<sup>61</sup>

There are restrictions on how a county acquires property. For example, a county may not purchase property in an adjoining county that will be exchanged for federal government property without the adjoining county's written consent.<sup>62</sup> Counties may not acquire property to be used as a recreational area without a phase 1 environmental assessment.<sup>63</sup>

### Use and Maintenance of Property

It is the duty of the county governing authority to build or repair its courthouses, jails, and all other necessary county buildings at the county's expense.<sup>64</sup> The sheriff is responsible for maintenance of public grounds and other county property, subject to the order of the county governing authority.<sup>65</sup>

A county must follow both state and federal requirements regarding the care of inmates in its jail.<sup>66</sup> The county must build the jail with adequate ventilation and of an adequate size to securely contain the inmates with at least two apartments (one for males and one for females).<sup>67</sup>

With very limited exception, all vehicles owned or leased by a county must have a decal on both driver and passenger front doors identifying such government entity.<sup>68</sup>

If a county is about to begin the process to choose a site for a landfill, it must hold a public meeting to discuss waste management needs of the county or region.<sup>69</sup>

Destruction of county property is a misdemeanor and the person is liable for the damages.<sup>70</sup>

### Selling Property

With certain exceptions, a county must sell real property (i.e., land and buildings) only to the highest responsible bidder, via either sealed bids or auction.<sup>71</sup> A county cannot contract with an individual to purchase county-owned land – even if the county no longer needs the property and the proposed buyer is willing pay fair market price or higher.<sup>72</sup>

There are different procedures when a county

- sells property that it holds under a tax deed;<sup>73</sup>
- exchanges property with another property of equal or greater value;<sup>74</sup>
- sells small or odd shaped unusable parcels;<sup>75</sup>
- sells property to schools;<sup>76</sup>
- sells required recreational set-asides to a homeowners' association;<sup>77</sup>
- sells or grants property to the state or a state authority;<sup>78</sup> or
- sells property that will be developed as a lake.<sup>79</sup>

Specific procedures must be followed when a county no longer needs property for road purposes.<sup>80</sup> First, the county must offer to sell or transfer the property to the original owner or current owner of the abutting land, if the abutting land has been sold.<sup>81</sup> If the property being disposed of is located in a subdivision with a duly formed property owner's association, then the sale offer may be delivered to the association.<sup>82</sup> If such a sale or transfer does not occur, the county may sell the road property to the highest sealed bidder,<sup>83</sup> or through a real estate broker for at least market value.<sup>84</sup>

## **County Revenues**

### **Taxes and Fees**

Counties have the power of taxation,<sup>85</sup> which is discussed in detail in the County Revenues Chapter. The county is responsible for assessing and collecting enough taxes each year to pay the principal and interest of bonded indebtedness within 30 years of incurring that debt.<sup>86</sup> A county may enter into contracts to allocate ad valorem taxes with other counties or cities for regional facilities.<sup>87</sup> Counties may enter into intergovernmental agreements for up to 50 years.<sup>88</sup>

Any county official or employee responsible for collecting, receiving, or disbursing any fees, fines, forfeitures, costs, penalties, funds, or moneys may pay the funds directly into the county treasury upon receipt.<sup>89</sup>



## Allowable Use of County Tax Funds<sup>90</sup>

### To pay for:

- County government administrative expenses
- Principal and interest of any county debt and a sinking fund for payment of principal and interest
- Expenses of courts, maintenance and support of inmates, sheriffs, and coroners
- Expenses of litigation
- County police
- Support of indigent individuals
- County agricultural and home demonstration agents
- Old age assistance to aged individuals in need, assistance to needy blind, assistance to dependent children, and other welfare benefits
- Public health purposes
- Collection and preservation of records of vital statistics
- Building and repairing public buildings and bridges
- Building and maintaining a system of county roads

### To provide:

- Fire protection of forest lands and for conservation of natural resources
- Hospitalization and medical or other care for indigent sick people of the county
- Workers' compensation and retirement or pension funds for officers and employees
- Reasonable reserves for public improvements
- Ambulance services within the county
- Financial assistance to development authorities for purpose of developing trade, commerce, industry, and employment opportunities
- Public health and sanitation services including, but not limited to, water pollution control projects, sewage treatment facilities, storm and sanitary sewer facilities, and water supply facilities
- Financial assistance to county children and youth commissions

### To acquire, improve, and maintain:

- Airports, public parks, and public libraries

### Spending County Funds

State law establishes an order for paying county bills for counties with a treasurer.<sup>91</sup> Generally, counties may not pay orders until after five days from date and delivery.<sup>92</sup> Counties that use purchasing cards (P-cards) or credit cards for the purchase of items and services related to county business must have policies — authorized through a public vote — before the P-cards or credit cards are issued.<sup>93</sup>

Whenever a county is accepting bids or proposals for goods or services in excess of \$100,000, the county must advertise details and specifications in the Georgia Procurement Registry, administered by the Georgia Department of Administrative Services.<sup>94</sup> This advertisement enables the public to know the extent and character of the bid or proposal opportunity.

Counties must give preference to Georgia manufactured or produced goods — as far as reasonable and practical and not sacrificing quality — whenever buying supplies, materials, equipment or agricultural products (other than beverages for immediate consumption).<sup>95</sup> When the purchase is over \$100,000, the county must consider written information submitted by the bidder. This information may include the bidder's estimates of the multiplier effect on gross state domestic product. It also may include the effect on state and county public revenues resulting from accepting a bid for Georgia goods, rather than out of state goods.<sup>96</sup> Counties cannot break up contracts or purchases that would otherwise exceed \$100,000 in order to avoid these requirements.<sup>97</sup>

### Indebtedness

As discussed in more detail in the Debt and Financing Options for Counties Chapter, there are limitations on the amount and type of financing available to counties. Counties may not have debt in excess of 10% of the assessed value of taxable property in the county.<sup>98</sup> Additionally, voters must approve debt for longer than one calendar year in a voter referendum.<sup>99</sup> These restrictions, however, do not apply to loans from the federal government.<sup>100</sup>

### Stewardship of Public Funds

Counties cannot file for bankruptcy or relief from payment of debts under federal law.<sup>101</sup>

## **SERVICES TO THE PUBLIC**

Counties are an important part of the country's intergovernmental system — federal, state, and local — that serves the public. Counties exist to provide citizens with services that promote public health, safety, and welfare.

### **Public Safety**

Counties are authorized to provide public safety services. Some services may be provided county wide, while others may only be provided in the unincorporated area

unless there is a service agreement with the city. Public safety services provided by counties include:

- **Police protection.**<sup>102</sup> Counties with police departments may provide law enforcement services only in the unincorporated area, unless there is an intergovernmental agreement with the city for the county to provide police services within city limits.<sup>103</sup> Sheriffs provide law enforcement services countywide.<sup>104</sup>
- **Fire protection.**<sup>105</sup> Counties may provide fire protection services only in the unincorporated area of the county unless there is an intergovernmental agreement with the city.<sup>106</sup>
- **9-1-1.**<sup>107</sup> Counties may provide E9-1-1 services in the unincorporated area or countywide.
- **Emergency management.**<sup>108</sup> Counties provide emergency management services countywide and in conjunction with cities.
- **Building codes.**<sup>109</sup> Counties may provide building code enforcement only in the unincorporated area of the county unless there is a service agreement with the city.<sup>110</sup>

### Public Health

Counties may provide or assist in the provision of certain public health facilities and services,<sup>111</sup> including:

- Hospitals.<sup>112</sup>
- Ambulances.<sup>113</sup>
- Emergency rescue.<sup>114</sup>
- Animal control.<sup>115</sup>
- Code enforcement boards.<sup>116</sup>

### Transportation

Counties have both county wide and unincorporated roles and responsibilities related to transportation. Authorized services include:

- Road construction and maintenance.<sup>117</sup>
- Street lights.<sup>118</sup>
- Traffic control.<sup>119</sup>
- Sidewalks.<sup>120</sup>
- Terminal and dock facilities and parking lots.<sup>121</sup>

- Public transportation.<sup>122</sup>
- Contracting with a private entity to finance, build, maintain, or operate a toll road or toll bridge.<sup>123</sup>
- Creating a multi-county community improvement district for regional transit projects.<sup>124</sup>

## Utilities

Counties are specifically authorized to provide the following services:

- **Water storage, treatment, and distribution.**<sup>125</sup> However, counties may not require certain owners served by private well to connect with or use the public water system unless the well is demonstrably unfit for human consumption.<sup>126</sup> Counties may not refuse to supply water to a new owner or tenant because of the indebtedness of a prior owner or occupant<sup>127</sup> and may not file liens on real property for a tenant's failure to pay water bills.<sup>128</sup> Finally, counties may not require property owners or developers to purchase materials from the county for the water system.<sup>129</sup>
- **Sewage collection and disposal systems.**<sup>130</sup> Counties may not file liens on real property for a tenant's failure to pay for sewerage services.<sup>131</sup> The county may not require property owners and developers to purchase materials from the county for sewer systems.<sup>132</sup>
- **Storm water collection.**<sup>133</sup> However, a railroad's right-of-way is exempt from storm water fees.<sup>134</sup> Counties may not require property owners and developers to purchase materials from the county for storm and drainage systems.<sup>135</sup>
- **Garbage and solid waste collection and disposal.**<sup>136</sup>

## Other Services

Counties are also authorized to provide the following services:

- Public housing.<sup>137</sup>
- Preservation of abandoned cemeteries.<sup>138</sup>
- Parks and recreational areas, programs, and facilities.<sup>139</sup>
- Libraries.<sup>140</sup>
- Archives.<sup>141</sup>
- Arts and sciences programs and facilities.<sup>142</sup>
- Air quality control.<sup>143</sup>

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- <sup>1</sup> Ga. Const. art. IX, § I, para. I; O.C.G.A. § 36-1-3.
- <sup>2</sup> Ga. Const. art. IX, § I, para. II.
- <sup>3</sup> O.C.G.A. § 36-1-1.
- <sup>4</sup> O.C.G.A. § 36-5-20.
- <sup>5</sup> Ga. Const. art. IX, § I, para. III.
- <sup>6</sup> See Ga. Const. art. IX, § I, para. II; O.C.G.A. § 36-1-2 (when a river forms part of a county's boundary).
- <sup>7</sup> O.C.G.A. § 36-3-1.
- <sup>8</sup> O.C.G.A. § 36-3-2.
- <sup>9</sup> O.C.G.A. § 36-3-20.
- <sup>10</sup> O.C.G.A. § 36-3-24.
- <sup>11</sup> See O.C.G.A. § 36-36-1 et seq. for annexation methods and procedures.
- <sup>12</sup> See, for example, emergency management, O.C.G.A. § 38-3-27(a).
- <sup>13</sup> See, for example, Ga. Const. art. IX, § II, para. III.
- <sup>14</sup> *Jackson v. Gasses*, 230 Ga. 712 (1973).
- <sup>15</sup> O.C.G.A. § 36-6-10.
- <sup>16</sup> Ga. Const. art. IX, § II, para. I(a); *Jackson v. Gasses*, 230 Ga. 712 (1973); *Brewster v. Houston County*, 235 Ga. 68 (1975); *Dozier et al. v. Norris et al.*, 241 Ga. 230 (1978).
- <sup>17</sup> O.C.G.A. § 36-4-1.
- <sup>18</sup> O.C.G.A. § 15-6-17(b).
- <sup>19</sup> O.C.G.A. § 15-6-18.
- <sup>20</sup> O.C.G.A. § 15-6-17.
- <sup>21</sup> *Brewster v. Houston County*, 235 Ga. 68 (1975); See, *Jackson v. Gasses*, 230 Ga. 712 (1973); O.C.G.A. § 36-4-1 et seq.; *Dozier et al. v. Norris et al.*, 241 Ga. 230 (1978); 1983 Op. Att'y Gen. No. U83-47.
- <sup>22</sup> O.C.G.A. §§ 38-3-54 and 38-3-55.
- <sup>23</sup> O.C.G.A. § 21-2-492.
- <sup>24</sup> O.C.G.A. § 12-8-66(h).
- <sup>25</sup> U.S. Const. Art VI, ¶ 2.
- <sup>26</sup> O.C.G.A. § 36-1-20; see also O.C.G.A. § 15-10-60 et seq.
- <sup>27</sup> *Allen v. Wise*, 204 Ga. 415 (1948); see also *City of Ludowici v. Brown*, 249 Ga. 857 (1982); *Campbell v. City of Columbus*, 224 Ga. 279 (1968).
- <sup>28</sup> O.C.G.A. § 36-1-20(a).
- <sup>29</sup> Ga. Const. art. III, § VI, para. II(a)(3); O.C.G.A. § 36-87-1 et seq.
- <sup>30</sup> O.C.G.A. §§ 42-4-9 and 42-4-10.
- <sup>31</sup> O.C.G.A. § 35-1-17.
- <sup>32</sup> O.C.G.A. § 31-3-9.
- <sup>33</sup> O.C.G.A. § 31-3-14.
- <sup>34</sup> O.C.G.A. § 49-2-10.
- <sup>35</sup> O.C.G.A. § 49-2-10.
- <sup>36</sup> O.C.G.A. §§ 15-6-27; 15-18-11; 15-18-19(e)(6).
- <sup>37</sup> For election services to school boards, see O.C.G.A. §§ 20-2-53, 20-2-56, 20-2-370, 20-2-430, 20-2-431, 20-2-454, 20-2-462, 20-2-464, 20-2-465; 21-2-71. For collection of taxes, see O.C.G.A. § 48-5-400 et seq.
- <sup>38</sup> O.C.G.A. § 21-2-45.
- <sup>39</sup> O.C.G.A. § 48-5-135.
- <sup>40</sup> O.C.G.A. § 48-5-359.1.
- <sup>41</sup> Ga. Const. art. IX, § III, para. I.
- <sup>42</sup> O.C.G.A. § 36-69-1 et seq.
- <sup>43</sup> O.C.G.A. § 36-70-20 et seq.
- <sup>44</sup> Ga. Const. art. IX, § III, para. II; O.C.G.A. § 36-68-1 et seq.; see also O.C.G.A. §§ 36-6-16 and 36-86-1 et seq.
- <sup>45</sup> O.C.G.A. § 15-21-92.
- <sup>46</sup> O.C.G.A. § 15-16-13.
- <sup>47</sup> O.C.G.A. § 15-10-150.

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- <sup>48</sup> O.C.G.A. § 36-69A-1 et seq.
- <sup>49</sup> O.C.G.A. § 36-1-3.
- <sup>50</sup> O.C.G.A. § 36-11-1.
- <sup>51</sup> O.C.G.A. § 36-11-7.
- <sup>52</sup> O.C.G.A. § 36-92-2.
- <sup>53</sup> O.C.G.A. § 36-92-1 et seq.
- <sup>54</sup> O.C.G.A. § 36-65-2.
- <sup>55</sup> Ga. Const. art. IX, § II, para. III.
- <sup>56</sup> O.C.G.A. §§ 15-6-88 and 15-18-14.
- <sup>57</sup> Fair Labor Standards Act (FLSA), 29 USC § 201 et seq. (minimum wage and hours); Age Discrimination in Employment Act (“ADEA”), 29 USC § 621 et seq. (prohibits discrimination on the basis of age over 40 years); Family and Medical Leave Act (“FMLA”) 29 USC 2601 et seq. (family and medical leave); Uniformed Services Employment and Reemployment Rights Act (“USERRA”), 38 USC § 4301 et seq. (military and reservist leave); Americans with Disabilities Act (“ADA”), 42 USC § 12101 (prohibits discrimination on the basis of covered disability); “Section 1981,” 42 USC § 1981 (prohibits race discrimination); and Civil Rights Act (“Title VII”), 42 USC § 2000 et seq. (prohibits discrimination on the basis of race, color, religion, sex, and national origin).
- <sup>58</sup> O.C.G.A. §§ 15-6-27; 15-18-11; 15-18-19(e)(6).
- <sup>59</sup> O.C.G.A. § 36-9-1.
- <sup>60</sup> O.C.G.A. § 36-9-2.
- <sup>61</sup> O.C.G.A. § 36-9-8.
- <sup>62</sup> O.C.G.A. § 36-60-18.
- <sup>63</sup> O.C.G.A. § 36-80-18.
- <sup>64</sup> O.C.G.A. § 36-9-5.
- <sup>65</sup> O.C.G.A. § 36-9-8.
- <sup>66</sup> U.S Const. amend. VIII; see, also, O.C.G.A. §§ 42-1-4 through 42-1-9, 42-1-11.1 through 42-1-11.3, 42-4-4 through 42-4-7, 42-4-9, 42-4-13 through 42-4-15, 42-4-30 et seq., 42-4-50 et seq., and 42-4-70 et seq.
- <sup>67</sup> O.C.G.A. § 36-9-9.
- <sup>68</sup> O.C.G.A. § 36-80-20.
- <sup>69</sup> O.C.G.A. § 12-8-26.
- <sup>70</sup> O.C.G.A. § 36-9-11.
- <sup>71</sup> O.C.G.A. § 36-9-3(a)(1).
- <sup>72</sup> *Id.*
- <sup>73</sup> O.C.G.A. § 36-9-3(a)(3)(A).
- <sup>74</sup> O.C.G.A. § 36-9-3(a)(3)(D).
- <sup>75</sup> O.C.G.A. § 36-9-3(h).
- <sup>76</sup> O.C.G.A. § 36-9-3(c)(1).
- <sup>77</sup> O.C.G.A. § 36-9-3(e).
- <sup>78</sup> O.C.G.A. § 36-9-3(f).
- <sup>79</sup> O.C.G.A. § 36-9-3(g).
- <sup>80</sup> O.C.G.A. § 32-7-3.
- <sup>81</sup> O.C.G.A. § 32-7-4(a)(1).
- <sup>82</sup> *Id.*
- <sup>83</sup> O.C.G.A. § 32-7-4(b)(1)(A).
- <sup>84</sup> O.C.G.A. § 32-7-4(b)(2)(A).
- <sup>85</sup> Ga. Const. art. IX, § IV, para. I.
- <sup>86</sup> Ga. Const. art. IX, § V, para. VI.
- <sup>87</sup> Ga. Const. art. IX, § IV, para. IV; O.C.G.A. § 36-73-1 et seq.
- <sup>88</sup> Ga. Const. art. IX, § III, para. I.
- <sup>89</sup> O.C.G.A. § 36-1-9.
- <sup>90</sup> O.C.G.A. § 48-5-220.
- <sup>91</sup> O.C.G.A. § 36-11-4.
- <sup>92</sup> O.C.G.A. § 36-11-3.
- <sup>93</sup> O.C.G.A. § 36-80-24. ACCG has [sample forms](#) available on its website.

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- <sup>94</sup> O.C.G.A. § 36-80-27.
- <sup>95</sup> O.C.G.A. § 36-84-1(b).
- <sup>96</sup> O.C.G.A. § 36-84-1(c).
- <sup>97</sup> *Id.*
- <sup>98</sup> Ga. Const. art. IX, § V, para. I.
- <sup>99</sup> Ga. Const. art. IX, § V, para. I, Ga. Const. art. IX, § V, para. II; see O.C.G.A. § 36-80-10 et seq.
- <sup>100</sup> Ga. Const. art. IX, § V, para. IV.
- <sup>101</sup> O.C.G.A. § 36-80-5.
- <sup>102</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 15-16-1 et seq.; but see O.C.G.A. § 36-8-1 et seq. (no county police department may be created after January 1, 1992 except upon approval by the voters of the county).
- <sup>103</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. § 36-8-1 et seq. (no county police department may be created after January 1, 1992 except upon approval by the voters of the county).
- <sup>104</sup> O.C.G.A. § 15-16-1 et seq.
- <sup>105</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 25-1-1 et seq.
- <sup>106</sup> Ga. Const. art. IX, § II, para. III.
- <sup>107</sup> O.C.G.A. § 46-5-120 et seq. Dispatch centers must have communication officer certified in the use of telecommunications devices for the deaf. O.C.G.A. § 36-60-19.
- <sup>108</sup> O.C.G.A. § 38-3-1 et seq.
- <sup>109</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. §§ 8-2-3 and 8-2-20 et seq.; but see O.C.G.A. § 8-2-4 (counties may not require fire sprinklers be installed in single family dwellings or residential buildings that contain no more than two dwelling units). Cannot backdate license, permit, zoning, etc. O.C.G.A. § 36-60-26.
- <sup>110</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. §§ 8-2-3 and 8-2-20 et seq.; but see O.C.G.A. § 8-2-4 (counties may not require fire sprinklers be installed in single family dwellings or residential buildings that contain no more than two dwelling units).
- <sup>111</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 31-3-1 et seq.
- <sup>112</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 31-7-1 et seq.
- <sup>113</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 31-11-1 et seq.
- <sup>114</sup> Ga. Const. art. IX, § II, para. III.
- <sup>115</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. §§ 4-8-29 and 31-19-3.
- <sup>116</sup> O.C.G.A. § 36-74-1 et seq.
- <sup>117</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 32-4-41; but see O.C.G.A. § 32-1-8 (counties may not provide construction or maintenance on private roads).
- <sup>118</sup> Ga. Const. art. IX, § II, para. III(a)(4); for special tax districts, see Ga. Const. art. IX, § II, para. VI.
- <sup>119</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 40-6-371.
- <sup>120</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 32-4-41.
- <sup>121</sup> Ga. Const. art. IX, § II, para. III.
- <sup>122</sup> Ga. Const. art. IX, § II, para. III. For restrictions on the regulation of taxi cabs, see O.C.G.A. § 36-60-25.
- <sup>123</sup> O.C.G.A. § 36-60-21.
- <sup>124</sup> O.C.G.A. § 36-80-26.
- <sup>125</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. § 12-5-1 et seq.
- <sup>126</sup> O.C.G.A. § 36-60-17.1.
- <sup>127</sup> O.C.G.A. § 36-60-17(a).
- <sup>128</sup> O.C.G.A. § 36-60-17(d) and (f).
- <sup>129</sup> O.C.G.A. § 36-1-23.
- <sup>130</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. § 12-8-1 et seq.
- <sup>131</sup> O.C.G.A. § 36-60-17(d) and (f).
- <sup>132</sup> O.C.G.A. § 36-1-23.
- <sup>133</sup> Ga. Const. art. IX, § II, para. III; O.C.G.A. § 36-82-61(4)(C)(ii). See also *McLeod v. Columbia County*, 278 GA 242 (2004).
- <sup>134</sup> O.C.G.A. § 36-60-17.2.
- <sup>135</sup> O.C.G.A. § 36-1-23.
- <sup>136</sup> Ga. Const. art. IX, § II, para. III; see also O.C.G.A. § 12-8-1 et seq.
- <sup>137</sup> Ga. Const. art. IX, § II, para. III. O.C.G.A. § 8-3-2.

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<sup>138</sup> O.C.G.A. § 36-72-3.

<sup>139</sup> Ga. Const. art. IX, § II, para. III.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.*

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*