

**LOCAL AND SPECIAL ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY
OF THE STATE OF GEORGIA 1982 [VOLUME 2]**

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Sequential Number: 150

Short Title: FULTON COUNTY -- COUNTY-WIDE LIBRARY SYSTEM.

Law Number: No. 1017

Origin: (House Bill No. 1691).

Type: AN ACT

To provide for the establishment of a county-wide library system in Fulton County; to provide the procedures for the transfer of certain

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existing library services and facilities located within unincorporated Fulton County, and within certain municipalities located wholly or partially within Fulton County, together with the property, debts, assets, and employees thereof, to the county-wide library system; to require certain contractual agreements in connection therewith; to provide that Fulton County, as the funding government of the county-wide library system, shall be responsible for paying all bond debt service requirements on the new central building for the City of Atlanta Library System; to provide for the composition of the library board of trustees and for the manner of appointment of members thereto; to provide for other matters relative to the foregoing; to provide conditions for the effectiveness of this Act and for an effective date; to provide for severability; to repeal conflicting laws; and for other purposes.

Be it enacted by the General Assembly of Georgia:

- **Section 1.** (a) The provisions of this Act shall not apply to the City of East Point. Any reference in this Act to a municipality or municipalities shall not be a reference to the City of East Point.
- (b) Subject to the limitations of subsection (g) of this section, after midnight June 30, 1983, all public library services and facilities in unincorporated Fulton County and within all parts of any municipality located wholly or partially within Fulton County shall be maintained, operated, and continued in existence by the county-wide library system, and no municipality located wholly or partially within Fulton County may operate a public library system or facility.
- (c) On or before July 1, 1983, each municipality located wholly or partially within Fulton County, which operates a public library service or facility, shall transfer to Fulton County for operation of the county-wide library system all assets, records, employees, causes of action, rights, obligations, debts, and all other personal property used in the normal operation of the municipality's library service or facility.

- (d) Except as otherwise provided herein, on or before July 1, 1983, each municipality located wholly or partially within Fulton County which operates a public library service or facility shall transfer to Fulton County for operation of the county-wide library system the legal title to all real property with a library service or facility thereon, together with all rights and appurtenances thereto and

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subject to all liens and encumbrances thereon. In the event the county-wide library system shall fail to use, by July 1, 1984, or shall discontinue to use, any real property transferred pursuant to this section for a library facility or service, legal title to said real property will automatically revert to the transferring municipality.

- (e) On or before July 1, 1983, the City of Atlanta shall lease to Fulton County, for the operation of the county-wide library system, the new "Central Building for the Atlanta Library System" and all other real property of the City of Atlanta Library System. During the term of said lease, lease payments on such property shall be paid by Fulton County in an amount equal to the bond debt service requirements of all property of the library system leased pursuant to this section. Upon discharge and retirement of said bonds, the City of Atlanta shall transfer legal title to all such real property of the Atlanta Library System to Fulton County.
 - (f) Notwithstanding anything contained herein, nothing shall compel conveyance of the real estate and building upon which is situated a library of the City of College Park or a library of the City of Hapeville. The Cities of College Park and Hapeville shall each retain title to the real estate and structures constituting libraries of each such city, and each such city shall by contract provide the use of such buildings and real estate by the county-wide library system.
 - (g) The transfer of library facilities to the county-wide library system as provided in this section, the authority to enter into the lease contract provided for by subsection (e) of this section, and the authority to enter into contracts provided for by subsection (f) of this section shall all be contingent upon the governing authority of each affected municipality entering into a contract with the governing authority of Fulton County whereby the governing authority of each municipality shall agree in substance to reduce the annual ad valorem tax levied by each municipality, beginning with the calendar year immediately following the calendar year during which the responsibility for providing library services was assumed by the county-wide library system, by a millage rate equal to the millage rate resulting from converting the dollar amount saved by each respective municipality from the assumption of library services by the county-wide library system to a millage rate, based on the net tax digest of each respective municipality. It is not necessary that a contract entered into pursuant to this subsection be confined to the ad valorem tax millage rate reduction formula specified above, and such contract may be stated in such terms as may be necessary to require the
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increase in ad valorem taxes levied by Fulton County to fund the cost of the county-wide library system to be offset by a corresponding decrease in ad valorem taxes levied by affected municipalities. The county-wide library system shall not accept the transfer of library facilities and shall not assume responsibility for library services of any municipality failing to enter into a contract provided for by this subsection.

Section 2. Persons who are full-time, permanent employees of all library facilities transferred to the county-wide library system shall have the right to enter the employment thereof without any lapse or hiatus in their employment on the terms provided herein. The terms of this section shall apply only to those positions with existing library facilities which are abolished by the dissolution of those facilities. No employee transferred to the county-wide library system shall suffer a decrease in salary as a result of being transferred. Every transferred employee shall be assigned by the library board of trustees to a position of employment similar to that occupied by the employee with the former library facility. After being so assigned, all such employees shall be subject to the civil service laws and regulations of Fulton County. For any purpose involving seniority or requiring computation of the period of employment, the former employment with the then existing library facility or the municipal government shall be given the same effect as employment with the county government. Nothing in this section shall affect the power of the library board of trustees of the county-wide library system or any other duly authorized officer to dismiss employees for grounds set forth in existing laws and regulations.

- **Section 3.** (a) As to pension and retirement rights and benefits of employees being transferred from a municipality to the county, all creditable service with the pension fund of his former employer shall be credited with the pension fund of his new employer in accordance with the provisions of subsection (b) of this section.
- (b) Within 30 days from the date such employee is transferred, the secretary of the pension fund of the former employer shall certify to the secretary of the pension fund of the new employer the total number of years of service, including fractional parts of years, accrued to the credit of each such employee; the amount due such pension fund by each such employee for such credit, if any; the amount of accumulated employee contributions; and the amount of employer matching contributions. Said secretary shall transfer all funds contributed

by said employee, together with all employer matching contributions, to the secretary of the pension board of the new employer. In the event that such employee shall owe any sum for prior service credits, said sum shall be payable by such employee to the pension fund of the new employer. In the event that any employee shall have withdrawn any amounts contributed by him to the pension fund of his former employer, the certification of the secretary of such pension fund shall indicate the amount of such contributions withdrawn, and the amount of funds transferred to the secretary of the pension fund of the

new employer shall not include such amounts withdrawn by the employee, but shall be payable by the employee to the pension fund of the new employer upon his transfer or at the option of the board of trustees of the pension fund of the new employer, such payment may be deferred and paid in equal installments over a period of 60 months with interest at the rate of 7 percent per annum. Upon the date of transfer, the transferred employee shall become a member of the pension fund of his new employer and shall have his rights and obligations determined in accordance with the most recent amendments to such pension fund, but shall be entitled to receive no less benefits from such pension fund than he would have been entitled to receive under the most recent amendments to the pension fund of his former employer on the day prior to his transfer. Upon such certification and transfer of funds, as provided above, such employee shall become entitled to credit for all years of service which may have accrued to him with his former employer to the same extent as if such service had been rendered to his new employer, without the payment of additional contributions (other than amounts previously due for prior service credits or amounts due for withdrawn contributions). The funds transferred in accordance with the above provisions shall become the property of the pension fund of the new employer.

- **Section 4.** (a) Responsibility for constructing, operating, and maintaining all library facilities and services within all above-mentioned portions of Fulton County shall hereinafter be vested in the county-wide library system which shall be administered by the library board of trustees. The members of the board of trustees of the Atlanta Public Library at the time of the effective date of this Act shall be and become members of the library board of trustees and shall serve in that capacity through midnight June 30, 1984. Commencing July 1, 1984, the composition of the library board of trustees shall be as hereinafter provided and each member shall serve a term of four years; provided that the term shall expire at midnight on June 30 of the fourth year of each member's term.

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- (b) The mayor of the City of Atlanta or his designee shall serve on the library board of trustees in an ex officio capacity. The mayor of the City of Atlanta shall also appoint one member of the Atlanta city council to serve as a regular member on the library board of trustees. The chairman of the Fulton County board of commissioners or his designee shall also serve on the library board of trustees in an ex officio capacity; and the board of commissioners shall elect one member from their board to serve as a regular member on the library board of trustees. In addition, the Fulton County board of commissioners shall appoint two members from each of the four county commission districts and two members from the county at large; provided, however, that four members appointed from said county commission districts shall be residents of the City of Atlanta, and one member appointed from the county at large shall be a resident of the City of Atlanta.

Section 5. This Act shall become effective only if an amendment to the Constitution authorizing the General Assembly to provide by law for the creation of a county-wide public library system within all counties of this state having a population of 550,000 or more according to the United States decennial census of 1980 or any future such census and authorizing the transfer of library systems, facilities, and personnel of such counties and of municipalities located wholly or partially within such counties to the county-wide library system is ratified at the 1982 general election. If said amendment to the Constitution is so ratified, this Act shall become effective on July 1, 1983.

Section 6. In the event any section, subsection, sentence, clause or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

Section 7. All laws and parts of laws in conflict with this Act are repealed.

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Notice of Intention to Introduce Local Legislation.

Notice is given that there will be introduced at the regular 1982 session of the General Assembly of Georgia, a bill to provide for county-wide library system within Fulton County and to provide for the transfer of public library systems, buildings, facilities, assets, debts, causes of action obligations, rights, personal property, employees, and personnel of Fulton County and of any municipality located wholly or partially within Fulton County to such county-wide library system and to provide for other matters necessary of incidental thereto; and for other purposes.

This 3rd day of February, 1982.

G. D. Adams

Representative,

36th District

Georgia, Fulton County.

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, G. D. Adams who, on oath, deposes and says that he/she is Representative from the 36th District,

and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Fulton County Daily Report which is the official organ of Fulton County, on the following dates: Feb. 4, 11 & 18, 1982.

/s/ G. D. Adams Representative, 36th District

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Sworn to and subscribed before me,

this 19th day of Feb., 1982.

/s/ Donna M. McLarin
Notary Public, Georgia State at Large.
My Commission Expires Nov. 4, 1985.
(Seal).

Approval Date: Approved April 12, 1982.