

House Bill 615

By: Representatives Tarvin of the 2nd and Deffenbaugh of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To create the Board of Commissioners of Walker County; to provide for continuation of
2 certain obligations and liabilities; to provide for the composition of the board; to provide for
3 elections and terms of office; to provide for qualifications; to provide for commissioner
4 districts; to provide for filling of vacancies; to provide for oaths of office and surety bonds;
5 to provide for the compensation and expenses of the chairperson and members of the board;
6 to provide for a vice chairperson; to provide for powers and duties of such officers; to
7 provide for meetings; to provide for the powers, duties, and authority of the chairperson and
8 members of the board; to provide for formal bids for certain purchases; to provide for the
9 appointment of a clerk and other officials; to provide for the preparation, submission, review,
10 adoption, and amendment of budgets; to provide for expenditure of county funds; to provide
11 for audits of county finances and financial records; to provide for submission; to provide for
12 the specific repeal of a certain local Act; to provide for a referendum; to provide for related
13 matters; to provide for effective dates and automatic repeal; to repeal conflicting laws; and
14 for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 **PART I.**
17 **SECTION 1-1.**

18 There is created the Board of Commissioners of Walker County to be elected and organized
19 as provided for in this Act. The board shall be the successor to the office of commissioner
20 of Walker County and shall continue to have the obligations and liabilities of the
21 commissioner of Walker County as existed immediately prior to July 1, 2019. The board
22 shall constitute the governing authority of Walker County and shall exercise the powers,
23 duties, and responsibilities vested in and upon such officers by the provisions of this Act.
24 The term "board," whenever used in this Act, shall mean the Board of Commissioners of
25 Walker County, including the chairperson and all members.

26

SECTION 1-2.

27 (a) The board shall consist of a chairperson and four district commissioners. The four
 28 district commissioners shall be residents of their respective commissioner districts as
 29 described in subsection (b) of this section and shall be elected by the electors of their
 30 respective districts as provided in Section 1-3 of this Act. The chairperson shall be elected
 31 at large as provided in Section 1-3 of this Act.

32 (b) For the purpose of electing members of the board, Walker County shall be divided into
 33 four commissioner districts. One member of the board shall be elected from each such
 34 district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four
 35 numbered districts described in and attached to and made a part of this Act and further
 36 identified as Plan Name: walkercc-2017 Plan Type: Local Administrator: SD053 User: Gina.

37 (c)(1) When used in such attachment, the term "VTD" shall mean and describe the same
 38 geographical boundaries as provided in the report of the Bureau of the Census for the
 39 United States decennial census of 2010 for the State of Georgia. The separate numeric
 40 designations in a district description which are underneath a VTD heading shall mean and
 41 describe individual blocks within a VTD as provided in the report of the Bureau of the
 42 Census for the United States decennial census of 2010 for the State of Georgia.

43 (2) Except as otherwise provided in the description of any district, whenever the
 44 description of any district refers to a named city, it shall mean the geographical boundaries
 45 of that city as shown on the census maps for the United States decennial census of 2010 for
 46 the State of Georgia.

47 (3) Any part of Walker County which is not included in any district described in the plan
 48 shall be included within that district contiguous to such part which contains the least
 49 population according to the United States decennial census of 2010 for the State of
 50 Georgia.

51 (4) Any part of Walker County described in the plan as being included in a particular
 52 district shall nevertheless not be included within such district if such part is not contiguous
 53 to such district. Such noncontiguous part shall instead be included within that district
 54 contiguous to such part which contains the least population according to the United States
 55 decennial census of 2010 for the State of Georgia.

56

SECTION 1-3.

57 (a) No person shall be a member of the board if that person is ineligible for such office
 58 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

59 (b) In order to be elected as a member of the board from a commissioner district, a person
 60 shall be 21 years of age or older, shall have resided in that district for at least 12 consecutive
 61 months prior to election thereto, and shall receive a majority of the votes cast for that office

62 by the electors of that district. At the time of qualifying, each candidate for such office shall
 63 specify the commissioner district for which that person is offering as a candidate. A person
 64 elected as a member of the board from a commissioner district shall continue to reside in that
 65 district during that person's term of office or that office shall thereupon become vacant.

66 (c) The chairperson of the board shall be 25 years of age or older, shall have resided in
 67 Walker County for at least 12 consecutive months prior to election to such office, may reside
 68 anywhere within Walker County, and shall receive a majority of the votes cast for such office
 69 by the electors of the entire county. The chairperson shall continue to reside within Walker
 70 County during that person's term of office or that office shall thereupon become vacant.

71 **SECTION 1-4.**

72 (a) The first chairperson of the Board of Commissioners of Walker County shall be the sole
 73 commissioner in office on December 31, 2018, who shall serve until January 1, 2021, and
 74 until his or her successor is elected and qualified. The first members of the Board of
 75 Commissioners of Walker County shall be elected at a special election to be held on the third
 76 Tuesday in March, 2019. Each member of the board elected thereto from Commissioner
 77 Districts 1 and 2 in 2019 shall take office on July 1, 2019, and shall serve for an initial term
 78 of office which shall expire on January 1, 2021, and upon the election and qualification of
 79 his or her successor. Each member of the board elected thereto from Commissioner Districts
 80 3 and 4 in 2019 shall take office on July 1, 2019, and shall serve for initial terms of office
 81 which shall expire on January 1, 2023, and upon the election and qualification of their
 82 respective successors. Those and all future successors to the chairperson and members of
 83 the board whose terms of office are to expire shall be elected at the November state-wide
 84 general election immediately preceding the expiration of such terms, shall take office on the
 85 first day of January immediately following that election, and shall serve for terms of office
 86 of four years and until their respective successors are elected and qualified.

87 (b) The chairperson and members of the board shall be nominated and elected in accordance
 88 with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

89 **SECTION 1-5.**

90 (a) In the event of a vacancy occurring in the membership of the board, whether the vacancy
 91 is in the office of chairperson or any other member, for any reason other than expiration of
 92 term, that vacancy shall be filled as provided in this section.

93 (b) In the event a vacancy occurs on the board when at least 180 days remain in the
 94 unexpired term of office, the election superintendent of Walker County, within 15 days after
 95 the vacancy occurs, shall issue the call for a special election to fill the vacancy for the
 96 unexpired term. Such special election shall be called and conducted as provided in Chapter

97 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.
98 Any person elected in a special election to fill such a vacancy shall take office immediately
99 upon certification of the results of such special election and qualification. If such vacancy
100 is in the office of chairperson of the board of commissioners, the vice chairperson of the
101 board shall exercise the powers and duties of the chairperson for the period beginning on the
102 date the vacancy occurs and ending on the date the successor chairperson takes office for the
103 unexpired term following the special election provided for in this subsection.

104 (c) In the event a vacancy occurs on the board when less than 180 days remain in the
105 unexpired term of office, the remaining members of the board shall appoint a qualified
106 person to fill the vacancy for the unexpired term. Any person appointed by the board to fill
107 a vacancy as provided in this subsection shall possess the residency and other qualifications
108 required for the office and shall take office immediately upon appointment and qualification.
109 If such vacancy is in the office of chairperson of the board, the vice chairperson of the board
110 shall exercise the powers and duties of the chairperson for the period beginning on the date
111 the vacancy occurs and ending on the date the successor chairperson takes office for the
112 unexpired term following his or her appointment as provided for in this subsection.

113 **SECTION 1-6.**

114 Before entering upon the discharge of their duties, the chairperson and district commissioners
115 shall subscribe to an oath before the judge of the probate court of such county for the true and
116 faithful performance of their duties and that they are not the holders of any public funds
117 unaccounted for. In addition, the chairperson and each district commissioner shall further
118 give a satisfactory surety bond to the judge of the probate court of the county payable to the
119 judge of the probate court or that judge's successor in office and filed in the office of the
120 judge of the probate court, in the sum of \$25,000.00, conditioned upon the faithful
121 performance of the duties of the office. The costs of said bonds shall be paid out of the
122 county treasury.

123 **SECTION 1-7.**

124 (a) District commissioners, other than the chairperson, shall serve in such capacity on a
125 part-time basis and shall be paid a salary of \$12,000.00 per year. Such compensation shall
126 be paid in equal monthly installments from the funds of Walker County.

127 (b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an
128 annual salary equal to the annual salary of the highest paid elected county officer of Walker
129 County, plus an additional \$500.00, provided that such salary shall not exceed \$100,000.00
130 per annum. For the purposes of this subsection, the term "county officer" shall mean only
131 the tax commissioner, the judge of the probate court, the sheriff, or the clerk of superior

132 court. The salary provided in this subsection shall be paid in equal monthly installments
133 from the funds of Walker County. The salary and expenses provided for in this subsection
134 shall constitute the entire compensation to which the chairperson shall be entitled to be paid
135 from county funds.

136 (c) The chairperson and the district commissioners may be reimbursed for reasonable
137 expenses incurred in carrying out their duties. Expenses may be reimbursed only after the
138 submission of receipts or records of said expenses to the county clerk and approval by
139 majority vote of the board of commissioners at a regularly scheduled meeting. The
140 chairperson and commissioners shall be entitled to compensation for serving on any other
141 boards or authorities for which their membership is provided by law.

142 (d) At their own expense, the district commissioners may participate in county provided
143 health, dental, and other health related programs and in county sponsored retirement
144 programs. No county funds shall be spent on these programs for the benefit of the district
145 commissioners.

146 **SECTION 1-8.**

147 At the first regular meeting of each year, the board shall elect from its members a vice
148 chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice
149 chairperson shall perform the duties and exercise the authority of the chairperson until a new
150 chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings
151 of the board in the absence of the chairperson and shall serve for the calendar year in which
152 he or she is elected. In the event of a vacancy in the office of vice chairperson, the board
153 shall elect a new vice chairperson to serve for the remainder of the calendar year.

154 **SECTION 1-9.**

155 Each month, at the county seat, the board of commissioners shall hold a minimum of two
156 regular meetings. All meetings shall be open to the public as required by law and shall
157 provide a time period exclusively for public comment. The time, date, and place of the
158 meetings shall be determined by the board in the first meeting of the year. Any resolution
159 passed by the board regarding the time, date, and place of its monthly meetings shall be
160 published in the official county organ once a week for two weeks during a period of 30 days
161 immediately following the passage of the resolution. The board of commissioners may hold
162 such additional meetings as shall be necessary when called by the chairperson or any two
163 commissioners, provided that all members of the board of commissioners shall have been
164 notified at least three days in advance of such special meeting which is open to the public.
165 Three district commissioners or the chairperson and any two district commissioners shall
166 constitute a quorum. No official action shall be taken except upon the affirmative vote of at

167 least three members of the board of commissioners and except upon compliance with
 168 Chapter 14 of Title 50 of the O.C.G.A. The chairperson shall be entitled to vote on a
 169 question only if the chairperson's vote would affect the outcome of any vote or issue before
 170 the board. The vice chairperson while serving as chairperson shall be entitled to vote on all
 171 matters before the board. All regular and called meetings shall be conducted according to
 172 *Robert's Rules of Order*.

173 **SECTION 1-10.**

174 The chairperson shall administer the affairs and day-to-day business of the county and
 175 preside over the meetings of the board. The duties of the chairperson shall include, but shall
 176 not be limited to, the following:

- 177 (1) Calling meetings of the board as provided in Section 1-9 of this Act;
- 178 (2) Preparing a proposed agenda and presiding over meetings of the board;
- 179 (3) Representing the county government at ceremonial functions;
- 180 (4) Being empowered to submit motions that are made and seconded by district
 181 commissioners to the board for action;
- 182 (5) Appointing members and chairpersons to all committees of the board with the approval
 183 of the board; and
- 184 (6) Performing such other duties as shall be delegated to the chairperson by the board or
 185 as provided by law or ordinance.

186 The chairperson shall be authorized, in his or her sole discretion, to spend not more than
 187 \$25,000.00 without approval of the board.

188 **SECTION 1-11.**

189 The board shall have the power and authority to fix and establish, by appropriate resolution
 190 entered on its minutes, policies, rules, and regulations governing all matters reserved to its
 191 exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper
 192 entry thereof made on the minutes of the board, shall be conclusive and binding. The board
 193 shall exercise only those administrative powers which are necessarily and properly incident
 194 to its functions as a policy-making or rule-making body or which are necessary to compel
 195 enforcement of its adopted resolutions. Except as otherwise provided in this Act, the
 196 following powers are vested in the board and reserved to its exclusive jurisdiction:

- 197 (1) To levy taxes;
- 198 (2) To make appropriations;
- 199 (3) To fix rates and charges for services provided by the county;
- 200 (4) To authorize the incurring of indebtedness;

- 201 (5) To order work done where the cost is to be assessed against benefited property and to
 202 fix the basis for such assessment;
- 203 (6) To authorize and provide for the execution of contracts;
- 204 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and
 205 ferries, according to law; provided, however, that the chairperson shall have the authority
 206 to accept subdivision plats when the requirements established by the board for subdivisions
 207 have been met;
- 208 (8) To establish, abolish, or change election precincts and militia districts according to
 209 law;
- 210 (9) To accept, for the county, the provisions of any optional statute where the statute
 211 permits its acceptance by the governing authority of the county;
- 212 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the
 213 commissioner of Walker County in respect to zoning and planning;
- 214 (11) To create and change the boundaries of special taxing districts authorized by law;
- 215 (12) To fix the bonds of county officers where same are not fixed by statute;
- 216 (13) To enact any ordinances or other legislation which the county may be given authority
 217 to enact;
- 218 (14) To determine the priority of capital improvements;
- 219 (15) To call elections for the voting of bonds;
- 220 (16) To exercise all of the power and authority formerly vested by law in the
 221 commissioner of Walker County together with the power and authority which may be
 222 delegated by law to the governing authority of the county, by whatever name designated;
- 223 (17) To appoint retained legal counsel and an independent county auditor and provide for
 224 their compensation; and
- 225 (18) To require all county officers to report on the general or specific conduct of the
 226 financial affairs of their respective offices.

227 **SECTION 1-12.**

228 Formal sealed bids shall be received for all purchases in amounts over the state limit for
 229 sealed bids unless the board sets a lower limit. Advertisements for such bids shall be
 230 published for two consecutive weeks in the official organ of Walker County. The need for
 231 such bids may be dispensed with by the board if it decides that an emergency exists which
 232 will not permit a delay.

233 **SECTION 1-13.**

234 The internal organization of the county government shall be established and altered by the
 235 board. Existing departments may be abolished and their functions transferred to other

236 departments, additional departments may be created, and any two or more departments may
237 be consolidated.

238 **SECTION 1-14.**

239 The board shall appoint a clerk who shall keep a proper and accurate book of minutes. The
240 book of minutes of the board shall contain all the acts, orders, and proceedings of the board
241 in chronological order. The minutes book of the board shall be open to the public for
242 inspection at all times during regular office hours, and certified copies of any entries in the
243 minutes book shall be furnished by the clerk to any person requesting same upon payment
244 of a reasonable fee to be paid into the county treasury as are other funds and to be assessed
245 by the board in an amount sufficient to defray the cost of preparing same.

246 **SECTION 1-15.**

247 The chairperson shall submit annually to the board a proposed budget governing
248 expenditures of all county funds, including capital outlay and public works projects for the
249 following fiscal year. The board shall thereafter hold two public hearings at least seven days
250 apart on the budget, giving notice thereof at least ten days in advance by publication of such
251 notice and of the proposed budget in the official organ of Walker County and by posting
252 same at the courthouse. The budget shall then be reviewed and adopted or amended by the
253 board prior to the beginning of the new fiscal year to which it applies, which budget, when
254 so adopted or amended by the board, shall constitute the board's appropriation of all funds
255 for such year. The budget so adopted may be revised during the year only by formal action
256 of the board in a regular meeting, and no increase shall be made therein without provision
257 also being made for financing the same. The proposed budget submitted by the chairperson
258 shall be accompanied by a report containing information and data relating to the financial
259 affairs of the county pertinent to arriving at and establishing the annual budget. A copy of
260 the budget and of each revision or amendment to the same shall be transmitted by the
261 chairperson to the grand jury of the Superior Court of Walker County within ten days from
262 the time such budget or amendment thereof is adopted by the board. The board may from
263 time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal
264 year for the county or may operate on a calendar basis; provided, however, that in the event
265 of such change, the budget shall be submitted at least two months prior to the beginning date
266 of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one
267 month prior to such beginning date. The procedures for budget preparation, submission to
268 the governing authority, review by the governing authority, public review, notice, and
269 hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

270 **SECTION 1-16.**

271 No expenditures of county funds shall be made except in accordance with the county budget,
 272 or amendments thereto, adopted by the board. The chairperson of the board shall enforce
 273 compliance with this section by all departments of county government and to this end shall
 274 institute a system of allotments of all moneys appropriated and budgeted.

275 **SECTION 1-17.**

276 The board shall on or before the final day of the month following the end of each fiscal year
 277 employ a certified public accountant for the making of an annual continuous audit of county
 278 finances and financial records. The accountant so employed shall be paid out of county
 279 funds and shall perform a complete audit of the financial records of the county for the
 280 preceding year, pointing out any irregularities found to exist and reporting the results of such
 281 audit to the board. The same person or firm shall not perform such audit for more than four
 282 consecutive annual periods. Each annual report submitted to the board shall be made
 283 available for public inspection as are other records in such office. The board shall cause to
 284 be published in the official organ of Walker County and posted at the courthouse a statement
 285 of the financial condition of the county as of December 31 and June 30 of each year. Said
 286 accountant shall transmit to the grand jury of the Superior Court of Walker County a copy
 287 of each annual report furnished by such accountant to the board.

288 **SECTION 1-18.**

289 An Act creating the office of commissioner of Walker County, approved February 10, 1939
 290 (Ga. Laws, p. 751), and all amendatory Acts thereto are repealed in their entirety.

291 **PART II.**

292 **SECTION 2-1.**

293 The election superintendent of Walker County shall call and conduct an election on the date
 294 of the 2018 November general election as provided in this section for the purpose of
 295 submitting this Act to the electors of Walker County for approval or rejection. The election
 296 superintendent shall issue the call and conduct that election as provided by general law. The
 297 superintendent shall cause the date and purpose of the election to be published once a week
 298 for two weeks immediately preceding the date thereof in the official organ of Walker County.
 299 The ballot shall have written or printed thereon the words:

300 "() YES Shall the governing authority of Walker County be changed from a sole
 301 () NO commissioner to a five-member board of commissioners with the
 302 chairperson elected at large and four commissioners elected by district?"

303 All persons desiring to vote for approval of changing the form of the governing authority of
 304 Walker County to a board consisting of four members elected by district and a chairperson
 305 elected at large shall vote "Yes." Those persons desiring to vote against changing the form
 306 of the governing authority of Walker County shall vote "No." If more than one-half of the
 307 votes cast are for approval of changing the form of the governing authority of Walker County
 308 to a board of commissioners consisting of four members elected by district and a chairperson
 309 elected at large, then Part I of this Act shall become effective immediately for purposes of
 310 electing members of the board of commissioners in March, 2019, and for all purposes on July
 311 1, 2019; otherwise, this Act shall be automatically repealed on the first day of January
 312 following that election date. The expense of such election shall be borne by Walker County.
 313 It shall be the duty of the election superintendent to certify the results thereof to the Secretary
 314 of State.

315 **SECTION 2-2.**

316 Except as otherwise provided in Section 2-1 of this Act, this Act shall become effective upon
 317 its approval by the Governor or its becoming law without such approval.

318 **SECTION 2-3.**

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

320 Plan: walkercc-2017

321 Plan Type: Local

322 Administrator: SD053

323 User: Gina

324 District 001

325 Walker County

326 VTD: 2951812 - ROSSVILLE

327 VTD: 2951893 - FAIRVIEW

328 District 002

329 Walker County

330 VTD: 2950881 - POND SPRINGS

331 VTD: 2950944 - PEAVINE

332 020502:

333 3003 3005 3052 3053 3054

334 020601:

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 346 020800:
 347 1009 1037
 348 VTD: 2951809 - KENSINGTON
 349 020502:
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 353 VTD: 2951818 - CHICKAMAUGA
 354 VTD: 2951898 - WALLACEVILLE
 355 020501:
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 360 District 003
 361 Walker County
 362 VTD: 2950869 - CHESTNUT FLAT
 363 VTD: 2950871 - LAFAYETTE
 364 020602:
 365 1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075
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 406 4010 4011 4012 4029
 407 VTD: 2950944 - PEAVINE

408 020601:
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 411 1057 1060 1061 1062 1063
 412 VTD: 2950953 - EAST ARMUCHEE
 413 VTD: 2950960 - CANE CREEK
 414 020901:
 415 1005 1007 1008 1009 1010 1011 1012 1013 1014 1015 1019 1020
 416 1022 1023 1024 1025 1026 1027
 417 VTD: 2951053 - WEST ARMUCHEE

 418 District 004
 419 Walker County
 420 VTD: 2950871 - LAFAYETTE
 421 020901:
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 426 VTD: 2950943 - WILSON
 427 VTD: 2950960 - CANE CREEK
 428 020901:
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 436 2084 2093 4004 4013 4014 4015 4016 4017 4018 4019 4020 4021
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 438 VTD: 2951161 - MOUNTAIN
 439 VTD: 2951501 - CHATTANOOGA VAL
 440 VTD: 2951800 - DAUGHERTY
 441 VTD: 2951808 - CEDAR GROVE
 442 VTD: 2951809 - KENSINGTON
 443 020800:

444 1020 1021 1022 1023 1024 1025 1026 1041 1068 1069 1070 1071
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 446 2012 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
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 454 VTD: 2951851 - FAIRYLAND
 455 VTD: 2951898 - WALLACEVILLE
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 459 5035 5036 5037 5038
 460 020502:
 461 2000 2001 2002 2003 2004 2005 2006 2012 2013 2014 2015 2016
 462 2017 2018