

A RESOLUTION

A RESOLUTION TO AUTHORIZE THE CREATION OF THE TOWNS COUNTY DRUG ABUSE TREATMENT AND EDUCATION FUND ADVISORY COMMITTEE PURSUANT TO O.C.G.A. SECTION 15-100 ET.SEQ.; SAID FUNDS BEING GENERATED BY THE IMPOSITION OF ADDITIONAL PENALTIES FOR OFFENSES PROHIBITED BY O.C.G.A. SECTIONS 16-13-30, 16-13-30.1, OR 16-13-31; TO PROVIDE FOR THE CREATION OF A SPECIAL ACCOUNT KNOWN AS THE TOWNS COUNTY DRUG ABUSE TREATMENT AND EDUCATION FUND; TO PROVIDE FOR THE EXPENDITURE OF SUCH FUNDS; TO PROVIDE FOR AN EFFECTIVE DATE; TO REPEAL CONFLICTING RESOLUTIONS; AND FOR OTHER PURPOSES.

WHEREAS, Official Code of Georgia Annotated Section 15-21-100 allows for the imposition of additional penalties for offenses prohibited by O.C.G.A. Sections 16-13-30, 16-13-30.1, and 16-13-31, which offenses relate to certain activities regarding marijuana, controlled substances and non-controlled substances; and

WHEREAS, O.C.G.A. Section 15-21-101 provides for the collection of monies arising from fines as set forth in O.C.G.A. 15-21-100, which sums shall be collected, paid over to the Commissioner of Towns County and shall be deposited into a special account to be known as the "Towns County Drug Abuse Treatment and Education Fund"; and

WHEREAS, the funds deposited into this account shall be expended for the sole and exclusive use of the treatment of drug abuse and education programs relating to controlled substances and marijuana; and

WHEREAS, the Commissioner of Towns County desires to form an Advisory Committee to oversee the fund, to review request for expenditures, and to periodically report to the Commissioner; and

NOW, THEREFORE, BE IT RESOLVED by the Commissioner of Towns County, Georgia and it is hereby resolved by the authority of same as follows:

SECTION 1.

By virtue of the authority of O.C.G.A. Sections 15-21-100 and 15-21-101, additional penalties for offenses prohibited by O.C.G.A. Sections 16-13-30, 16-13-30.1, and 16-13-31, which offenses relate to certain activities regarding marijuana, controlled substances and non-controlled substances shall be imposed and collected by the Clerk of Court. These funds shall be paid over to the Commissioner of Towns County and shall be deposited into a special account known as the "Towns County Drug Abuse Treatment and Education Fund".

SECTION 2.

An Advisory Committee to oversee the Towns County Drug Abuse Treatment and Education Fund shall be formed and shall consist of the following individuals:

- (A) The Sole Commissioner of Towns County.
- (B) The Chief Judge of the Superior Court of Towns County.
- (C) The District Attorney of Towns County.
- (D) The Sheriff of Towns County.
- (E) The Clerk of the Superior Court of Towns County.

The above members shall elect a chairperson who will preside over all meetings of the Committee.

This committee shall be known as the Towns County Drug Abuse Treatment and Education Fund Advisory Committee. The purpose of said Advisory Committee is to review and approve all requests for funding and expenditures from the Towns County Drug Abuse Treatment and Education Fund as delegated by the Commissioner of Towns County.

SECTION 3.

Pursuant to O.C.G.A. Section 15-21-101, all funds into the Towns County Drug Abuse Treatment and Education Fund shall be used solely and exclusively for drug abuse treatment and education programs and operations thereof, relating to controlled substances and marijuana. Expenditures from this fund must be authorized and approved by the Towns County Drug Abuse Treatment and Education Fund Advisory Committee in accordance with rules and procedures adopted by the Committee.

BE IT FURTHER RESOLVED:

All Resolutions, 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 on the intent, purpose, and provisions hereof, which shall be liberally construed to be in favor of Towns County, is hereby adopted as part hereof; and be it

FURTHER RESOLVED:

If any paragraph, sub-paragraph, 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 Sole Commissioner to provide for separable and divisible parts, and it does here by adopt any and all parts here of as may not be held invalid for any reason.

This Resolution is hereby adopted this 18th day of April, 2013, to become effective on 1st day of May, 2013, the public health, safety and general welfare demanding it.

TOWNS COUNTY COMMISSIONER


Bill Kendall, Sole Commissioner

Attest:


Clerk, Towns County