

House Bill 1263

By: Representatives Forster of the 3rd and Snow of the 2nd

A BILL TO BE ENTITLED
AN ACT

1 To create the office of commissioner of Catoosa County as the governing authority of said
2 county; to provide for the election and term of office of the commissioner; to provide for
3 filling of vacancies in the office of commissioner; to provide for oaths; to provide for bonds;
4 to provide for the compensation of the commissioner; to provide for the powers, duties, and
5 responsibilities of the commissioner; to provide reports on financial affairs; to provide for
6 county employees and certain appointments; to provide for budgeting and auditing; to
7 provide for the expenditure of county funds; to provide for related matters; to repeal an Act
8 creating the Office of Commissioner of Catoosa County, approved February 23, 1943
9 (Ga. L. 1943, p. 858), as amended; to provide for a referendum; to provide for effective
10 dates; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 There is created the office of commissioner of Catoosa County as the governing authority of
14 said county. The commissioner shall exercise the powers and duties and be charged with the
15 responsibilities imposed upon said officer by this Act.

16 style="text-align:center">**SECTION 2.**

17 (a) The first commissioner of Catoosa County provided for by this Act shall be elected at
18 a special election to be held on the Tuesday next following the first Monday in November
19 in 2003 and shall take office on the first day of January, 2004, for a term of office ending
20 December 31, 2006, and until a successor is elected and qualified. Thereafter, successors
21 shall be elected at the general election immediately preceding the expiration of the term of
22 office and shall take office on the first day of January immediately following the election for
23 a term of four years and until a successor is elected and qualified.

1 (b) The commissioner shall be elected by the qualified voters of Catoosa County on a
2 county-wide basis. The commissioner shall be nominated and elected in accordance with the
3 provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

4 **SECTION 3.**

5 (a) In the event a vacancy occurs for any reason in the office of commissioner of Catoosa
6 County, such vacancy shall be filled for the unexpired term of office by special election.
7 Such special election shall be called by the election superintendent of Catoosa County within
8 ten days after the date of the vacancy and shall be held in accordance with the applicable
9 provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

10 (b) From the date of the occurrence of the vacancy until such vacancy is filled by special
11 election as provided in subsection (a) of this section, the judge of the probate court of
12 Catoosa County shall be vested with and exercise the powers and duties of the commissioner
13 of Catoosa County.

14 **SECTION 4.**

15 Before entering upon the discharge of the commissioner's duties, a person elected
16 commissioner shall subscribe to an oath before the judge of probate court of Catoosa County
17 for the true and faithful performance of duties as commissioner and that the person is not the
18 holder of any unaccounted for public funds.

19 **SECTION 5.**

20 The commissioner shall give a satisfactory surety bond approved by the judge of probate
21 court of Catoosa County and payable to said officer and filed in the office of the judge of
22 probate court in the sum of \$50,000.00, conditioned upon the faithful performance of the
23 duties of the commissioner's office. The cost of such bond shall be paid from the funds of
24 Catoosa County.

25 **SECTION 6.**

26 (a) The commissioner shall be compensated in the amount of \$65,000.00 annually, which
27 shall be paid in equal monthly installments from the funds of Catoosa County.

28 (b) The commissioner may be reimbursed from county funds for all actual and necessary
29 expenses incurred by that officer in the performance of the official duties of the office of
30 commissioner.

SECTION 9.

The commissioner is authorized to require all county officers to report on the general or specific conduct of the financial affairs of their respective offices.

SECTION 10.

(a) The commissioner shall have the exclusive power and authority to appoint, remove, and fix the compensation of all employees of the county.

(b) The appointment and removal of and the compensation to be paid to persons filling offices and positions created by state statute, where not otherwise prescribed by such statute, shall be made and fixed by the commissioner.

SECTION 11.

The commissioner shall comply with the budgeting and auditing procedures and requirements set forth in Chapter 81 of Title 36 of the O.C.G.A., relative to budgets and audits of local governments.

SECTION 12.

The expenditures of county funds shall be made in accordance with the county budget or amendments thereto adopted by the commissioner. The commissioner shall enforce compliance with this requirement by all departments of county government, including the departments of the elected county officers, and, to this end, the commissioner shall institute a system to control county purchasing and to account for the expenditure of all funds budgeted and appropriated by the commissioner.

SECTION 13.

The members of the Board of Commissioners of Catoosa County in office on January 1, 2003, shall continue to serve as such until December 31, 2003, at which time their terms of office shall expire. The office of commissioner created by this Act shall be the successor in all respects to the Board of Commissioners and to all rights, claims, actions, orders, contracts, and legal and administrative proceedings of the Board of Commissioners.

SECTION 14.

An Act creating the Office of Commissioner of Catoosa County, approved February 23, 1943 (Ga. L. 1943, p. 858), as amended, is repealed in its entirety.

