

House Bill 1209 (AS PASSED HOUSE AND SENATE)

By: Representatives Floyd of the 132nd and James of the 114th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Board of Commissioners of Dooly County, approved
2 August 18, 1913 (Ga. L. 1913, p. 373), as amended, so as to create the office of county
3 administrator; to provide for the powers, duties, and authority of the county administrator;
4 to provide for the appointment, qualifications, removal, and compensation of the county
5 administrator; to provide for an acting county administrator; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the Board of Commissioners of Dooly County, approved August 18, 1913
10 (Ga. L. 1913, p. 373), as amended, is amended by adding a new section immediately
11 following Section 2, to be designated Section 2A, to read as follows:

12 "SECTION 2A.

- 13 (a) The office of county administrator of Dooly County is created.
- 14 (b) The county administrator shall be appointed by majority vote of the board of
15 commissioners to serve at the pleasure of said board for an indefinite term.
- 16 (c) The county administrator shall be chosen by the board solely upon the basis of
17 executive and administrative qualifications, with specific reference to actual experience in,
18 or knowledge of, accepted practices with respect to the duties of the office as set forth in
19 this section.
- 20 (d) The county administrator may be removed by a majority vote of the total membership
21 of the board of commissioners. The reasons for the removal shall be set forth in writing
22 and provided to the county administrator within 48 hours of the vote. The county
23 administrator shall be entitled to severance pay as outlined in an employment agreement
24 executed by the county administrator and the county. In the event no such agreement exists,

1 the county administrator shall receive severance pay equal to 90 days of base salary. No
2 severance pay shall be provided to the county administrator if the termination is for reason
3 of conviction of a felony. Nothing in this section shall prevent or interfere with the rights of
4 the board of commissioners to terminate the services of the county administrator at any time,
5 subject only to the provisions of this subsection.

6 (e) The county administrator shall be paid an annual salary to be fixed by the board of
7 commissioners, which shall be subject to adjustment annually based on an annual
8 performance evaluation by the full board. The county administrator shall receive all
9 across-the-board cost-of-living allowances and across-the-board wage and salary increases
10 awarded to county employees, and shall receive, at a minimum, all employee benefits
11 provided to county employees generally.

12 (f) By letter filed with the county clerk, the county administrator shall designate a county
13 officer or employee as acting county administrator to exercise the powers and perform the
14 duties of county administrator during the county administrator's temporary absence or
15 disability. The board of commissioners may revoke such designation at any time and
16 appoint another officer of the county to serve as acting county administrator during the
17 county administrator's temporary absence or disability. In the event the position of county
18 administrator becomes vacant, the board of commissioners may appoint an acting county
19 administrator to temporarily exercise the powers and perform the duties of county
20 administrator pending appointment of a new county administrator.

21 (g) The county administrator and any acting county administrator shall be required to
22 execute and deliver a good and sufficient bond payable to the board of commissioners of
23 Dooly County in the amount of \$25,000.00, and the premium therefore shall be paid by
24 Dooly County.

25 (h) The county administrator shall be the chief administrative officer of the county. He
26 or she shall be responsible to the board of commissioners for the proper administration of
27 the affairs of the county. It shall be the duty of the county administrator to:

28 (1) See that all ordinances, resolutions, rules and regulations of the board and all laws
29 of the state subject to enforcement by county officers or department heads are faithfully
30 executed;

31 (2) Attend all meetings of the board, with the right to take part in the discussions in
32 accordance with any rules adopted by the board of commissioners, but having no vote.
33 The county administrator shall be entitled to notice of all special meetings;

34 (3) Prepare and submit to the board a proposed annual budget and a proposed capital
35 program and to execute the budget and capital program adopted by the board, approving
36 all disbursements and expenditures as budgeted or authorized by the board;

- 1 (4) Examine regularly at periods fixed by the board of commissioners, the accounts,
2 records, and operations of every county board, commission, department, office, and
3 agency which receives appropriations from the said board; to make monthly reports to
4 the board on county, fiscal, and other affairs; to keep the board fully advised on the
5 financial conditions and future needs of the county; and to make such recommendations
6 on county affairs as he or she deems necessary for the efficient operations of the county;
- 7 (5) Submit to the board at the end of the fiscal year a complete report on the finances and
8 administrative activities of the county for the preceding year;
- 9 (6) Confer with and advise all other elected or appointed officials of the county who are
10 not under the immediate control of the board, but who receive financial support from the
11 board;
- 12 (7) Supervise the performance of all contracts made by any person for work done for the
13 county and supervise and regulate all purchases of materials and supplies for the county
14 within such limitations and under such rules and regulations as may be prescribed by the
15 board;
- 16 (8) Exercise control over all departments or divisions of the county for which the board
17 has responsibility, and to direct and supervise the administration of all county offices and
18 the construction, maintenance, and operation of all county roads, bridges, drains,
19 buildings, and other public works and the care and maintenance of all real and personal
20 property owned by the county;
- 21 (9) Appoint, and when in his or her discretion the welfare of the county requires it,
22 suspend, discharge, transfer, or remove all employees for whom the board is responsible,
23 except the county attorney who shall be appointed directly by the board. The county
24 administrator may delegate to any department head such powers with respect to
25 subordinates within that department;
- 26 (10) Fix the salaries of all officers and employees of the county, subject, however, to
27 budget appropriations and supervision and control by the board;
- 28 (11) Supervise the programs of financial management, personnel administration,
29 procurement, and risk management; and
- 30 (12) Perform such other duties as may be required by the board.
- 31 (i) The county administrator shall perform his or her duties under the direction of the board
32 of commissioners and shall be responsible to the board of commissioners as a body. No
33 member of the board of commissioners shall individually direct the county administrator
34 or attempt to interfere in the performance of his or her duties, and the board of
35 commissioners shall, except for the purpose of formal inquires and investigations, deal with

1 county employees subject to the county administrator's direction or supervision solely
2 through the county administrator.

3 (j)(1) The county administrator shall, no later than the last day of the seventh month of
4 each fiscal year, submit to the board of commissioners a budget plan and calendar for
5 developing a proposed budget for the ensuing fiscal year; and the county shall formulate
6 and submit to the board of commissioners, no later than the last day of the tenth month
7 of each fiscal year, a proposed budget for the ensuing fiscal year and an accompanying
8 message.

9 (2) The county administrator's message shall explain the budget both in fiscal terms and
10 in terms of work programs. It shall outline the proposed financial policies of the county
11 for the ensuing fiscal year, describe the important features of the budget, indicate any
12 major changes from the current fiscal year in financial policies, expenditures, and
13 revenues, together with the reasons for such changes, summarize the county's debt
14 position, and include such other material as the county administrator deems desirable.

15 (3) The proposed budget shall provide a complete financial plan of all county funds and
16 activities for the ensuing fiscal year and, except as required by law, shall be in such form
17 as the county administrator deems desirable or the board of commissioners may require.
18 The proposed budget shall, at a minimum, include a clear general summary of its
19 contents, and show in detail all estimated income, indicating the proposed property tax
20 levy, and all proposed expenditures, including debt service, for the ensuing fiscal year.
21 It shall indicate in separate sections:

22 (A) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund
23 by organization unit when practical, and the proposed method of financing each such
24 capital expenditure; and

25 (B) The anticipated income and expense and surplus or deficit for the ensuing year for
26 each utility or other enterprise fund operated by the county.

27 (k) The county administrator shall consult with the heads of county departments and
28 constitutional officers and shall prepare and submit to the board of commissioners a
29 proposed five-year capital program each year. It shall be submitted to the board of
30 commissioners by the county administrator simultaneously with submission of the
31 proposed budget for the ensuing fiscal year. The capital program shall include:

32 (1) A clear general summary of its contents;

33 (2) A list of all capital improvements and other capital expenditures which are proposed
34 to be undertaken during the five fiscal years next ensuing, with appropriate supporting
35 information as to the necessity for each;

- 1 (3) Cost estimates and recommended time schedules for each improvement or other
2 capital expenditure;
- 3 (4) Method of financing upon which each capital expenditure is to reliant; and
- 4 (5) The estimated annual cost of operating and maintaining the facilities to be
5 constructed or acquired.
- 6 (1) The county administrator, subject to supervision by the board of commissioners, shall:
- 7 (1) Develop plans and programs to advance the health, safety, general welfare, and
8 physical and economic development of the county and shall pursue grants-in-aid that may
9 be available from time to time to help finance implementation of such programs;
- 10 (2) Monitor the county's planning activities including those undertaken in response to
11 the 'Georgia Planning Act' and the 'Georgia Comprehensive Solid Waste Management
12 Act'; and
- 13 (3) Cooperate with and coordinate the community improvement activities of independent
14 authorities and agencies, county constitutional offices, the county planning commission,
15 and county departments and other organizational components of the county government
16 as necessary."

17 **SECTION 2.**

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