

Senate Bill 364

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To create the office of county manager of Gwinnett County; to provide a short title; to
2 authorize the Board of Commissioners of Gwinnett County to establish the qualifications,
3 method of selection, and related matters for such office; to establish the responsibilities and
4 duties of such office; to provide for appointment, removal, and fixing the compensation of
5 officers and employees of Gwinnett County; to require a bond and oath; to prohibit certain
6 political activity; to amend an Act creating the Board of Commissioners of Gwinnett County,
7 approved January 31, 1968 (Ga. L. 1968, p. 2003), as amended, particularly by an Act
8 approved March 24, 1988 (Ga. L. 1988, p. 4658), so as to repeal certain provisions relating
9 to the powers of the board of commissioners, the internal organization of the county
10 government, and the creation of the office of county manager; to provide for an effective
11 date; to repeal conflicting laws; and for other purposes.

12 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

13 **SECTION 1.**

14 Short title.

15 This Act shall be known and may be cited as the "Gwinnett County Manager Act."

16 **SECTION 2.**

17 Gwinnett county manager; office created; appointment; qualifications.

18 (a) There is created the office of county manager of Gwinnett County. The county manager
19 shall be appointed in the manner provided for by the board of commissioners to serve at the
20 pleasure of the board or upon such terms and conditions as the board may provide in a
21 contract of employment with the county manager recorded pursuant to Code Section 36-10-1
22 of the O.C.G.A. on the minutes of the board of commissioners. The county manager shall
23 assume all of the duties of the positions county administrator, executive assistant, and

1 administrative assistant established prior to the effective date of this Act by ordinance or
2 resolution.

3 (b) In its discretion, the Board of Commissioners of Gwinnett County may select a person
4 for the office of county manager solely upon the person's executive and administrative
5 qualifications with specific reference to actual experience in or knowledge of accepted
6 practices in respect to the duties of the office. In its discretion, the board of commissioners
7 may require any person appointed to the office of county manager to hold a bachelor's
8 degree in public administration, business administration, accounting, finance, or related fields
9 and possess at least three years' experience as a county or city manager or as an assistant
10 county or city manager; or the board of commissioners may require any person appointed to
11 the office of county manager to hold a master's degree in any of such fields and possess at
12 least two years' experience as a county or city manager or as an assistant county or city
13 manager.

14 (c) No member of the board shall be appointed as county manager during the term of office
15 for which he or she is elected or for a period of one year following the expiration of the term
16 for which he or she was elected.

17 SECTION 3.

18 Responsibilities and duties.

19 The county manager shall be the chief executive officer of Gwinnett County and shall be
20 responsible to the board of commissioners for the proper and efficient administration of all
21 affairs of the county, except as otherwise provided by law. It shall be the duty of the county
22 manager to:

23 (1) See that all laws and ordinances of the county are enforced;

24 (2) Exercise control over all departments or divisions of the county which the board has
25 exercised prior to the effective date of this Act or that may be created, except as
26 otherwise provided in this Act;

27 (3) Keep the board of commissioners fully advised as to the financial condition and
28 needs of the county;

29 (4) Supervise and direct the official conduct of all appointive county officers and
30 department heads, except as may be otherwise provided in this Act;

31 (5) Establish and alter the internal organization of the county government after
32 consultation with the board of commissioners;

33 (6) Attend all meetings of the board with the right to take part in the discussions,
34 provided that the county manager shall have no vote on any matter or issue before the
35 board;

1 (7) Supervise the performance of all contracts made by any person for work done for
 2 Gwinnett County and supervise and regulate all purchases of materials and supplies for
 3 Gwinnett County within such limitations and under such rules, regulations, and
 4 delegations of authority as may be imposed by the board of commissioners in the county
 5 purchasing ordinance, by resolution, or by contract;

6 (8) Confer with and advise all other elected or appointed officials of Gwinnett County
 7 who are not under the immediate control of the board of commissioners but who receive
 8 financial support from said board;

9 (9) Exercise the authority to countersign with the chairperson or, in his or her absence,
 10 the vice chairperson, all payroll checks for employees of Gwinnett County and such other
 11 financial instruments as the board of commissioners may by resolution delegate to the
 12 county manager;

13 (10) Devote his or her entire time to the duties and affairs of his or her office and hold
 14 no other office or employment for remuneration while so engaged; and

15 (11) Perform such other duties as may be required of him or her by the board of
 16 commissioners.

17 **SECTION 4.**

18 Appointment, removal, and fixing of compensation 19 of officers and employees of Gwinnett County.

20 (a) The county manager shall have authority to appoint and fix the compensation of the
 21 appointive officers and employees of Gwinnett County subject to the following limitations
 22 and requirements:

23 (1) The person appointed as an officer or employee shall have the qualifications
 24 necessary for the office or position; and

25 (2) The compensation fixed by the county manager shall be within the approved county
 26 budget.

27 (b) The county manager shall have authority to appoint a deputy or other assistants and
 28 department directors and execute employment agreements with them in his or her discretion
 29 in accordance with guidelines set by the board of commissioners and subject to the approval
 30 of the county attorney.

31 (c) The county manager shall have authority to discharge any employee consistent with
 32 merit system rules and regulations, if applicable, and authority to discharge the deputy
 33 county manager or any department director following consultation with the board of
 34 commissioners.

35 (d) The provisions of this section shall not apply to:

1 (1) The county attorney, retained legal counsel, and the external county auditor;
2 provided, however, that the county manager may fix the compensation of the county
3 attorney in consultation with the board of commissioners;

4 (2) Members of boards, commissions, and authorities, and positions of employment in
5 connection therewith, when such boards, commissions, and authorities were created by
6 state law; or

7 (3) Elective county officers of Gwinnett County and employees under their supervision
8 and control; provided, however, that the board of commissioners by majority vote may
9 approve or reject the salary recommended for each such employee.

10 **SECTION 5.**

11 Bond; oath.

12 (a) The county manager, before entering upon the discharge of his or her duties, shall
13 execute a bond with a solvent surety company licensed to do business in the county in an
14 amount to be approved by the board of commissioners but no less than \$100,000.00 payable
15 to the county conditioned on the faithful performance of his or her duties and to secure
16 against corruption, malfeasance, misappropriations, or unlawful expenditures. The premium
17 on said bond shall be paid by the county. The bond shall be delivered to the board within
18 five days of the county manager's assuming his or her duties and, upon receipt, shall be filed
19 by the commission clerk with the Probate Court of Gwinnett County.

20 (b) Before entering upon his or her duties, the county manager shall take and subscribe an
21 oath administered by the judge of the probate court for the faithful performance of his or her
22 duties under this Act which shall be duly entered upon the minutes of the board of
23 commissioners.

24 **SECTION 6.**

25 Political activity prohibited.

26 The county manager shall not engage in or be concerned with local partisan politics or any
27 local political campaign. The county manager shall not contribute to any local campaign
28 fund or solicit funds for local political purposes from any other person. He or she shall not
29 be eligible for election as a member of the board of commissioners of the county for a period
30 of one year after termination of his or her service as county manager.

SECTION 7.

Specific law repealed.

Section 14 of an Act creating the Board of Commissioners of Gwinnett County, approved January 31, 1968 (Ga. L. 1968, p. 2003), as amended, particularly by an Act approved March 24, 1988 (Ga. L. 1988, p. 4658), which reads as follows:

"Section 14. The internal organization of the county government shall be as established and altered by the board of commissioners. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated. The office of county manager may be created by the governing authority of Gwinnett County in the manner provided for in Code Section 36-5-22 of the O.C.G.A.",
is repealed in its entirety.

SECTION 8.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9.

Repealer.

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