

Senate Bill 577

By: Senators Hudgens of the 47th and Kemp of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "An Act to create a board of commissioners of roads and revenues
2 of Madison County, Georgia," approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended,
3 particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4802), an Act approved
4 March 24, 1988 (Ga. L. 1988, p. 4692), and an Act approved March 30, 1989 (Ga. L. 1989,
5 p. 4716), so as to provide for a quorum; to allow for the vote of the chairperson; to abolish
6 the office of treasurer; to authorize the position of chief financial officer; to provide for
7 salaries and expenses; to provide for the establishment of policies; to provide for public
8 hearings; to provide for a referendum; to provide for the submission of this Act to the United
9 States Department of Justice for approval; to provide for effective dates and automatic
10 repeal; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act entitled "An Act to create a board of commissioners of roads and revenues of
14 Madison County, Georgia," approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended,
15 particularly by an Act approved March 28, 1985 (Ga. L. 1985, p. 4802), an Act approved
16 March 24, 1988 (Ga. L. 1988, p. 4692), and an Act approved March 30, 1989 (Ga. L. 1989,
17 p. 4716), is amended by striking in its entirety Section 7 and inserting in lieu thereof the
18 following:

19 **"SECTION 7.**

20 Three members of the board, not including the chairperson, shall constitute a quorum and
21 no action shall be taken by the board without the concurring vote of at least three members.
22 A majority vote of the entire board shall control the determination of all policies of the
23 board. All members of the board other than the chairperson shall be required to vote on all
24 questions coming before the board unless a member is disqualified to vote thereon because
25 of conflict of interest or other legal reason. The chairperson shall be authorized to vote

only to break a tie vote, unless the chairperson is disqualified to vote thereon because of conflict of interest or other legal reason."

SECTION 2.

Said Act is further amended by striking in its entirety Section 8 and inserting in lieu thereof the following:

"SECTION 8.

The office of county treasurer is abolished, and the board of commissioners is authorized to appoint or employ a county chief financial officer and designate his or her duties."

SECTION 3.

Said Act is further amended by striking in its entirety Section 9 and inserting in lieu thereof the following:

"SECTION 9.

(a)(1) The chairperson of the board of commissioners of Madison County shall receive an annual salary in an amount set by the board of commissioners, payable in equal monthly installments from county funds.

(2) Members of the board other than the chairperson shall receive a salary of \$7,200.00 per annum, plus an additional \$25.00 per month for each full year of service as commissioner, not to exceed an additional \$300.00 per month. Such salary shall be payable in equal monthly installments from county funds.

(3) Whenever the employees covered by the state merit system receive a cost-of-living increase of a certain percentage or a certain amount, the salaries of the chairperson and other members of the board shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase received by the state employees is in different percentages or different amounts as to certain categories of employees, the salaries of the chairperson and other members of the board shall be increased by a percentage or an amount equal to the average percentage or average amount of the general increase in salary granted to the state employees. The periodic changes in the salaries of the chairperson and other members of the board shall become effective six months following the date the cost-of-living increase received by state employees becomes effective.

(4) The vice chairperson of the board of commissioners shall receive an additional \$600.00 per year, payable in equal monthly installments from county funds.

(b) In addition to the salaries provided in subsection (a) of this section, each member of the board, including the chairperson, may receive up to \$1,000.00 per annum in travel expenses. Such travel expenses shall be paid only for out-of-county travel on county

1 business at actual transportation cost while traveling by public carrier or actual miles
2 traveled at the prevailing rate paid per mile by the State of Georgia for its employees
3 when using a personal automobile. Each member shall be paid such travel expenses upon
4 submitting to the clerk of the board a statement of such travel supported by proper
5 vouchers. If a member of the board fails to incur \$1,000.00 in travel expenses, such
6 balance remaining shall not be carried over to the next calendar year."

7 **SECTION 4.**

8 Said Act is further amended by striking in its entirety Section 9A and inserting in lieu thereof
9 the following:

10 "SECTION 9A.

11 The office of county manager is created. The county manager shall be appointed by the
12 board of commissioners and shall serve at the pleasure of the board of commissioners. Any
13 person appointed as county manager shall possess administrative qualifications as
14 evidenced by background or experience in public administration or related fields and such
15 additional qualifications as determined by the board of commissioners. No member of the
16 board of commissioners shall be appointed as county manager during the term of office for
17 which he or she is elected. The county manager shall receive such compensation, expenses,
18 and benefits as fixed by the board. In conformity with policies and procedures established
19 by the board of commissioners, it shall be the duty of the county manager to administer the
20 affairs and day-to-day business of the county, to perform duties of an administrative nature,
21 and to exercise such powers and responsibilities which may be determined by the board
22 and which are not assigned to another person, office, or entity by law or ordinance."

23 **SECTION 5.**

24 Said Act is further amended by striking in its entirety Section 11 and inserting in lieu thereof
25 the following:

26 "SECTION 11.

27 At the first meeting in January of each year, the board shall hold, in addition to its regular
28 meeting, a meeting to determine the policies of the board as to its employees, their salaries
29 and duties, and what disciplinary measures shall be taken against employees who have
30 been or are derelict in their duties. In addition to the policies relating to the employees, the
31 board shall also determine its policies as to the building or construction of roads and
32 bridges, not including state or federal highways, and policies as to the repair and upkeep
33 of said roads and bridges. After the adoption of said policies, the same may not be changed
34 or altered in any respect except at a regular meeting of the board at which at least three
35 members are present."

SECTION 6.

Said Act is further amended by striking in its entirety Section 17 and inserting in lieu thereof the following:

"SECTION 17.

The chairperson shall be a part-time employee of Madison County."

SECTION 7.

The governing authority of Madison County shall hold at least three public hearings on the subject of this Act prior to the referendum provided for in Section 8 of this Act. Each such public hearing shall be moderated by a neutral moderator of the governing authority's choice, which may include the Madison County delegation to the General Assembly. The governing authority shall advertise such public hearings, including publishing notice in a newspaper of general circulation throughout the county once a week for two consecutive weeks.

SECTION 8.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Madison County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Madison County for approval or rejection. The election superintendent shall conduct that election at the time of the November, 2006, general election and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Madison County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which changes the form of government of Madison County by providing for a part-time chairperson and for the () NO appointment of a county manager to administer the affairs and day-to-day business of the county?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect on the first day of the month following the month in which the result of the referendum is certified to the Secretary of State. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Madison County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 9.

The board of commissioners of Madison County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 10.

This section and Sections 7 and 8 of this Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval. Sections 1 through 6 of this Act shall become effective only as provided in Section 7 of this Act.

SECTION 11.

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