

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 577:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"SECTION 7.

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

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

3 **SECTION 2.**

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

6 "SECTION 8.

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

9 **SECTION 3.**

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

12 "SECTION 9.

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

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

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

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

SECTION 4.

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

"SECTION 9A.

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

SECTION 5.

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

"SECTION 11.

At the first meeting in January of each year, the board shall hold, in addition to its regular meeting, a meeting to determine the policies of the board as to its employees, their salaries and duties, and what disciplinary measures shall be taken against employees who have been or are derelict in their duties. In addition to the policies relating to the employees, the

1 board shall also determine its policies as to the building or construction of roads and
2 bridges, not including state or federal highways, and policies as to the repair and upkeep
3 of said roads and bridges. After the adoption of said policies, the same may not be changed
4 or altered in any respect except at a regular meeting of the board at which at least three
5 members are present."

6 **SECTION 6.**

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

9 **"SECTION 17.**

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

11 **SECTION 7.**

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

18 **SECTION 8.**

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

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

32 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
33 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on

1 such question are for approval of the Act, it shall become of full force and effect on January
2 1, 2009. If the Act is not so approved or if the election is not conducted as provided in this
3 section, the remaining sections of this Act shall not become effective and this Act shall be
4 automatically repealed on the first day of January immediately following that election date.
5 The expense of such election shall be borne by Madison County. It shall be the election
6 superintendent's duty to certify the result thereof to the Secretary of State.

7 **SECTION 9.**

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

13 **SECTION 10.**

14 Sections 1 through 6 of this Act shall become effective only as provided in Section 8 of this
15 Act. All other sections of this Act shall become effective upon the approval of this Act by
16 the Governor or upon its becoming law without such approval.

17 **SECTION 11.**

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