

Senate Bill 52

By: Senators Jones of the 10th, Adelman of the 42nd, Weber of the 40th and Thompson of the 5th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act revising, superseding, and consolidating the laws relating to the governing
2 authority of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended,
3 particularly by an Act establishing the form of government of DeKalb County and fixing the
4 powers and duties of the officers constituting the governing authority of DeKalb County,
5 approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the provisions
6 relating to the authority of the chief executive officer to preside over meetings of the county
7 commission and vote in certain instances; to change the provisions relating to the authority
8 of the chief executive officer to set the agenda for meetings of the county commission; to
9 provide for related matters; to provide for a referendum; to provide an effective date; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act revising, superseding, and consolidating the laws relating to the governing authority
14 of DeKalb County, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly
15 by an Act establishing the form of government of DeKalb County and fixing the powers and
16 duties of the officers constituting the governing authority of DeKalb County, approved
17 April 9, 1981 (Ga. L. 1981, p. 4304), as amended, is amended by adding a new paragraph
18 (20) to subsection (a) of Section 9 of the 1981 amendatory Act (Ga. L. 1981, p. 4304) to read
19 as follows:

20 "(20) To prepare an agenda for meetings of the Commission."

21 **SECTION 2.**

22 Said Act is further amended by striking subsections (a) and (c) of Section 11 of the 1981
23 amendatory Act (Ga. L. 1981, p. 4304) in their entirety and inserting in lieu thereof new
24 subsections (a) and (c) to read as follows:

25 "(a) The Chief Executive shall not preside at any regular or specially called meeting of the
26 Commission and shall have no vote at meetings of the Commission."

1 "(c) The Presiding Officer shall preside at meetings of the Commission and shall have the
2 following additional duties:

3 (1) To convene such special meetings of the Commission as are deemed necessary, but
4 all members shall be notified at least three days in advance of any such special meeting;

5 (2) To appoint the members and chairpersons of such committees of the Commission as
6 the Commission, by its rules, may establish and fill vacancies therein, but any such
7 appointments may be rejected by a majority vote of the total membership of the
8 Commission;

9 (3) To compel the attendance of members at meetings of the Commission by subpoena,
10 if necessary, subject to the policy of the Commission as established by its rules; and

11 (4) To exercise such other powers and duties as may be assigned to the Presiding Officer
12 by ordinance or rules and regulations of the Commission."

13 SECTION 3.

14 Said Act is further amended by striking subsection (l) of Section 13 of the 1981 amendatory
15 Act (Ga. L. 1981, p. 4304) in its entirety which reads as follows:

16 "(l) The Chief Executive shall issue calls for agenda items and shall prepare and publish
17 a listing of those items and the same shall serve as the agenda for the Commission unless
18 superseded by the Commission."

19 SECTION 4.

20 Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the
21 election superintendent of DeKalb County shall call and conduct a special election for the
22 purpose of submitting this Act to the electors of DeKalb County for approval or rejection.
23 The election superintendent shall conduct that election on a practicable date in 2007
24 authorized under Code Section 21-2-540 of the O.C.G.A.; provided, however, that if the
25 conducting of the election under this Act earlier is impracticable, then the election
26 superintendent shall conduct the election under this Act on the Tuesday after the first
27 Monday in November, 2007. The election superintendent shall issue the call and conduct
28 that election as provided by general law. The superintendent shall cause the date and purpose
29 of the election to be published once a week for two weeks immediately preceding the date
30 thereof in the official organ of DeKalb County. The ballot shall have written or printed
31 thereon the words:

32 "() YES Shall the Act be approved which provides for the presiding officer to
33 () NO preside over meetings of the DeKalb County Commission and for the
34 commission to establish its own agenda for such meetings?"

1 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
2 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
3 such question are for the approval of the Act, Sections 1, 2, and 3 of this Act shall become
4 of full force and effect on the first day of the month immediately following such election.
5 If the Act is not approved or if the election is not conducted as provided in this section,
6 Sections 1, 2, and 3 of this Act shall not become effective and this Act shall be automatically
7 repealed on the first day of January immediately following that election date. The expense
8 of such election shall be borne by DeKalb County. It shall be the duty of the election
9 superintendent of DeKalb County to certify the results thereof to the Secretary of State.

10

SECTION 5.

11 Except as otherwise provided in Section 4 of this Act, this Act shall become effective upon
12 its approval by the Governor or its becoming law without such approval.

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SECTION 6.

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