

House Bill 899

By: Representatives Jacobs of the 80<sup>th</sup>, Millar of the 79<sup>th</sup>, Chambers of the 81<sup>st</sup>, and Levitas of the 82<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to  
2 organization of county government, so as to provide a short title; to provide that the General  
3 Assembly may create chief executive officer/county commission forms of government for  
4 county governing authorities; to limit the powers of the chief executive officer in such form  
5 of government; to provide for an exception for existing chief executive officer/county  
6 commission forms of government; to provide for a referendum to make existing chief  
7 executive officer/county commission forms subject to such limitation; to provide for related  
8 matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of  
12 county government, is amended by adding a new Article 1 to read as follows:

13 style="text-align:center">"ARTICLE 1

14 36-5-1.

15 This article shall be known and may be cited as the 'County Chief Executive Officer  
16 Accountability Act.'

17 36-5-2.

18 (a) The General Assembly by local Act may create chief executive officer/county  
19 commission forms of government for county governing authorities, provided that the chief  
20 executive officer shall not have the power:

21 (1) To preside over meetings of the county commission;

22 (2) To set the agenda for meetings of the county commission;

23 (3) To veto ordinances and other actions of the county commission; or

1 (4) To vote on any matter at a meeting of the county commission.

2 (b) Except as otherwise provided in this Code section, this Code section shall not apply  
3 to counties which have an existing chief executive officer/county commission form of  
4 government on July 1, 2008.

5 (c)(1) Each county which has an existing chief executive officer/county commission  
6 form of government on July 1, 2008, shall submit to the electors of the county at the  
7 November 2008 general election in a referendum the question of whether this Code  
8 section shall apply to the county governing authority. Such referendum shall be called  
9 and conducted in accordance with the provisions of Chapter 2 of Title 21. The election  
10 superintendent shall cause the date and purpose of the referendum to be published once  
11 a week for two weeks immediately preceding the date thereof in the official organ of the  
12 county. The ballot shall have written or printed thereon the words:

13 "( ) YES Shall the provisions of the 'County Chief Executive Officer Accountability  
14 ( ) NO Act,' which remove the power of the chief executive officer to preside over  
15 meetings of the county commission, to set the agenda for meetings of the  
16 county commission, to veto ordinances and other actions of the county  
17 commission, and to vote at meetings of the county commission, be made  
18 applicable to \_\_\_\_\_ County?"

19 All persons desiring to vote in favor of the question shall vote "Yes," and all persons  
20 desiring to vote against the question shall vote "No."

21 (2) If more than one-half of the votes cast on such question are in favor of the question,  
22 this Code section shall apply to such county and become of full force and effect on  
23 January 1, 2009. In such cases, the county commission shall establish by ordinance or  
24 resolution procedures for the selection of a presiding officer and the establishing of  
25 agenda for meetings of the county commission. If the question is not so approved or if  
26 the election is not conducted as provided in this section, this Code section shall not apply  
27 to such county.

28 (3) The expense of such election shall be borne by the county. It shall be the election  
29 superintendent's duty to certify the result thereof to the Secretary of State."

30 **SECTION 2.**

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