

House Bill 1182 (AS PASSED HOUSE AND SENATE)

By: Representative Morris of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Toombs County, approved
2 February 13, 1959 (Ga. L. 1959, p. 2010), as amended, so as to provide for the election of
3 a vice-chairperson and the powers, duties, and compensation of the chairperson of the board
4 of commissioners; to create the office of county manager and provide for the qualifications,
5 appointment, duties, powers, and other matters relevant to the office of county manager; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the board of commissioners of Toombs County, approved February 13, 1959
10 (Ga. L. 1959, p. 2010), as amended, is amended by revising Section 7 as follows:

11 "Section 7.

12 (a) The members of the board shall annually elect a vice-chairperson from their
13 membership to serve as the chairperson in the case of the absence of the chairperson for
14 any reason. Three members of the board shall constitute a quorum for the purpose of
15 conducting the business of the board.

16 (b) The chairperson or any other member of the board of commissioners so designated by
17 the chairperson shall sign all checks issued by the board which shall be countersigned by
18 the county manager or the county clerk, or both.

19 (c) The chairperson of the board of commissioners shall be the chief elected officer of
20 Toombs County and as such shall have the following powers and duties:

21 (1) To preside at all meetings of the board of commissioners and be recognized as the
22 official head and spokesperson of the county for service of process and ceremonial
23 purposes;

24 (2) To vote on matters before the board of commissioners only in the case of a tie;

1 (3) To timely sign, for and on behalf of the county, all contracts, ordinances, instruments,
 2 and other documents required to be in writing, unless otherwise directed or authorized by
 3 this law or the board of commissioners;

4 (4) To administer oaths and take affidavits; and

5 (5) To fulfill such other duties as authorized by the board of commissioners.

6 (d) The compensation of the chairperson of the board of commissioners shall be an annual
 7 salary of \$18,000.00.

8 (e) Each member of the board shall be compensated by a salary of \$500.00 per month, and
 9 all commissioners shall be reimbursed for actual expenses incurred when outside the
 10 county on official business of the county.

11 (f) In addition to their salaries, the board of commissioners is authorized to provide
 12 accident, health, and hospitalization insurance for members of the board and to pay for
 13 such insurance from funds of Toombs County."

14 **SECTION 2.**

15 Said Act is further amended by adding a new section to read as follows:

16 "Section 10.1.

17 (a) There is created the position of county manager of Toombs County. The county
 18 manager shall be appointed by majority vote of the members of the board of commissioners
 19 of Toombs County and shall be the chief administrative officer and head of the
 20 administrative branch of county government. In its discretion, the board of commissioners
 21 may select a person to serve as county manager solely on the basis of the person's good
 22 character and administrative qualifications with specific references to actual experience in
 23 or knowledge of accepted practices in respect to the duties of this office.

24 (b) At the time of appointment such person need not be a resident of the county or state,
 25 but, within six months following commencement of the duties of the office, such person
 26 shall reside within the county. No member of the board of commissioners of Toombs
 27 County shall be appointed county manager or interim county manager until one year has
 28 elapsed following the expiration of the commissioner's term of office for which he or she
 29 was elected.

30 (c) The county manager shall be appointed for an indefinite term and serve at the pleasure
 31 of the board of commissioners. The compensation of the county manager shall be as set
 32 by the board of commissioners. The board may contract with the individual to be
 33 appointed as the county manager of Toombs County on such terms as it may deem
 34 reasonable and prudent.

1 (d) Before entering upon the discharge of the duties of the office, the county manager shall
2 execute a bond with a solvent surety company licensed to do business in Toombs County
3 in an amount to be determined by the board of commissioners, but not less than
4 \$100,000.00, payable to Toombs County for the faithful performance of the manager's
5 duties and to secure against corruption, malfeasance, misappropriation, or unlawful
6 expenditure. The premium on such bond shall be paid by Toombs County.

7 (e) Prior to entering upon his or her duties, the county manager shall take and subscribe
8 an oath for the faithful performance of his or her duties, and such oath shall be entered
9 upon the minutes of the board of commissioners.

10 (f) It shall be the duty of the county manager to:

11 (1) Supervise the administration of the affairs of the county and see that all ordinances,
12 resolutions, and regulations of the board are faithfully executed and enforced;

13 (2) Prescribe, publish, and implement standards of administrative management and
14 operating procedures for approval by the board of commissioners;

15 (3) Except for the county attorney and county auditor, supervise all employees under the
16 jurisdiction of the board of the commissioners;

17 (4) Except for the county attorney and county auditor who shall only be appointed and
18 removed directly by the board of commissioners, appoint, and when in his or her
19 discretion the welfare of the county requires it, suspend, discharge, transfer, or remove
20 all employees for whom the board of commissioners is responsible pursuant to
21 procedures and policies adopted by the board of commissioners. The manager may
22 delegate to any department head such powers with respect to subordinates within his or
23 her department;

24 (5) Select and remove department heads after communication with the board of
25 commissioners;

26 (6) Require periodic reports from heads of departments and other employees entrusted
27 with administrative duties or who exercise discretion. Except for the county attorney and
28 county auditor, the manager shall at all times have the authority to examine all books and
29 records of every officer and department of the county under the jurisdiction of the board
30 of commissioners;

31 (7) Keep the board of commissioners fully advised as to the financial condition and
32 needs of the county;

33 (8) Submit to the board of commissioners a monthly summary of the financial and
34 administrative activities of the county and make available to the board and the public a
35 complete report on the finances and administrative activities of the county as of the end
36 of each fiscal year;

- 1 (9) Attend all meetings of the board of commissioners with a right to take part in the
2 discussion but have no vote and attend such other meetings involving county government
3 as the board may direct;
- 4 (10) Supervise the performance of all contracts made by any person, company,
5 corporation, or other entity concerning work done for the county;
- 6 (11) Prepare and submit an annual budget to the board of commissioners as provided in
7 paragraph (g) of this section;
- 8 (12) Supervise and regulate all purchases of material and supplies for the county within
9 such limitations and regulations as may be established by the board of commissioners;
- 10 (13) Recommend to the board of commissioners for adoption such measures as the
11 manager deems expedient or necessary;
- 12 (14) Devote his or her entire time to the duties and affairs of the office of county
13 manager and hold no other office or employment for remuneration while serving as the
14 county manager; and
- 15 (15) Perform such other duties as may be specified by the law that established and
16 governs the Toombs County Board of Commissioners or as may be required by the board
17 of commissioners.
- 18 (g) The county manager shall submit to the board of commissioners no later than the last
19 day of the seventh month of the fiscal year, a budget plan and calendar for the development
20 of a proposed budget for the ensuing fiscal year that will show proposed target dates for
21 workshops, meetings, public hearings, and adoption dates for the ensuing budget in such
22 form as the board of commissioners, in consultation with the manager, deems appropriate
23 and as required by Georgia law.
- 24 (h) No member of the board of commissioners shall individually direct the county manager
25 or attempt to interfere in the performance of his or her duties, and except for the purpose
26 of formal inquiries and investigations, no member of the board of commissioners shall,
27 either publicly or privately or directly or indirectly, give orders or directions to any county
28 employee who is subject to the direction and supervision of the county manager.
- 29 (i) The county manager shall have full authority to execute the county's annual operating
30 and capital budgets. Establishment of all special funds and authorization of expenditures
31 from any special funds shall require approval of the board of commissioners. The board
32 of commissioners shall also approve any operating or capital budget amendments requiring
33 use of funds from the contingency special fund.
- 34 (j) The county manager shall not engage in or be concerned with local politics or any local
35 campaign. The county manager shall not contribute to any local campaign fund or solicit
36 funds for local political purposes, and the county manager shall not be eligible for election

1 to the board of commissioners of Toombs County for a period of one year after termination
2 of service as county manager.

3 (k) The county manager may be suspended or removed at the pleasure of the board of
4 commissioners by a majority vote of the full membership of the board of commissioners.

5 (1) The board of commissioners may designate a person or persons to perform the duties
6 of the county manager during the absence, disability, or suspension of the county manager.

7 Vacancies in the office of county manager shall be filled by the board of commissioners
8 as early as practicable, and until such vacancy is permanently filled, the board of
9 commissioners shall have full power to appoint an interim county manager.

10

SECTION 3.

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