

Senate Bill 467

By: Senator Hooks of the 14th

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the Board of Commissioners of Roads and Revenues for Upson  
2 County, approved February 1, 1877 (Ga. L. 1877, p. 3729), as amended, particularly by an  
3 Act approved April 16, 1999 (Ga. L. 1999, p. 4388), so as to provide for matters under the  
4 exclusive jurisdiction and control of the board of commissioners; to provide for the  
5 appointment of a county manager and county clerk; to provide for the duties and  
6 compensation for a county manager and county clerk; to provide for related matters; to repeal  
7 conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act creating the Board of Commissioners of Roads and Revenues for Upson County,  
11 approved February 1, 1877 (Ga. L. 1877, p. 3729), as amended, particularly by an Act  
12 approved April 16, 1999 (Ga. L. 1999, p. 4388), is amended by striking in its entirety Section  
13 6 and inserting a new Section 6 to read as follows:

14 "SECTION 6.

15 (a) There is created the position of county manager of Upson County. The county  
16 manager shall be the chief administrative officer and head of the administrative branch of  
17 county government. The Board of Commissioners of Upson County shall select and  
18 appoint a county manager, who shall receive such compensation as may be prescribed by  
19 the board of commissioners. The county manager must devote all of such officer's  
20 working time and attention to the affairs of the county and shall be responsible to the board  
21 of commissioners for the efficient administration of all of the affairs of the county over  
22 which such officer has jurisdiction.

23 (b) Such person shall be of good character and of proven executive ability and experience.  
24 The county manager shall be chosen by the board of commissioners solely on the basis of

1 such person's executive and administrative qualifications with special reference to such  
2 person's actual experience in or such person's knowledge of accepted practice with respect  
3 to the duties of such person's office as provided for in this section. At the time of such  
4 person's appointment such person need not be a resident of the county or state but, during  
5 such person's tenure of office, such person shall reside within the county. No person  
6 elected to membership on the board of commissioners shall, subsequent to such election,  
7 be eligible for appointment as county manager until one year has elapsed following the  
8 expiration of the commissioner term for which such person was elected.

9 (c) The county manager shall be appointed for an indefinite term and shall serve at the  
10 pleasure of the board of commissioners. Any action of the board in suspending or  
11 removing the county manager shall be final.

12 (d) The board of commissioners may designate a person or persons to perform the  
13 functions and duties of the county manager during the absence, disability, or suspension  
14 of the county manager. Vacancies in the office of county manager shall be filled by the  
15 board of commissioners as early as practicable and, until such vacancy is filled, the board  
16 of commissioners shall have full power to make a temporary appointment or to perform the  
17 functions and duties of such office.

18 (e) The county manager shall have the following duties, powers, and authority:

19 (1) To supervise the administration of the affairs of the county and to see that the  
20 ordinances, resolutions, and regulations of the board of commissioners and the laws of  
21 the state are faithfully executed and enforced;

22 (2) To hire and remove all employees of the county under the jurisdiction of the board  
23 of commissioners, except the county attorney, county auditor, county clerk, and members  
24 of the boards, commissions, and authorities, who shall be hired and removed by the board  
25 of commissioners. Department heads should be selected and removed after  
26 communication with the board of commissioners;

27 (3) To exercise administrative authority and supervision over all departments and  
28 personnel under the jurisdiction of the board of commissioners;

29 (4) To require reports from heads of departments and other employees entrusted with  
30 administrative duties or exercising discretion. The county manager shall have at all times  
31 the authority to examine all books and records of every officer and department of the  
32 county under the jurisdiction of the board of commissioners;

33 (5) To attend all meetings of the board of commissioners with a right to take part in the  
34 discussions but having no vote, and to attend such other meetings involving county  
35 government as the board of commissioners may direct;

36 (6) To recommend to the board of commissioners for adoption such measures as the  
37 county manager may deem necessary or expedient;

1 (7) To supervise the performance of all contracts made by any person, company, or  
2 corporation for work done for the board of commissioners;

3 (8) To be the purchasing agent of materials and supplies for the county under such rules  
4 and regulations as may be imposed by the board of commissioners. The county manager  
5 may designate another person to be purchasing agent. If such purchasing agent is a  
6 person other than the county manager, that person, before entering upon the discharge of  
7 such person's duties, shall execute a bond with a solvent surety company licensed to do  
8 business in Upson County in an amount to be approved by the board of commissioners  
9 but not less than \$50,000.00, payable to Upson County, conditioned for the faithful  
10 performance of such person's duties and to secure against corruption, malfeasance,  
11 misappropriation, or unlawful expenditure. The premium on such bond shall be paid for  
12 by Upson County;

13 (9)(A) To submit to the board of commissioners with assistance from the county  
14 accountant or county financial officer, no later than the last day of the eighth month of  
15 each fiscal year, a budget plan and calendar for developing a proposed budget for the  
16 ensuing fiscal year; and to formulate and submit to the board of commissioners, no later  
17 than the last day of the tenth month of each fiscal year, a proposed budget for the  
18 ensuing fiscal year and an accompanying explanation.

19 (B) The county manager's explanation shall explain the budget both in fiscal terms and  
20 in terms of the work programs. It shall outline the proposed financial policies of the  
21 county for the ensuing fiscal year, describe the important features of the budget,  
22 indicate any major changes from the current year in financial policies, expenditures,  
23 and revenues, together with the reasons for such changes, summarize the county's debt  
24 position, and include such other material as the county manager deems desirable.

25 (C) The proposed budget shall provide a complete financial plan of all county funds  
26 and activities for the ensuing fiscal year and, except as required by law, shall be in such  
27 form as the board of commissioners may require. The proposed budget shall, at a  
28 minimum, include a clear general summary of its contents and show in detail all  
29 estimated income, indicating the proposed property tax levy and all proposed  
30 expenditures, including debt service, for the ensuing fiscal year. It shall indicate in  
31 separate sections:

32 (i) Proposed capital expenditures during the ensuing fiscal year, detailed for each  
33 fund by organization unit when practicable, and the proposed method of financing  
34 each such capital expenditure; and

35 (ii) The anticipated income and expense and surplus or deficit for the ensuing year  
36 for each utility or other enterprise fund operated by the county.

1 (D) The county manager shall consult with the heads of county departments,  
2 constitutional officers, and the county planning commission and shall prepare and  
3 submit to the board of commissioners a proposed five-year capital program each year.  
4 It shall be submitted to the board of commissioners by the county manager  
5 simultaneously with submission of the proposed budget for the ensuing fiscal year. The  
6 capital program shall include:

7 (i) A clear general summary of its contents;

8 (ii) A list of all capital improvements and other capital expenditures which are  
9 proposed to be undertaken during the five fiscal years next ensuing, with appropriate  
10 supporting information as to the necessity for each;

11 (iii) Cost estimates and recommended time schedules for each improvement or other  
12 capital expenditure;

13 (iv) The method of financing upon which each capital expenditure is to be reliant;  
14 and

15 (v) The estimated annual cost of operating and maintaining the facilities to be  
16 constructed or acquired;

17 (10) To keep the board of commissioners fully advised at all times as to the financial  
18 condition and needs of the county;

19 (11) To make or cause to be made a full written report to the board of commissioners  
20 each month showing the operations and expenditures of each department of the county  
21 government for the preceding month;

22 (12) To serve as personnel director in the supervision and administration of the county's  
23 personnel system for county employees;

24 (13) To delegate purely administrative duties to subordinates in the county government  
25 whose work the county manager shall supervise and direct; provided, however, that the  
26 delegation or assignment of duties to subordinates shall not relieve the county manager  
27 of responsibility for administration of county affairs;

28 (14) To develop or supervise the development of applications for and administer grants  
29 such as the Community Development Block Grant, and grants from the Georgia  
30 Department of Community Affairs, the Environmental Protection Agency, the Georgia  
31 Department of Transportation, and any other state or federal granting agencies;

32 (15) To act as liaison between the board of commissioners and the public by responding  
33 to inquiries and resolving conflicts; and

34 (16) To perform such other duties as may be prescribed by this Act or other duties as  
35 may from time to time be required by the board of commissioners.

36 (f) The county manager, before entering upon the discharge of the duties of county  
37 manager, shall execute a bond with a solvent surety company licensed to do business in

1 Upson County in an amount to be approved by the board of commissioners but not less  
2 than \$50,000.00, payable to Upson County, conditioned for the faithful performance of  
3 such officer's duties and to secure against corruption, malfeasance, misappropriation, or  
4 unlawful expenditure. The premium on such bond shall be paid for by Upson County.

5 (g) The county manager shall not engage in or be concerned with local partisan politics or  
6 any local political campaign. The county manager shall not contribute to any local  
7 campaign fund or solicit funds for local political purposes from any other person. The  
8 county manager shall not be eligible for election as a member of the Board of  
9 Commissioners of Upson County for a period of one year after termination of service as  
10 county manager.

11 (h) Except for the purpose of inquiry and investigation, the board of commissioners shall  
12 deal with county employees who are subject to appointment and removal by the county  
13 manager solely through the county manager and shall not give orders or directions to any  
14 such employee, either publicly or privately, directly or indirectly."

15 **SECTION 2.**

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