

House Bill 1407 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the office of commissioner of roads and revenues in the County
2 of Atkinson (now the board of commissioners of Atkinson County), approved July 23, 1931
3 (Ga. L. 1931, p. 380), as amended, particularly by an Act approved March 27, 1968
4 (Ga. L. 1968, p. 2882), an Act approved March 29, 1994 (Ga. L. 1994, p. 4418), and an Act
5 approved May 30, 2003 (Ga. L. 2003, p. 3791), so as to provide for the filling of vacancies
6 on the board; to provide for the compensation for members of the board; to provide for the
7 duties of the chairperson; to provide for a quorum and the number of votes necessary to take
8 action by the board; to provide for the approval of certain disbursements and expenditures
9 to provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating the office of commissioner of roads and revenues in the County of Atkinson
13 (now the board of commissioners of Atkinson County), approved July 23, 1931 (Ga. L. 1931,
14 p. 380), as amended, particularly by an Act approved March 27, 1968 (Ga. L. 1968, p. 2882),
15 an Act approved March 29, 1994 (Ga. L. 1994, p. 4418), and an Act approved May 30, 2003
16 (Ga. L. 2003, p. 3791), is amended by revising Section 3 as follows:

17 "SECTION 3.

18 (a)(1) In the event of a vacancy in the office of member of the board of commissioners,
19 other than the chairperson, for any reason other than the expiration of the term of office,
20 the vacancy shall be filled in accordance with this subsection.

21 (2) If the vacancy occurs during the final 27 months of a term of office, the remaining
22 members of the board shall appoint a person to fill such vacancy for the remainder of the
23 unexpired term of office.

24 (3) If the vacancy occurs at any time prior to the final 27 months of a term of office, the
25 remaining members of the board shall appoint a person to fill such vacancy until such

1 vacancy is filled for the unexpired term of office at a special election as provided in
2 subsection (c) of this section.

3 (b)(1) At the first meeting following the effective date of this Act and at the first meeting
4 of each calendar year thereafter, the members of the board of commissioners shall elect
5 from among their number a vice chairperson.

6 (2) In the event of a vacancy in the office of chairperson, for any reason other than the
7 expiration of the term of office, the vacancy shall be filled in accordance with this
8 subsection.

9 (3) If the vacancy occurs during the final 27 months of a term of office, the vice
10 chairperson shall assume the duties of the chairperson for the remainder of the unexpired
11 term of office of such chairperson.

12 (4) If the vacancy occurs at any time prior to the final 27 months of a term of office, the
13 vice chairperson shall assume the duties of the chairperson until such vacancy is filled for
14 the unexpired term of office at a special election as provided in subsection (c) of this
15 section. Upon the election of a chairperson in such special election and such person
16 beginning the duties of chairperson, the vice chairperson shall return to his or her position
17 as a member of the county commission.

18 (c) When a special election is required to fill a vacancy for the unexpired term of office
19 as provided by subsection (a) or (b) of this section, such special election shall be held on
20 the same date as the general election which is first held following the date of the vacancy
21 and in conjunction with such general election. It shall be the duty of the county election
22 superintendent to call and conduct such special election in accordance with the applicable
23 provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the 'Georgia Election Code.'

24 (d) If the vacancy to be filled is for a member other than the chairperson, the person
25 elected to fill such vacancy shall reside in the commissioner district in which the vacancy
26 occurred.

27 (e) In the event that a member of the board other than the chairperson moves such
28 member's residence from the district from which he or she was elected, a vacancy shall
29 exist in such district and shall be filled in accordance with this section."

30 SECTION 2.

31 Said Act is further amended by revising Section 5 as follows:

32 "SECTION 5.

33 (a) The chairperson of the board of commissioners, who shall devote full time to the duties
34 of such office, shall receive a salary of \$36,000.00 annually, such benefits as the county

1 may provide for its employees, and a county vehicle with the cost of maintenance and fuel
2 for such vehicle to be paid by the county. No supplement shall be paid to such chairperson.

3 (b) The other members of the board shall receive \$400.00 per month and such benefits as
4 the county may provide for its employees as full compensation for their duties. No
5 supplement shall be paid to such members. Upon a member receiving his or her county
6 commissioner certification pursuant to the training programs offered by the Association
7 County Commissioners of Georgia, the member's compensation shall increase to \$500.00
8 per month.

9 (c) On and after January 1, 2009, whenever the employees in the classified service of the
10 state merit system receive a cost-of-living increase or general performance based increase
11 of a certain percentage or a certain amount, the amount of compensation provided in
12 subsections (a) and (b) of this section shall be increased by the same percentage or same
13 amount applicable to such state employees. If the cost-of-living increase or general
14 performance based increase received by state employees is in different percentages or
15 different amounts as to certain categories of employees, the amount of compensation
16 provided in subsection (a) and (b) of this section shall be increased by a percentage or an
17 amount not to exceed the average percentage or average amount of the general increase in
18 salary granted to the state employees. The Office of Planning and Budget shall calculate
19 the average percentage increase or average amount increase when necessary. The periodic
20 changes in the amount of compensation in subsections (a) and (b) of this section shall
21 become effective on the first day of January following the date that the cost-of-living
22 increases or general performance based increases received by state employees become
23 effective; provided, however, that if the cost-of-living increases received by state
24 employees become effective on January 1, such periodic changes in the amount of
25 compensation provided in subsections (a) and (b) of this section shall become effective on
26 the same date that the cost-of-living increases or general performance based increases
27 received by state employees become effective."

28 **SECTION 3.**

29 Said Act is further amended by revising Section 6 as follows:

30 "SECTION 6.

31 (a) The chairperson shall preside over meetings of the board of commissioners and shall
32 vote on questions before the board only in the event of a tie vote by other members of the
33 board.

34 (b) The chairperson shall be a full-time position and shall be responsible for the day-to-day
35 operation of the county government. The chairperson shall be authorized to hire and

1 terminate county employees subject to the right of a terminated employee to file a
2 grievance or appellate rights under the county personnel policies.

3 (c) No ordinance, resolution, or other action of the board shall pass unless approved by a
4 majority of the members present and voting."

5 **SECTION 4.**

6 Said Act is further amended by revising Section 9 as follows:

7 "SECTION 9.

8 (a) The commissioners shall meet together once each month on a day to be fixed and
9 determined by them, of which notice shall be given. Said meetings so held shall be
10 denominated regular meetings for the transaction of all matters which, by law, come under
11 the jurisdiction off the board, and shall be held at such place as may be designated in the
12 courthouse at Pearson, Georgia, or other county facility for such purpose.

13 (b) A quorum for meetings of the board of commissioners shall be three members."

14 **SECTION 5.**

15 Said Act is further amended by revising Section 12 as follows:

16 "SECTION 12.

17 (a) It shall be the duty of said board to cause the clerk to make up a list of receipts of the
18 county and the sources thereof, and of the disbursements or expenditures, and to whom and
19 for the purpose made, and cause the same to be published in the official organ of said
20 county each month.

21 (b) All disbursements or expenditures of \$5,000.00 or more shall require prior approval
22 of the board of commissioners. Disbursements or expenditures of less than \$5,000.00 shall
23 not require prior approval of the board of commissioners unless such prior approval is
24 required by law or such disbursements or expenditures involve bids."

25 **SECTION 6.**

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