

House Bill 1466 (AS PASSED HOUSE AND SENATE)

By: Representative Cole of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the board of commissioners of Jasper County, approved July 23,
2 1923 (Ga. L. 1923, p. 255), as amended, so as to consolidate the amendatory Acts into one
3 Act and to modernize and update such Act; to provide for a quorum; to provide for meetings;
4 to provide for a chairperson and a vice-chairperson of the board; to provide for a county
5 manager; to provide for bonds; to provide for compensation for board members; to provide
6 for work detail; to provide for procedures regarding the filling of vacancies; to provide for
7 related matters; to repeal 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 Jasper County, approved July 23, 1923
11 (Ga. L. 1923, p. 255), as amended, is amended by striking Sections 1 through 16 of the Act
12 and inserting in lieu thereof the following:

13 "SECTION 1.

14 (a) There is established in Jasper County a board of commissioners, which shall be the
15 governing authority of Jasper County and shall be composed of five members as provided
16 in this section. For the purpose of electing members of the board, Jasper County is divided
17 into five commissioner districts which shall be and correspond to those five numbered
18 districts described in and attached to and made a part of this Act and further identified as
19 Plan Name: jasperp1 Plan Type: Local User: staff Administrator: Jasper. When used in
20 such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the
21 same geographical boundaries as provided in the report of the Bureau of the Census for the
22 United States decennial census of 2000 for the State of Georgia. The separate numeric
23 designations in a Tract description which are underneath a 'BG' heading shall mean and
24 describe individual Blocks within a Block Group as provided in the report of the Bureau
25 of the Census for the United States decennial census of 2000 for the State of Georgia. Any

1 part of Jasper County which is not included in any such district described in that attachment
2 shall be included within that district contiguous to such part which contains the least
3 population according to the United States decennial census of 2000 for the State of
4 Georgia. Any part of Jasper County which is described in that attachment as being in a
5 particular district shall nevertheless not be included within such district if such part is not
6 contiguous to such district. Such noncontiguous part shall instead be included within that
7 district contiguous to such part which contains the least population according to the United
8 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in
9 the description of any commissioner district, whenever the description of such district
10 refers to a named city, it shall mean the geographical boundaries of that city as shown on
11 the census map for the United States decennial census of 2000 for the State of Georgia.

12 (b)(1) One commissioner shall be elected from each commissioner district by the electors
13 residing solely within each respective district. A commissioner must reside within the
14 district from which such commissioner is elected. Candidates for the office of
15 commissioner shall certify at the time of their qualification as candidates that they are
16 residents of the commissioner district from which they seek election.

17 (2) In all elections conducted pursuant to this Act, each candidate shall designate, at the
18 time of qualifying, the district from which they offer as a candidate. To be elected as a
19 member of the board, a candidate must receive the highest number of votes cast for the
20 seat they are seeking; and, at the same time, a candidate must receive a majority of the
21 total votes cast for the election of a commissioner to that seat. In the event no candidate
22 for a particular seat receives a majority of the votes for the seat the candidate is seeking,
23 a run-off election shall be conducted for that particular seat in accordance with the
24 provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now
25 or hereafter amended.

26 (c) The members of the board of commissioners in office on January 1, 2008, shall
27 continue to serve until the expiration of the terms for which they were elected, which terms
28 shall expire December 31, 2008, and until successors are elected and qualified. At the
29 general election in 2008, the members of the board shall be elected from Commissioner
30 Districts 1 through 5 in accordance with the provisions of subsection (a) of this section to
31 take office on January 1, 2009, for terms as set forth in this Act and until their successors
32 are elected and qualified. Thereafter, successors shall be elected in the general election in
33 the year in which the terms of office expire and shall take office on the first day of January
34 immediately following their election for terms as set forth in this Act and until their
35 successors are elected and qualified.

1 SECTION 2.

2 The term of the members of the board of commissioners shall be four years and such
3 members shall be elected pursuant to Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
4 Election Code.'

5 SECTION 3.

6 Any three commissioners shall constitute a quorum for the transaction of business, and they
7 must concur to pass any order or decree.

8 SECTION 4.

9 The board of commissioners shall have exclusive jurisdiction when sitting for county
10 purposes over the following subject matter:

11 (1) Governing and controlling all the property of the county as they may deem expedient,
12 according to law;

13 (2) In levying a general tax for general and a special tax for particular county purposes,
14 according to the provisions of the Code and the laws of Georgia;

15 (3) In establishing, altering and abolishing roads, bridges and ferries in conformity to
16 law;

17 (4) In establishing and changing militia districts and election precincts;

18 (5) In examining and allowing all claims against the county;

19 (6) In examining and auditing the accounts of all officers having the care, management,
20 keeping, collecting and disbursement of money belonging to the county or appropriated
21 for its use and benefit, and bringing them for a settlement;

22 (7) In making such rules and regulations for the support of the poor of the county as are
23 authorized by law, or not inconsistent therewith; and

24 (8) In regulating peddling and fixing cost of license therefor, and such other powers as
25 were vested by law in the inferior court, when sitting for county purposes, prior to the
26 adoption of the present State Constitution, and shall have no jurisdiction save and except
27 such as pertain to county matters.

28 SECTION 5.

29 Said board of commissioners shall hold 12 regular sessions annually, to be held on the first
30 Monday of each month, unless such day is a legal holiday, then on such day as the
31 commissioners may direct, and at such times as the board of commissioners shall establish;
32 provided, nevertheless, that a majority of said board may convene the same in extra sessions
33 whenever in their judgment the same may be necessary.

SECTION 6.

The chairperson of the board of commissioners shall be elected by majority vote of the commissioners at the first meeting of the board each year to serve a term of one year and shall:

(1) Preside at all meetings of the board;

(2) Establish the agenda for each meeting of the board as directed by the individual board members; and

(3) Execute all approved documents as chief executive of Jasper County.

SECTION 7.

There shall be elected, by majority vote of the members of the board of commissioners at the first meeting of the board each year, a vice-chairperson who shall serve a term of one year and shall perform those duties of the commission chairperson, when said commission chairperson is in absentia.

SECTION 8.

Said board of commissioners may elect a clerk to be known as the clerk of the board of commissioners of Jasper County, may prescribe the duties, fix the compensation as hereinafter provided and require a bond for the faithful performance of the clerk's duties, which said clerk shall hold office during the pleasure of said board; and it shall be the duty of the clerk of said board to attend the sessions of said commissioners, to keep a minute of the proceedings in a well-bound book to be provided at the expense of the county, and to perform such other duties as may be required by said board.

SECTION 9.

Said board of commissioners may appoint a full-time manager to be known as the county manager of Jasper County, may prescribe the duties, fix the compensation, and require a bond for the faithful performance of the manager's duties, which said manager shall serve at the pleasure of said board; and it shall be the duty of the county manager to attend the sessions of said commissioners, and to perform such other duties as may be required by said board. At the board's discretion, the county manager may serve as the clerk of the board.

SECTION 10.

Said board of commissioners or a majority of them shall have authority to approve all official bonds formerly required of the justices of the inferior court, and sent them by the Governor, with the dedimus to qualify such officers and deliver them their commissions.

1 SECTION 11.

2 Said board of commissioners shall be a body corporate, and may sue and be sued, plead and
3 be impleaded, in all matters within their jurisdiction, as herein defined, but no judgment,
4 order or decree of any court shall have effect against the individual property of any member
5 of said board, but shall constitute a charge against said county.

6 SECTION 12.

7 Each commissioner, before entering upon the discharge of their duties, shall be sworn by
8 each other, and a record thereof entered in the book of minutes to be kept by them as
9 hereinbefore provided, well and truly to discharge his or her duty as such.

10 SECTION 13.

11 For the terms of office beginning January 1, 2009, the chairperson of the board shall receive
12 the sum of \$800.00 per month as base compensation. The other members shall each receive
13 the sum of \$600.00 per month as base compensation for their services. For all successive
14 terms of office the compensation of the chair and the other board members shall be set by
15 home rule as authorized by Article IX, Section II, Paragraph I of the Constitution of the State
16 of Georgia. Expenses for official county business incurred outside of the county are to be
17 reimbursed to the commissioners at the same rate as county employees.

18 SECTION 14.

19 Each commissioner before entering upon the discharge of their duties, and each of their
20 successors in office, shall give bond in the sum of \$2,000.00 payable to the Governor of this
21 State, said bonds be approved by the probate court judge of Jasper County, conditioned upon
22 the faithful performance of their duty.

23 SECTION 15.

24 Said board of commissioners are hereby authorized and directed to pay to the proper officers
25 the actual cost in the case where misdemeanor convicts are sentenced to the work detail of
26 said county, and served their term upon said work detail, provided, they are sentenced to said
27 work detail for a period of three months or more.

28 SECTION 16.

29 (a) In the event of a vacancy by death, resignation, permanent change of the residence of
30 a commissioner from the district from which said commissioner was elected, or otherwise,
31 such vacancy shall be filled for the remainder of the term by appointment of a resident of
32 the vacated commissioner district by a majority vote of the remaining members of the

1 board, provided the remaining term of office is less than 12 months, or by special election
2 if the remaining term of office exceeds 12 months. Said election of the legal and qualified
3 voters of the commissioner district shall be governed by the law, rules and regulations
4 governing general elections. And the persons receiving the largest number of votes shall
5 serve the remainder of the term thus rendered vacant.

6 (b) In the event a commissioner fails to attend six consecutive regular meetings, except for
7 reason of military service, the board may declare said commissioner's seat vacant, and said
8 vacancy shall be filled in accordance with subsection (a) of this section."

9 **SECTION 2.**

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