House Bill 1341

By: Representative Graves of the 12th

A BILL TO BE ENTITLED

AN ACT

To create the Board of Commissioners of Pickens County; to provide for continuation of certain obligations and liabilities; to provide for the composition of the board; to provide for elections and terms of office; to provide for qualifications; to provide for commissioner districts; to provide for the appointment of a clerk; to provide for a county administrator or manager under certain circumstances; to provide for filling of vacancies; to provide for oaths of office and surety bonds; to provide for the compensation and expenses of the chairperson and members of the board; to provide for a vice chairperson; to provide for powers and duties of such officers; to provide for regular meetings, work sessions, and other meetings; to provide for the powers, duties, and authority of the chairperson and members of the board; to provide for formal bids for certain purchases; to provide for the appointment, removal, and compensation of employees and department heads; to provide for the preparation, submission, review, adoption, and amendment of budgets; to provide for expenditure of county funds; to provide for audits of county finances and financial records; to provide for other related matters; to provide for submission; to provide for the specific repeal of certain local Acts; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for referendums and the submission of questions related thereto to the electors of Pickens County; to provide for effective dates and automatic repeals; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I.

SECTION 1-1.

There is created the Board of Commissioners of Pickens County to be elected and organized as provided for in this Act. The board of commissioners shall be the successor to the office of commissioner of Pickens County and shall continue to have the obligations and liabilities of the commissioner of Pickens County as existed immediately prior to January 1, 2013. The

board of commissioners shall constitute the governing authority of Pickens County and shall exercise the powers, duties, and responsibilities vested in and upon said officers by the provisions of this Act. The term "board," whenever used in this Act, shall mean the Board of Commissioners of Pickens County, including the chairperson and all members.

SECTION 1-2.

(a) The board of commissioners of Pickens County shall consist of a chairperson and two district commissioners. The two district commissioners shall be residents of their respective commissioner districts as described in subsection (b) of this section, and shall be elected by the electors of their respective districts as provided in Section 1-3 of this Act. The chairperson shall be elected at-large as provided in Section 1-3 of this Act.

(b) For the purpose of electing members of the board of commissioners, Pickens County shall be divided into two commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1 and 2 shall be and correspond to those two numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: pickcc10p3 Plan Type: Local User: Gina Administrator: Pickens.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Pickens County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Pickens County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

SECTION 1-3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

(b) In order to be elected as a member of the board from a commissioner district, a person must be 21 years of age or older, must have resided in that district for at least 12 consecutive months prior to election thereto, and must receive a majority of the votes cast for that office by the electors of that district. At the time of qualifying, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall thereupon become vacant.

(c) The chairperson of the board must be 25 years of age or older, must have resided in Pickens County for at least 12 consecutive months prior to election to such office, may reside anywhere within Pickens County, and must receive a majority of the votes cast for such office by the electors of the entire county. The chairperson must continue to reside within Pickens County during that person's term of office or that office shall thereupon become vacant.

SECTION 1-4.

(a) The first chairperson and members of the Board of Commissioners of Pickens County shall be elected at the November 2012 state-wide general election. The member of the board elected thereto from Commissioner District 1 in 2012 shall take office on the first day of January immediately following that election and shall serve for an initial term of office which shall expire on December 31, 2014, and upon the election and qualification of his or her successor. The chairperson and the member of the board elected thereto from Commissioner District 2 in 2012 shall take office on the first day of January immediately following that election and shall serve for initial terms of office which expire on December 31, 2016, and upon the election and qualification of their respective successors. Those and all future successors to the chairperson and members of the board whose terms of office are to expire shall be elected at the state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of four years. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(b) The chairperson and all members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) The commissioner of Pickens County who is in office on January 1, 2012, or any person filling a vacancy in such office, shall serve out the remainder of that person's term of office until the regular expiration of the term of office on December 31, 2012.

SECTION 1-5.

(a) In the event of a vacancy occurring on or after January 1, 2013, in the membership of the board, whether the vacancy is in the office of chairperson or any other member, for any reason other than expiration of term, that vacancy shall be filled as provided in this section.

(b) In the event a vacancy occurs on the board of commissioners when at least 180 days remain in the unexpired term of office, the election superintendent of Pickens County, within 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy for the unexpired term. Such special election shall be called and conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Any person elected in a special election to fill such a vacancy shall take office immediately upon certification of the results of such special election and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following the special election provided for in this subsection.

(c) In the event a vacancy occurs on the board of commissioners when less than 180 days remain in the unexpired term of office, the remaining members of the board of commissioners shall appoint a qualified person to fill the vacancy for the unexpired term. Any person appointed by the board to fill a vacancy as provided in this subsection shall possess the residency and other qualifications required for the office and shall take office immediately upon appointment and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following his or her appointment as provided for in this subsection.

SECTION 1-6.

Before entering upon the discharge of their duties, the chairperson and commissioners shall subscribe an oath before the judge of the probate court of said county for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each commissioner shall further give a satisfactory surety bond to the judge of the probate court of the county and payable to the judge of the probate court or that judge's successor in office and filed in the office of the judge of the probate court, in the sum of $10,000.00, conditioned upon the faithful performance of the duties of the office. The costs of said bonds shall be paid out of the county treasury.

SECTION 1-7.

(a) Commissioners, other than the chairperson, shall serve in such capacity on a part-time basis and shall be paid a salary of $10,200.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Pickens County.

(b) The chairperson shall serve in such capacity on a full-time basis and shall be paid an annual salary equal to the annual salary of the highest paid elected county officer of Pickens County, plus an additional $1,200.00. For the purposes of this subsection, the term "county officer" shall mean only the tax commissioner, the judge of the probate court, the sheriff, or the clerk of superior court. The salary provided in this subsection shall be paid in equal monthly installments from the funds of Pickens County. The county shall furnish the chairperson with an appropriate automobile to be used by such chairperson in carrying out the official duties of the office. The automobile and the replacement cost thereof from time to time as well as the costs necessary to maintain and operate such automobile shall be paid from the funds of Pickens County. The chairperson shall be reimbursed from county funds for actual and necessary expenses incurred in carrying out the official duties of the office. The salary and expenses provided for in this subsection shall constitute the entire compensation to which the chairperson shall be entitled, to be paid from county funds.

(c) The chairperson and the commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Expenses may be reimbursed only after the submission of receipts or records of said expenses to the county clerk and approval by majority vote of the board of commissioners at a regularly scheduled meeting. The chairperson and commissioners shall be entitled to compensation for serving on any other boards or authorities for which their membership is provided by law.

(d) At their own expense, the district commissioners may participate in county provided health, dental, and other health related programs and in county sponsored retirement programs. No county funds shall be spent on these programs for the benefit of the district commissioners.

(e) Any commissioner who completes the Certified Commissioners Training program shall be entitled to an additional $100.00 per month. As an additional incentive, any commissioner who completes the Certified Commissioners Advanced Training program shall be entitled to receive $100.00 per month in addition to the $100.00 per month for completing the Certified Commissioners Training program.

SECTION 1-8.

At the first regular meeting of each year, the board of commissioners shall elect from its members a vice chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice chairperson shall perform the duties and exercise the authority of the

chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings of the board of commissioners in the absence of the chairperson and shall serve for the calendar year in which elected. In the event of a vacancy in the office of vice chairperson, the board of commissioners shall elect a new vice chairperson to serve for the remainder of the calendar year.

SECTION 1-9.

Each month, at the county seat, the board of commissioners shall hold a minimum of one regular meeting, preceded at least seven days prior by a minimum of one work session. All meetings, whether regular or work sessions, shall be open to the public and shall provide a time period exclusively for public comment. All regular meetings shall be held during evening hours. The time, date, and place of the meetings shall be determined by the board in the first meeting of the year. Any resolution passed by the board regarding the time, date, and place of its monthly meetings shall be published in the official county organ once a week for two weeks during a period of 30 days immediately following the passage of the resolution. The board of commissioners may hold such additional meetings as shall be necessary when called by the chairperson or any two commissioners, provided all members of the board of commissioners shall have been notified at least three days in advance of such special meeting which is open to the public. Two district commissioners or the chairperson and any one commissioner shall constitute a quorum. No official action shall be taken except upon the affirmative vote of at least two members of the board of commissioners and except upon compliance with Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings. The chairperson shall be entitled to vote on a question only if the chairperson's vote would affect the outcome of any vote or issue before the board. The vice chairperson while serving as chairperson shall be entitled to vote on all matters before board. All regular and called meetings shall be conducted according to Robert's Rules of Order.

SECTION 1-10.

The chairperson shall administer the affairs and day-to-day business of the county and preside over the meetings of the board of commissioners. The duties of the chairperson shall include, but shall not be limited to, the following:

(1) Calling meetings of the board as provided in Section 1-9 of this Act;

(2) Preparing proposed agenda and presiding at meetings of the board;

(3) Representing the county government at ceremonial functions;

(4) Being empowered to submit motions, that are made and seconded by district commissioners, to the board of commissioners for action;

(5) Appointing members and chairpersons to all committees of the board with the approval of the commission; and

(6) Performing such other duties as shall be delegated to the chairperson by the board of commissioners or as provided by law or ordinance.

SECTION 1-11.

The board of commissioners shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board of commissioners, shall be conclusive and binding. The board of commissioners shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. The following powers are vested in the board of commissioners and reserved to its exclusive jurisdiction:

(1) To levy taxes;

(2) To make appropriations;

(3) To fix rates and charges for services provided by the county;

(4) To authorize the incurring of indebtedness;

(5) To order work done where the cost is to be assessed against benefitted property and to fix the basis for such assessment;

(6) To authorize and provide for the execution of contracts;

(7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and ferries, according to law; provided, however, that the chairperson shall have the authority to accept subdivision plats when the requirements established by the board of commissioners for subdivisions have been met;

(8) To establish, abolish, or change election precincts and militia districts according to law;

(9) To accept, for the county, the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;

(10) To exercise all powers, duty, and authority formerly imposed upon or vested in the commissioner of Pickens County in respect to zoning and planning;

(11) To create and change the boundaries of special taxing districts authorized by law;

(12) To fix the bonds of county officers where same are not fixed by statute;

(13) To enact any ordinances or other legislation which the county may be given authority to enact;

(14) To determine the priority of capital improvements;

(15) To call elections for the voting of bonds;

(16) To exercise all of the power and authority formerly vested by law in the commissioner of Pickens County together with the power and authority, which may be delegated by law to the governing authority of the county, by whatever name designated;

(17) To appoint retained legal counsel and an independent county auditor and provide for their compensation; and

(18) To require all county officers to report on the general or specific conduct of the financial affairs of their respective offices.

SECTION 1-12.

Formal sealed bids shall be received for all purchases in amounts over the state limit for sealed bids unless the board of commissioners sets a lower limit. Advertisements for such bids shall be published for two consecutive weeks in the official organ of Pickens County. The need for such bids may be dispensed with by the board of commissioners if it decides that an emergency exists which will not permit a delay.

SECTION 1-13.

The internal organization of the county government shall be established and altered by the board of commissioners. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated.

SECTION 1-14.

The board of commissioners shall appoint a clerk who shall keep a proper and accurate book of minutes. The book of minutes of the board of commissioners shall contain all the acts, orders, and proceedings of the board of commissioners in chronological order. The minutes book of the board of commissioners shall be open to the public for inspection at all times during regular office hours; and certified copies of any entries in the minutes book shall be furnished by the clerk to any person requesting same upon payment of a reasonable fee, to be paid into the county treasury as are other funds, to be assessed by the board of commissioners in an amount sufficient to defray the cost of preparing same.

SECTION 1-15.

The chairperson shall submit annually to the board of commissioners a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. The board of commissioners shall thereafter hold two public hearings at least seven days apart on the budget, giving notice thereof at least ten days

in advance by publication of such notice and of the proposed budget in the official organ of Pickens County and by posting same at the courthouse door. The budget shall then be reviewed and adopted or amended by the board of commissioners prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board of commissioners, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board of commissioners in a regular meeting, and no increase shall be made therein without provision also being made for financing same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to same shall be transmitted by the chairperson to the grand jury of the Superior Court of Pickens County within ten days from the time such budget or amendment thereof is adopted by the board of commissioners. The board of commissioners may from time to time, upon a majority vote thereof, change the ending and beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to said beginning date. The procedures for budget preparation, submission to the governing authority, review by the governing authority, public review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

SECTION 1-16.

No expenditures of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the board of commissioners. The chairperson of the board of commissioners shall enforce compliance with this provision by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

SECTION 1-17.

The board of commissioners shall on or before the final day of the month following the end of each fiscal year employ a certified public accountant for the making of an annual continuous audit of county finances and financial records. The accountant so employed shall be paid out of county funds and shall perform a complete audit of the financial records of the county for the preceding year, pointing out any irregularities found to exist, and reporting the results of such audit to the board of commissioners. The same person or firm shall not perform such audit for more than four consecutive annual periods. Each annual report

submitted to the board of commissioners shall be made available for public inspection, as are other records in such office. The board of commissioners shall cause to be published in the official organ of Pickens County and posted at the courthouse door a statement of the financial condition of the county as of December 31 and June 30 of each year. Said accountant shall transmit to the grand jury of the Superior Court of Pickens County a copy of each annual report furnished by said accountant to the board of commissioners.

SECTION 1-18.

An Act creating the office of commissioner of Pickens County, approved August 16, 1920 (Ga. Laws, p. 2066), and all amendatory Acts thereto are repealed in their entirety.

PART II.

SECTION 2-1.

There is created the Board of Commissioners of Pickens County to be elected and organized as provided for in this Act. The board of commissioners shall be the successor to the office of commissioner of Pickens County and shall continue to have the obligations and liabilities of the commissioner of Pickens County as existed immediately prior to January 1, 2013. The board of commissioners shall constitute the governing authority of Pickens County and shall exercise the powers, duties, and responsibilities vested in and upon said officers by the provisions of this Act. The term "board," whenever used in this Act, shall mean the Board of Commissioners of Pickens County, including the chairperson and all members.

SECTION 2-2.

(a) The board of commissioners of Pickens County shall consist of a chairperson and four district commissioners. The four district commissioners shall be residents of their respective commissioner districts described in subsection (b) of this section, and shall be elected by the electors of their respective districts as provided in Section 2-3 of this Act. The chairperson shall be elected at large as provided in Section 2-3 of this Act.

(b) For the purpose of electing members of the board of commissioners, Pickens County shall be divided into four commissioner districts. One member of the board shall be elected from each such district. Commissioner Districts 1, 2, 3, and 4 shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: pickcc10p2 Plan Type: Local User: Gina Administrator: Pickens.

(c) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the

Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Pickens County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Pickens County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

SECTION 2-3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

(b) In order to be elected as a member of the board from a commissioner district, a person must be 21 years of age or older, must have resided in that district for at least 12 consecutive months prior to election thereto, and must receive a majority of the votes cast for that office by the electors of that district. At the time of qualifying for district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall thereupon become vacant.

(c) The chairperson of the board must be 25 years of age or older, must have resided in Pickens County for at least 12 consecutive months prior to election to such office, may reside anywhere within Pickens County, and must receive a majority of the votes cast for such office by the electors of the entire county. The chairperson must continue to reside within Pickens County during that person's term of office or that office shall thereupon become vacant.

SECTION 2-4.

(a) The first chairperson and members of the Board of Commissioners of Pickens County shall be elected at the November 2012 state-wide general election. Those members of the board elected thereto from Commissioner Districts 1 and 3 in 2012 shall take office on the

first day of January immediately following that election and shall serve for initial terms of office which shall expire on December 31, 2014, and upon the election and qualification of their respective successors. The chairperson and those members of the board elected thereto from Commissioner Districts 2 and 4 in 2012 shall take office on the first day of January immediately following that election and shall serve for initial terms of office which shall expire on December 31, 2016, and upon the election and qualification of their respective successors. Those and all future successors to the chairperson and members of the board whose terms of office are to expire shall be elected at the state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of four years. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(b) The chairperson and all members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

(c) The commissioner of Pickens County who is in office on January 1, 2012, or any person filling a vacancy in such office, shall serve out the remainder of that person's term of office until the regular expiration of the term of office on December 31, 2012.

SECTION 2-5.

(a) In the event of a vacancy occurring on or after January 1, 2013, in the membership of the board, whether the vacancy is in the office of chairperson or any other member, for any reason other than expiration of term, that vacancy shall be filled as provided in this section.

(b) In the event a vacancy occurs on the board of commissioners when at least 180 days remain in the unexpired term of office, the election superintendent of Pickens County, within 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy for the unexpired term. Such special election shall be called and conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended. Any person elected in a special election to fill such a vacancy shall take office immediately upon certification of the results of such special election and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following the special election provided for in this subsection.

(c) In the event a vacancy occurs on the board of commissioners when less than 180 days remain in the unexpired term of office, the remaining members of the board of

commissioners shall appoint a qualified person to fill the vacancy for the unexpired term. Any person appointed by the board to fill a vacancy as provided in this subsection shall possess the residency and other qualifications required for the office and shall take office immediately upon appointment and qualification. If such vacancy is in the office of chairperson of the board of commissioners, the vice chairperson of the board shall exercise the powers and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office for the unexpired term following his or her appointment as provided for in this subsection.

(d) A vice chairperson serving as chairperson shall not be authorized to vote as a member of the board of commissioners during such service unless the vice chairperson's vote would affect the outcome of any vote or issue before the board.

SECTION 2-6.

Before entering upon the discharge of their duties, the chairperson and commissioners shall subscribe an oath before the judge of the probate court of said county for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each commissioner shall further give a satisfactory surety bond to the judge of the probate court of the county and payable to the judge of the probate court or that judge's successor in office and filed in the office of the judge of the probate court, in the sum of $10,000.00, conditioned upon the faithful performance of the duties of the office. The costs of said bonds shall be paid out of the county treasury.

SECTION 2-7.

(a) Commissioners, other than the chairperson, shall serve in such capacity on a part-time basis and shall be paid a salary of $10,200.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Pickens County.

(b) The chairperson shall serve in such capacity on a part-time basis and shall be paid a salary of $13,200.00 per year. Such compensation shall be paid in equal monthly installments from the funds of Pickens County.

(c) The chairperson and the commissioners may be reimbursed for reasonable expenses incurred in carrying out their duties. Expenses may be reimbursed only after the submission of receipts or records of said expenses to the county clerk and approval by majority vote of the board of commissioners at a regularly scheduled meeting. The chairperson and commissioners shall be entitled to compensation for serving on any other boards or authorities for which their membership is provided by law.

(d) At their own expense, the chairperson and the commissioners may participate in county provided health, dental, and other health related programs and in county sponsored retirement

programs. No county funds will be spent on these programs for the benefit of the chairperson or the commissioners.

(e) Any commissioner who completes the Certified Commissioners Training program shall be entitled to an additional $100.00 per month. As an additional incentive, any commissioner who completes the Certified Commissioners Advanced Training program shall be entitled to receive $100.00 per month in addition to the $100.00 per month for completing the Certified Commissioners Training program.

SECTION 2-8.

At the first regular meeting of each year, the board of commissioners shall elect from its members a vice chairperson. In the event of death, disqualification, or resignation of the chairperson, the vice chairperson shall perform the duties and exercise the authority of the chairperson until a new chairperson is chosen as provided in this Act. The vice chairperson shall preside at meetings of the board of commissioners in the absence of the chairperson and shall serve for the calendar year in which elected. In the event of a vacancy in the office of vice chairperson, the board of commissioners shall elect a new vice chairperson to serve for the remainder of the calendar year.

SECTION 2-9.

Each month at the county seat the board of commissioners shall hold a minimum of one regular meeting, preceded at least seven days prior by a minimum of one work session. All meetings, whether regular or work sessions, shall be open to the public and shall provide a time period exclusively for public comment. All regular meetings shall be held during evening hours. The time, date, and place of the meetings shall be determined by the board in the first meeting of the year. Any resolution passed by the board regarding the time, date, and place of its monthly meetings shall be published in the official county organ once a week for two weeks during a period of 30 days immediately following the passage of the resolution. The board of commissioners may hold such additional meetings as shall be necessary when called by the chairperson or any three commissioners, provided all members of the board of commissioners shall have been notified at least three days in advance of such special meeting which is open to the public. Any three commissioners or the chairperson and any two commissioners shall constitute a quorum. No official action shall be taken except upon the affirmative vote of at least three members of the board of commissioners and except upon compliance with Chapter 14 of Title 50 of the O.C.G.A., relating to open meetings. The chairperson shall be entitled to vote on a question only if the chairperson's vote would affect the outcome of any vote or issue before the board. All regular and called meetings shall be conducted according to Robert's Rules of Order.

SECTION 2-10.

The chairperson shall preside over the meetings of the board of commissioners. The duties of the chairperson shall include, but shall not be limited to, the following:

(1) Calling meetings of the board as provided in Section 2-9 of this Act;

(2) Preparing proposed agenda and presiding at meetings of the board;

(3) Representing the county government at ceremonial functions;

(4) Being empowered to submit motions, that are made and seconded by district commissioners, to the board of commissioners for action;

(5) Appointing members and chairpersons to all committees of the board with the approval of the commission; and

(6) Performing such other duties as shall be delegated to the chairperson by the board of commissioners or as provided by law or ordinance.

SECTION 2-11.

The board of commissioners shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board of commissioners, shall be conclusive and binding. The board of commissioners shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. The following powers are vested in the board of commissioners and reserved to its exclusive jurisdiction:

(1) To levy taxes;

(2) To make appropriations;

(3) To fix rates and charges for services provided by the county;

(4) To authorize the incurring of indebtedness;

(5) To order work done where the cost is to be assessed against benefitted property and to fix the basis for such assessment;

(6) To authorize and provide for the execution of contracts;

(7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and ferries, according to law; provided, however, that the chairperson shall have the authority to accept subdivision plats when the requirements established by the board of commissioners for subdivisions have been met;

(8) To establish, abolish, or change election precincts and militia districts according to law;

(9) To accept for the county the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;

(10) To exercise all powers, duty, and authority formerly imposed upon or vested in the commissioner of Pickens County in respect to zoning and planning;

(11) To create and change the boundaries of special taxing districts authorized by law;

(12) To fix the bonds of county officers where same are not fixed by statute;

(13) To enact any ordinances or other legislation which the county may be given authority to enact;

(14) To determine the priority of capital improvements;

(15) To call elections for the voting of bonds;

(16) To exercise all of the power and authority formerly vested by law in the commissioner of Pickens County together with the power and authority, which may be delegated by law to the governing authority of the county, by whatever name designated;

(17) To appoint retained legal counsel and an independent county auditor and provide for their compensation; and

(18) To require all county officers to report on the general or specific conduct of the financial affairs of their respective offices.

SECTION 2-12.

Formal sealed bids shall be received for all purchases in amounts over the state limit for sealed bids unless the Board of Commissioners sets a lower limit. Advertisements for such bids shall be published for two consecutive weeks in the official organ of Pickens County. The need for such bids may be dispensed with by the board of commissioners if it decides that an emergency exists which will not permit a delay.

SECTION 2-13.

The internal organization of the county government shall be established and altered by the board of commissioners. Existing departments may be abolished and their functions transferred to other departments, additional departments may be created, and any two or more departments may be consolidated.

SECTION 2-14.

The board of commissioners shall appoint a clerk, who shall keep a proper and accurate book of minutes. The book of minutes of the board of commissioners shall contain all the acts, orders, and proceedings of the board of commissioners in chronological order. The minutes book of the board of commissioners shall be open to the public for inspection at all times during regular office hours; and certified copies of any entries in the minutes book shall be

furnished by the clerk to any person requesting same upon payment of a reasonable fee, to be paid into the county treasury as are other funds, to be assessed by the board of commissioners in an amount sufficient to defray the cost of preparing same.

SECTION 2-15.

The office of county manager is created. The county manager shall be appointed by the board of commissioners and shall serve at the pleasure of the board of commissioners. Any person appointed as county manager shall possess a bachelor's degree in public administration or a related field and at least four years experience in county or city management and other such qualifications as determined by the board of commissioners and shall receive such compensation, expenses, and benefits as fixed by the board. In conformity with policies and procedures established by the board of commissioners, it shall be the duty of the county manager to administer the affairs and day-to-day business of the county, to perform duties of an administrative nature, and to exercise such powers and responsibilities which may be determined by the board and which are not assigned to another person, office, or entity by law or ordinance. The county manager shall not be an elected official of any county or municipality.

SECTION 2-16.

The chairperson shall submit annually to the board of commissioners a proposed budget governing expenditures of all county funds, including capital outlay and public works projects for the following fiscal year. The board of commissioners shall thereafter hold two public hearings at least seven days apart on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Pickens County and by posting same at the courthouse door. The budget shall then be reviewed and adopted or amended by the board of commissioners prior to the beginning of the new fiscal year to which it applies, which budget, when so adopted or amended by the board of commissioners, shall constitute the board's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the board of commissioners in a regular meeting, and no increase shall be made therein without provision also being made for financing same. The proposed budget submitted by the chairperson shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to same shall be transmitted by the chairperson to the grand jury of the Superior Court of Pickens County within ten days from the time such budget or amendment thereof is adopted by the board of commissioners. The board of commissioners may from time to time, upon a majority vote thereof, change the ending and

beginning date of the fiscal year for the county or may operate on a calendar basis; provided, however, that in the event of such change, the budget shall be submitted at least two months prior to the beginning date of the next fiscal year or January 1, whichever shall apply, and shall be adopted at least one month prior to said beginning date. The procedures for budget preparation, submission to the governing authority, review by the governing authority, public review, notice, and hearings shall be as provided for in Chapter 81 of Title 36 of the O.C.G.A.

SECTION 2-17.

No expenditures of county funds shall be made except in accordance with the county budget, or amendments thereto, adopted by the board of commissioners. The chairperson of the board of commissioners and the county manager shall enforce compliance with this provision by all departments of county government and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

SECTION 2-18.

The board of commissioners shall on or before the final day of the month following the end of each fiscal year employ a certified public accountant for the making of an annual continuous audit of county finances and financial records. The accountant so employed shall be paid out of county funds and shall perform a complete audit of the financial records of the county for the preceding year, pointing out any irregularities found to exist, and reporting the results of such audit to the board of commissioners. The same person or firm shall not perform such audit for more than four consecutive annual periods. Each annual report submitted to the board of commissioners shall be made available for public inspection, as are other records in such office. The board of commissioners shall cause to be published in the official organ of Pickens County and posted at the courthouse door a statement of the financial condition of the county as of December 31 and June 30 of each year. Said accountant shall transmit to the grand jury of the Superior Court of Pickens County a copy of each annual report furnished by said accountant to the board of commissioners.

SECTION 2-19.

An Act creating the office of commissioner of Pickens County, approved August 16, 1920 (Ga. Laws, p. 2066), and all amendatory Acts thereto are repealed in their entirety.

PART III.

SECTION 3-1.

Unless otherwise prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Pickens County shall call and conduct an election on the date of the November 2010 state-wide general election as provided in this section for the purpose of submitting this Act to the electors of Pickens County for approval or rejection. The election superintendent shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Pickens County. The ballot shall have written or printed thereon the words:

"QUESTION NO. 1

( ) YES Shall the governing authority of Pickens County be changed from a sole
( ) NO commissioner to a three-member or five-member board of commissioners?

QUESTION NO. 2

If a majority of the votes cast on Question No. 1 are in favor of changing the form of the governing authority of Pickens County, select the form of the governing authority which you favor by placing a check (✓) mark or (X) in the appropriate space below. Vote for only one of the options below:

OPTION 1

_____ A three-member board composed of two part-time members elected by district and a full-time chairperson elected at-large.

OPTION 2

_____ A five-member board composed of four part-time members elected by district and a part-time chairperson elected at-large with a full-time county manager."

No voter shall vote for more than one of the options in Question No. 2. All persons desiring to vote for approval of changing the form of the governing authority of Pickens County to either a board consisting of two members elected by district and a chairperson elected at large or a board consisting of four members elected by district and a chairperson elected at-large shall vote "Yes" on Question No. 1, and those persons desiring to vote against changing the form of the governing authority of Pickens County to either a board consisting of two members elected by district and a chairperson elected at-large or a board consisting of four members elected by district and a chairperson elected at-large shall vote "No" on Question No. 1. If more than one-half of the votes cast on Question No. 1 are for approval

of changing the form of the governing authority of Pickens County to either a board consisting of two members elected by district and a chairperson elected at-large or a board consisting of four members elected by district and a chairperson elected at-large, then either Part I or II of this Act shall become effective as provided in this section; otherwise, neither Part I nor II shall become effective and this Act shall be automatically repealed on the first day of January following that election date. If more than one-half of the votes cast on Question No. 1 are for approval of changing the form of government of Pickens County to either a board consisting of two members elected by district and a chairperson elected at-large or a board consisting of four members elected by district and a chairperson elected at-large and more than one-half of the votes cast on Question No. 2 are cast in favor of Option 1 or there is a tie vote between Option 1 and Option 2, then Part I of this Act shall become effective on January 1, 2012, and Part II of this Act shall be automatically repealed on January 1, 2012. If more than one-half of the votes cast on Question No. 1 are for approval of changing the form of government of Pickens County to either a board consisting of two members elected by district and a chairperson elected at-large or a board consisting of four members elected by district and a chairperson elected at-large and more than one-half of the votes cast on Question No. 2 are cast in favor of Option 2, then Part II of this Act shall become effective on January 1, 2012, and Part I of this Act shall be automatically repealed on January 1, 2012. The expense of such election shall be borne by Pickens County. It shall be the duty of the election superintendent to certify the results thereof to the Secretary of State.

SECTION 3-2.

It shall be the duty of the attorney for the governing authority of Pickens County to submit this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended.

SECTION 3-3.

Except as otherwise provided in Section 3-1 of this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

SECTION 3-4.

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

Plan Name: pickcc10p3 Plan Type: Local User: Gina Administrator: Pickens

Redistricting Plan Components Report

District 001
Pickens County
Tract: 502
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District 002
Pickens County
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Plan Name: pickcc10p2 Plan Type: Local User: Gina Administrator: Pickens

Redistricting Plan Components Report

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Pickens County
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District 002
Pickens County
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District 003
Pickens County
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District 004

Pickens County

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Tract: 502

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Tract: 506

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