

House Bill 1281 (AS PASSED HOUSE AND SENATE)

By: Representative Maddox of the 172<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act relating to the board of commissioners of Decatur County, approved March  
2 4, 1935 (Ga. L. 1935 p. 630), as amended, particularly by an Act approved May 5, 2006 (Ga.  
3 L. 2006, p. 4639), so as to change provisions relating to the chairperson and vice-chairperson  
4 of the board and their selection, service, power, and duties; to change provisions relating to  
5 voting and removal from office of the chairperson and vice-chairperson; to provide an  
6 effective date Act; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act relating to the board of commissioners of Decatur County, approved March 4, 1935  
10 (Ga. L. 1935 p. 630), as amended, particularly by an Act approved May 5, 2006 (Ga. L.  
11 2006, p. 4639), is amended by revising Sections 6 and 7 as follows:

12 "Section 6.

13 (a) All members of the board shall have the same authority and privileges.

14 (b) A majority of the members of the board shall constitute a quorum for the transaction  
15 of all business which may come before it. A majority vote of the members present and  
16 voting on any matter shall be required for the commission to act affirmatively or negatively  
17 on the matter.

18 Section 7.

19 (a) One member of the commission shall serve as chairperson for the board. The term of  
20 office for the chairperson shall begin on January 1, 2011, and on January 1 of each year  
21 thereafter.

22 (b) The chairperson shall serve a term of one year, unless he or she resigns or is removed  
23 from the position of chairperson.

24 (c) It shall be the duty of the chairperson to act as presiding officer at the meetings of the  
25 board, and he or she shall serve as the ceremonial head of the county government. It shall

26 be the duty of the chairperson to represent the board in executing and carrying out any  
27 matter approved by the board. It shall be the duty of the chairperson to ensure effective,  
28 regular and harmonious communications among board members.

29 (d) The chairperson shall have the privilege to vote on any matter coming before the board  
30 for its consideration, unless disqualified by interest or relationship.

31 (e) In the event of absence or recusal of the chairperson, the vice-chairperson shall  
32 temporarily assume the duties of the chairperson.

33 (f) In the event the chairperson is physically absent from four consecutive regularly  
34 scheduled board meetings, the office of chairperson shall be declared vacant.

35 (g) In the event that the office of chairperson shall become vacant during the course of the  
36 year, the vice-chairperson shall serve as chairperson for the remainder of the term.

37 (h) The position of chairperson shall be filled by the member of the board who was serving  
38 in the position of vice-chairperson on December 31 of the previous year, unless the  
39 chairperson on December 31 of the previous year had held the position for less than six  
40 months. If such event occurs, then the chairperson and vice-chairperson during the  
41 previous year shall remain in office until the next December 31.

42 (i) The position of vice-chairperson shall be filled by the board member who has the  
43 greatest length of service on the board and has not previously served a full term as  
44 chairperson, unless all other members of the board have served a full term as  
45 vice-chairperson.

46 (j) If two or more members have the same length of service on the board, the  
47 vice-chairperson shall be selected by lot from the eligible members.

48 (k) The vice-chairperson shall serve a term of one year, beginning January 1 and ending  
49 December 31, unless he or she resigns or is removed from the position of vice-chairperson.

50 (l) In the event the vice-chairperson is physically absent from four consecutive regularly  
51 scheduled board meetings, the office of vice-chairperson shall be declared vacant.

52 (m) In the event that the office of vice-chairperson shall become vacant during the course  
53 of the year, the position of vice-chairperson shall be filled in the same manner as it would  
54 be on January 1 of each year.

55 (n) In the event that the member serving as vice-chairperson will not be available or  
56 declines to serve as chairperson for the ensuing year, the position of chairperson shall be  
57 filled by the board member who has the greatest length of service on the board and has not  
58 previously served a full term as chairperson, unless all other members of the board have  
59 served a full term as vice-chairperson.

60 (o) In the event that the member serving as vice-chairperson will not be available or  
61 declines to serve as chairperson for the ensuing year and two or more members have the

62 same length of service on the board, the chairperson shall be selected by lot from the  
63 eligible members.

64 (p) The chairperson or vice-chairperson may be removed from that office for any one or  
65 more of the following reasons: incompetence, misfeasance, or malfeasance in performing  
66 the duties of the office of chairperson or vice-chairperson, conviction of a crime of moral  
67 turpitude; or abandonment of office or neglect to perform the duties thereof. The removal  
68 of either officer shall require the affirmative vote of five commissioners."

69 **SECTION 2.**

70 This Act shall become effective on January 1, 2011.

71 **SECTION 3.**

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