

House Bill 1341 (AS PASSED HOUSE AND SENATE)

By: Representative Graves of the 12th

A BILL TO BE ENTITLED
AN ACT

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

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 style="text-align:center">**PART I.**
21 style="text-align:center">**SECTION 1-1.**

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

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

30 **SECTION 1-2.**

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

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

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

58 **SECTION 1-3.**

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

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

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

74

SECTION 1-4.

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

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

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

SECTION 1-5.

96

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

100 (b) In the event a vacancy occurs on the board of commissioners when at least 180 days
101 remain in the unexpired term of office, the election superintendent of Pickens County, within
102 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy
103 for the unexpired term. Such special election shall be called and conducted as provided in
104 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
105 amended. Any person elected in a special election to fill such a vacancy shall take office
106 immediately upon certification of the results of such special election and qualification. If
107 such vacancy is in the office of chairperson of the board of commissioners, the vice
108 chairperson of the board shall exercise the powers and duties of the chairperson for the
109 period beginning on the date the vacancy occurs and ending on the date the successor
110 chairperson takes office for the unexpired term following the special election provided for
111 in this subsection.

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

SECTION 1-6.

122

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

SECTION 1-7.

131

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

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

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

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

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

SECTION 1-8.

163

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

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

172 **SECTION 1-9.**

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

192 **SECTION 1-10.**

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

- 196 (1) Calling meetings of the board as provided in Section 1-9 of this Act;
 197 (2) Preparing proposed agenda and presiding at meetings of the board;
 198 (3) Representing the county government at ceremonial functions;
 199 (4) Being empowered to submit motions, that are made and seconded by district
 200 commissioners, to the board of commissioners for action;

- 201 (5) Appointing members and chairpersons to all committees of the board with the approval
202 of the commission; and
- 203 (6) Performing such other duties as shall be delegated to the chairperson by the board of
204 commissioners or as provided by law or ordinance.

205 **SECTION 1-11.**

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

- 215 (1) To levy taxes;
- 216 (2) To make appropriations;
- 217 (3) To fix rates and charges for services provided by the county;
- 218 (4) To authorize the incurring of indebtedness;
- 219 (5) To order work done where the cost is to be assessed against benefitted property and to
220 fix the basis for such assessment;
- 221 (6) To authorize and provide for the execution of contracts;
- 222 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and
223 ferries, according to law; provided, however, that the chairperson shall have the authority
224 to accept subdivision plats when the requirements established by the board of
225 commissioners for subdivisions have been met;
- 226 (8) To establish, abolish, or change election precincts and militia districts according to
227 law;
- 228 (9) To accept, for the county, the provisions of any optional statute where the statute
229 permits its acceptance by the governing authority of the county;
- 230 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the
231 commissioner of Pickens County in respect to zoning and planning;
- 232 (11) To create and change the boundaries of special taxing districts authorized by law;
- 233 (12) To fix the bonds of county officers where same are not fixed by statute;
- 234 (13) To enact any ordinances or other legislation which the county may be given authority
235 to enact;
- 236 (14) To determine the priority of capital improvements;

- 237 (15) To call elections for the voting of bonds;
- 238 (16) To exercise all of the power and authority formerly vested by law in the
239 commissioner of Pickens County together with the power and authority, which may be
240 delegated by law to the governing authority of the county, by whatever name designated;
- 241 (17) To appoint retained legal counsel and an independent county auditor and provide for
242 their compensation; and
- 243 (18) To require all county officers to report on the general or specific conduct of the
244 financial affairs of their respective offices.

245 **SECTION 1-12.**

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

251 **SECTION 1-13.**

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

256 **SECTION 1-14.**

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

265 **SECTION 1-15.**

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

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

291 **SECTION 1-16.**

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

297 **SECTION 1-17.**

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

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

311 **SECTION 1-18.**

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

314 **PART II.**

315 **SECTION 2-1.**

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

324 **SECTION 2-2.**

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

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

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

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

353

SECTION 2-3.

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

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

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

369

SECTION 2-4.

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

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

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

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

391

SECTION 2-5.

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

395 (b) In the event a vacancy occurs on the board of commissioners when at least 180 days
396 remain in the unexpired term of office, the election superintendent of Pickens County, within
397 15 days after the vacancy occurs, shall issue the call for a special election to fill the vacancy
398 for the unexpired term. Such special election shall be called and conducted as provided in
399 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter
400 amended. Any person elected in a special election to fill such a vacancy shall take office
401 immediately upon certification of the results of such special election and qualification. If
402 such vacancy is in the office of chairperson of the board of commissioners, the vice
403 chairperson of the board shall exercise the powers and duties of the chairperson for the
404 period beginning on the date the vacancy occurs and ending on the date the successor
405 chairperson takes office for the unexpired term following the special election provided for
406 in this subsection.

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

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

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

420 **SECTION 2-6.**

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

429 **SECTION 2-7.**

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

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

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

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

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

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

451 **SECTION 2-8.**

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

460 **SECTION 2-9.**

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

479 **SECTION 2-10.**

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

- 482 (1) Calling meetings of the board as provided in Section 2-9 of this Act;
483 (2) Preparing proposed agenda and presiding at meetings of the board;
484 (3) Representing the county government at ceremonial functions;
485 (4) Being empowered to submit motions, that are made and seconded by district
486 commissioners, to the board of commissioners for action;
487 (5) Appointing members and chairpersons to all committees of the board with the approval
488 of the commission; and
489 (6) Performing such other duties as shall be delegated to the chairperson by the board of
490 commissioners or as provided by law or ordinance.

491 **SECTION 2-11.**

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

- 501 (1) To levy taxes;
502 (2) To make appropriations;
503 (3) To fix rates and charges for services provided by the county;
504 (4) To authorize the incurring of indebtedness;
505 (5) To order work done where the cost is to be assessed against benefitted property and to
506 fix the basis for such assessment;
507 (6) To authorize and provide for the execution of contracts;
508 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and
509 ferries, according to law; provided, however, that the chairperson shall have the authority
510 to accept subdivision plats when the requirements established by the board of
511 commissioners for subdivisions have been met;
512 (8) To establish, abolish, or change election precincts and militia districts according to
513 law;

- 514 (9) To accept for the county the provisions of any optional statute where the statute
 515 permits its acceptance by the governing authority of the county;
- 516 (10) To exercise all powers, duty, and authority formerly imposed upon or vested in the
 517 commissioner of Pickens County in respect to zoning and planning;
- 518 (11) To create and change the boundaries of special taxing districts authorized by law;
- 519 (12) To fix the bonds of county officers where same are not fixed by statute;
- 520 (13) To enact any ordinances or other legislation which the county may be given authority
 521 to enact;
- 522 (14) To determine the priority of capital improvements;
- 523 (15) To call elections for the voting of bonds;
- 524 (16) To exercise all of the power and authority formerly vested by law in the
 525 commissioner of Pickens County together with the power and authority, which may be
 526 delegated by law to the governing authority of the county, by whatever name designated;
- 527 (17) To appoint retained legal counsel and an independent county auditor and provide for
 528 their compensation; and
- 529 (18) To require all county officers to report on the general or specific conduct of the
 530 financial affairs of their respective offices.

531 **SECTION 2-12.**

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

537 **SECTION 2-13.**

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

542 **SECTION 2-14.**

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

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

551 **SECTION 2-15.**

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

564 **SECTION 2-16.**

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

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

590 **SECTION 2-17.**

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

596 **SECTION 2-18.**

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

610 **SECTION 2-19.**

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

613

PART III.

614

SECTION 3-1.

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

623

"QUESTION NO. 1

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

626

QUESTION NO. 2

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

631

OPTION 1

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

634

635

OPTION 2

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

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

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

669 **SECTION 3-2.**

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

673 **SECTION 3-3.**

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

676 **SECTION 3-4.**

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

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

679 Redistricting Plan Components Report

680 District 001

681 Pickens County

682 Tract: 502

683 BG: 3

684 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052

685 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062 3063 3064

686 3065 3066 3067 3085 3086 3087

687 BG: 4

688 4030 4031 4032 4033 4034 4035 4036 4037 4038 4039 4040 4041

689 4042 4043 4044 4045 4046 4047 4048 4049 4050 4051 4052

690 Tract: 503

691 BG: 1

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699 BG: 2

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706 Tract: 504

707 Tract: 505

708 Tract: 506

709 BG: 2

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 717 BG: 4

718 District 002
 719 Pickens County
 720 Tract: 501
 721 Tract: 502
 722 BG: 1
 723 BG: 2
 724 BG: 3
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 734 Tract: 503
 735 BG: 1
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 738 BG: 2
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 740 Tract: 506
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747 Plan Name: pickcc10p2 Plan Type: Local User: Gina Administrator: Pickens

748 Redistricting Plan Components Report

749 District 001

750 Pickens County

751 Tract: 502

752 BG: 3

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756 BG: 4

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759 Tract: 503

760 BG: 1

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775 Tract: 504

776 BG: 1

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 793 District 002
 794 Pickens County
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 822 District 003
 823 Pickens County
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 847 Tract: 506
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 852 District 004

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855 Tract: 502
856 BG: 1
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