

House Bill 557 (AS PASSED HOUSE AND SENATE)

By: Representatives Holmes of the 125<sup>th</sup> and Dickey of the 136<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to create a board of commissioners of roads and revenues for the county  
2 of Monroe, approved August 19, 1907 (Ga. L. 1907, p. 318), as amended, so as to  
3 reconstitute such board; to provide for its composition, manner of election, and filling of  
4 vacancies; to provide for its officers and powers and duties; to provide for its personnel and  
5 compensation; to provide for disbursements, audits, and certain operations; to provide for  
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to create a board of commissioners of roads and revenues for the county of Monroe,  
10 approved August 19, 1907 (Ga. L. 1907, p. 318), as amended, is amended by revising  
11 Sections 1 through 9 as follows:

12 "SECTION 1.

13 Creation; composition; districts.

14 (a) There is created the Board of Commissioners of Monroe County which shall conduct  
15 and administer the county affairs of Monroe County. The board shall be composed of five  
16 members. For the purpose of electing members of the board, Monroe County shall be  
17 divided into four commissioner districts which shall be and correspond to those four  
18 numbered districts described in and attached to and made a part of this Act and further  
19 identified as Plan Name: monroecc6 Plan Type: Local User: Blake Administrator:  
20 Monroe.

21 (b) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean  
22 and describe the same geographical boundaries as provided in the report of the Bureau of  
23 Census for the United States decennial census of 2000 for the State of Georgia. The  
24 separate numeric designations in a Tract description which are underneath a 'BG' heading

25 shall mean and describe individual Blocks within a Block Group as provided in the report  
26 of the Bureau of the Census for the United States decennial census of 2000 for the State of  
27 Georgia. Any part of Monroe County which is not included in any such district described  
28 in that attachment shall be included within that district contiguous to such part which  
29 contains the least population according to the United States decennial census of 2000 for  
30 the State of Georgia. Any part of Monroe County which is described in that attachment as  
31 being in a particular district shall nevertheless not be included within such district if such  
32 part is not contiguous to such district. Such noncontiguous part shall instead be included  
33 within that district contiguous to such part which contains the least population according  
34 to the United States decennial census of 2000 for the State of Georgia. Except as otherwise  
35 provided in the description of any commissioner district, whenever the description of such  
36 district refers to a named city, it shall mean the geographical boundaries of that city as  
37 shown on the census map for the United States decennial census of 2000 for the State of  
38 Georgia.

39 (c) Reserved.

40 (d) Commissioner Districts 1, 2, 3, and 4 as they exist on December 31, 2002, shall  
41 continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as  
42 newly described under this Act, and on and after January 1, 2003, such members of the  
43 board serving on such date shall be deemed to be serving from and representing their  
44 respective districts as newly described under this section.

45 (e)(1) The member elected from the county at large shall serve as chairperson of the  
46 board of commissioners.

47 (2) There shall be a vice chairperson of the board of commissioners who shall serve in  
48 the absence of the chairperson. The position of vice chairperson shall be rotated in  
49 numerical order among the membership of the board elected from districts. The member  
50 who is vice chairperson shall hold such position contemporaneously with his or her term  
51 of office. At the expiration of a term, the vice chairperson position shall rotate  
52 numerically to the next district. For the term of office beginning January 1, 1989, the  
53 vice chairperson shall be the member from Commissioner District 2.

54 (f)(1) If a member elected from a district moves such member's residence from the  
55 district or if the member at large moves such member's residence from Monroe County,  
56 the member's position on the board of commissioners shall automatically become vacant.

57 (2) Any vacancies occurring on the board shall be filled as provided in this Act and by  
58 other applicable laws, provided that any person seeking to fill a vacancy shall meet the  
59 residency requirements and other qualifications for membership."

## SECTION 2.

## Powers and duties.

That said commissioners shall have and are hereby invested with exclusive jurisdiction and control over the following matters, to wit: in directing, caring, and controlling for all the property of the county according to law; in fixing and levying taxes according to law; in establishing, altering, and abolishing public roads, bridges and ferries, and private ways according to law; in establishing, abolishing, or changing election precincts and militia districts according to law; in supervising the tax collector's and receiver's books, and allowing the insolvent lists of said county; in providing for the collection and enforcement of the road law and the collection of road tax; in settling all claims or accounts of officers having the care, management, keeping, collecting, or disbursement of money belonging to the county or appropriated for its use or benefit and bringing them to settlement, and requiring such reports from them as may be necessary to a full and complete understanding of the financial conditions of the county; controlling, caring for, and managing the convicts of said county according to law, and creating rules and regulations for the support and care of the poor of the county, and the promotion and preserving of the health of the public; of electing and appointing all minor officials of the county whose election or appointment is not otherwise provided by law, such as superintendent of roads and bridges of the county; overseers and guards of the convicts and chain gang; janitor of the courthouse, county physician and health officers, and other guards as needed and authorized by law; in the regulation of peddlers' licenses and general exercising and all other powers and duties not herein specified, and formerly vested by law in the ordinary when sitting for county purposes, and to have and exercise such other powers as are granted by law, or are essential to a complete and proper administration of all county property and county finances. Said commissioners shall have entire control and management of the convicts of said county sentenced to work on the public works and roads of said county, and shall so employ them according to law, so long as said county shall have and maintain a county chain gang.

## SECTION 3.

## Judicial powers.

Reserved.

SECTION 4.

Presiding officer; election and duties of clerk.

(a) The chairperson shall preside over meetings of the board and shall be authorized to vote in all matters, but the chairperson shall have no power by virtue of such office other than as a presiding officer.

(b) The commissioners shall, at the first meeting in January of each year, elect a clerk to be known as the clerk of the county commissioners, but the clerk shall not be a member of the board of commissioners. The clerk must have a practical knowledge of bookkeeping, and it shall be his or her duty to keep a full and accurate record of all the proceedings of the board. The clerk shall keep a complete and accurate record of all the business of the county as contracted by the board. It shall be his or her duty to make as many statements as the board may require, showing the financial condition of the county, and perform such other duties of a clerical nature as may be required of him or her by the board. The clerk shall regularly attend all meetings of the board and keep the books of same stored in a fireproof vault and subject to the inspection of the public at any time. The board of commissioners shall provide the clerk with such blank books as may be necessary to keep said records in the order herein prescribed. The clerk shall receive for his or her compensation some reasonable sum to be fixed by the board of commissioners at the time of electing the clerk, which sum shall not be changed during the year for which the same is fixed and which shall be payable out of the county treasury on warrant of the commissioners. The clerk shall be subject to removal at any time at the instance of the board.

SECTION 5.

Road superintendent.

That said commissioners shall in each year, at their first meeting, elect a road superintendent, who shall have some practical knowledge of road building and road repairing, and such other hands and equipment as may be provided by said board for the building and repairing of roads, who shall devote all of his or her time to the faithful and efficient discharge of his or her duties as herein stated, and as may be further required of him or her by said board of commissioners. The road superintendent shall not be a member of said board of commissioners, and shall be subject to removal at any time by said board. Said road superintendent shall receive a salary to be fixed by said board of commissioners at the time of electing said superintendent, and which shall not be changed during the year

123 for which the same is fixed, which shall be paid on warrant of said commissioners, out of  
 124 the county funds.

125 SECTION 6.

126 Disbursements; oaths; bond; removal; compensation.

127 All claims of any character whatever for money made on or against said county, shall be  
 128 presented to said board and audited by them at their regular meetings, when the same shall  
 129 be approved or disapproved by a majority of said board. All demands so approved by said  
 130 board shall be paid only by warrants drawn by said commissioners on the county treasurer,  
 131 and signed by a majority of the same or signed by two commissioners and countersigned  
 132 by the clerk of said board, when it shall become payable by the county treasurer. This  
 133 provision does not apply to the scrip of jurors and county officers issued under order of the  
 134 courts, nor to the fees of the coroner's jury. All moneys received by said commissioners  
 135 from any source whatever, and for which they are required to issue receipts, shall be  
 136 delivered by them into the hands of the county treasurer, and only disbursed as above  
 137 provided. That, before any of said commissioners shall assume the duties of this office,  
 138 they shall take and subscribe the following oath: 'I, \_\_\_\_\_, duly elected  
 139 commissioner for Monroe County, do solemnly swear that I will discharge the duties of  
 140 said office to the best of my ability; so help me God;' which shall be administered by the  
 141 probate judge of said county and filed in his or her office and recorded on his or her  
 142 minutes. Said commissioners shall be subject to removal by the judge of the superior court  
 143 of said county for malfeasance, misfeasance, or nonfeasance in office, as well as for  
 144 incompetence or neglect of duty. All proceedings instituted for the purpose of removal  
 145 shall be signed by not less than 25 freeholders of said county, and the same filed and  
 146 personally served, if possible, 15 days before the time of hearing, which shall be evidenced  
 147 by rule nisi duly granted by the court. Said petition shall fully and distinctly set forth the  
 148 grounds upon which said removal is asked, showing wherein the conduct of said  
 149 commissioner is in violation of this Act. Either side shall have the right of appeal from the  
 150 decision of the court to the Supreme Court under the same rules and regulations governing  
 151 the grant or refusal of injunctions. In the event that any commissioner should be ordered  
 152 removed by the court, his or her office shall become at once vacant unless an appeal is  
 153 filed, and his or her successor shall be appointed by said judge of the superior court, who  
 154 shall hold until the next meeting of the grand jury of said county, at which time they shall  
 155 appoint said successor until the first regular election, at which time said vacancy shall be  
 156 regularly filled for the full time. If any such election should occur within 30 days from the  
 157 date of said judgment declaring said vacancy, then the same shall be only supplied by the

158 election of a successor for the full term. The chairperson of the board of commissioners  
159 shall be compensated in the amount established by the State of Georgia to be paid from the  
160 funds of Monroe County. The other members of the board of commissioners shall be  
161 compensated in the amount established by the State of Georgia to be paid from the funds  
162 of Monroe County.

163 SECTION 7.

164 Quarterly financial statement.

165 Reserved.

166 SECTION 7A.

167 Annual audit.

168 That there shall be, up to and through December 31st each year, from and after the passage  
169 of this Act, a complete annual audit of the books and records of the Monroe County Board  
170 of Commissioners, by a duly certified public accountant so qualified as such by and under  
171 the law as set out in Code Section 43-3-1 of the O.C.G.A.; that the said audit shall be  
172 completed and filed in a timely manner.

173 SECTION 7B.

174 Restrictions on transfer of ownership/operation  
175 of landfill, acceptance of waste generated out of county.

176 (a) Any other provision of law to the contrary notwithstanding, the governing authority of  
177 Monroe County shall not transfer ownership or operation of the Strickland Loop Landfill  
178 to any private party unless such action is ratified by a majority of the electors of Monroe  
179 County voting on the question.

180 (b) Any other provision of law to the contrary notwithstanding, the governing authority  
181 of Monroe County shall not authorize the acceptance of any waste generated out of the  
182 county to be deposited into the Strickland Loop Landfill unless such action is ratified by  
183 a majority of the electors of Monroe County voting on the question.

184 SECTION 8.

185 Reserved.

186 SECTION 9.

187 Local custodian and local registrar authorized to retain all  
188 fees authorized by Code Sections 31-10-8 and 31-10-27 of the O.C.G.A..

189 Any other provision of law to the contrary notwithstanding, the local custodian and local  
190 registrar of Monroe County, as such terms are defined in Code Section 31-10-1 of the  
191 O.C.G.A shall be authorized to retain all fees authorized by Code Sections 31-10-8 and  
192 31-10-27 of the O.C.G.A."

193 SECTION 2.

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