

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 1272:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act re-creating the Board of Commissioners of Bacon County, approved
2 April 4, 1991 (Ga. L. 1991, p. 4436), as amended, so as to limit the membership of the
3 chairperson and commissioners on boards and authorities; to provide for the compensation
4 of the chairperson; to provide for filling a vacancy in office; to provide for a person to
5 assume the position of chairperson in the event of a vacancy or disability; to provide for
6 placing items on meeting agenda; to provide for related matters; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act re-creating the Board of Commissioners of Bacon County, approved April 4, 1991
11 (Ga. L. 1991, p. 4436), as amended, is amended by revising Section 3 as follows:

12 "SECTION 3.

13 (a) No person shall be a member of the board if that person is ineligible for such office
14 pursuant to Code Section 45-2-1 of the Official Code of Georgia Annotated or any other
15 general law applicable to that office.

16 (b) In order to be elected or appointed as a member of the board from a commissioner
17 district, a person must have resided in that commissioner district for at least 12 months
18 prior to election or appointment thereto and, if elected, must receive the number of votes
19 cast as required by general law for that office in that district only and not at large. Only
20 electors who are residents of that commissioner district may vote for a member of the board
21 for that district. At the time of qualifying for election as a member of the board from a
22 commissioner district, each candidate for such office shall specify the commissioner
23 district for which that person is a candidate. A person elected or appointed as a member
24 of the board from a commissioner district must continue to reside in that district during that

25 person's term of office or that office shall become vacant. No commissioner shall serve on
 26 more than one local governing or advisory board while serving as commissioner.

27 (c) The member of the board who is chairperson of the board may reside anywhere within
 28 Bacon County and, if elected, must receive the number of votes cast for that office as
 29 required by general law in the entire county. The chairperson must continue to reside
 30 within the county during that person's term of office or that office shall become vacant.
 31 The chairperson shall not serve on any public board or authority or any entity which
 32 receives funds from the county, either directly or indirectly, or any entity for which the
 33 county is responsible, in whole or in part, for such entity's indebtedness, while serving as
 34 chairperson unless expressly required to do so by general law or the Constitution of
 35 Georgia; provided, however, that the chairperson shall be allowed to serve on any state or
 36 federal board or authority if such service is not in violation of state or federal law."

37 **SECTION 2.**

38 Said Act is further amended by revising Section 5 as follows:

39 "SECTION 5.
 40 Compensation.

41 The compensation of the chairperson of the board shall be the average of the total
 42 compensation other than longevity supplements of the constitutional officers of Bacon
 43 County, as calculated by the Board of Commissioners of Bacon County, to be paid in equal
 44 monthly installments out of the funds of Bacon County; provided, however, that the
 45 chairperson shall be entitled to increases in compensation which average the salary increases
 46 granted to all other elected county officials in any year in which such person serves as
 47 chairperson. In addition, the board shall take into consideration any past service on the
 48 Bacon County Board of Commissioners and any other considerations the board deems
 49 appropriate when calculating the salary of the chairperson. The board may provide that the
 50 chairperson and the other members of the board be reimbursed, at a rate not to exceed that
 51 provided for members of the General Assembly, for mileage for other travel in the general
 52 performance of their duties as members of the board of commissioners."

53 **SECTION 3.**

54 Said Act is further amended by revising paragraph (1) of subsection (a) of Section 6 as
 55 follows:

56 "(1) If the vacancy occurs during the final 12 months of a term of office, within 30 days
57 after such occurrence, the remaining members of the board shall appoint a person to fill
58 such vacancy; or"

59 **SECTION 4.**

60 Said Act is further amended by revising Section 7 as follows:

61 "SECTION 7.

62 (a) At the first regular meeting each January, the board of commissioners shall by majority
63 vote elect one of their members as vice chairperson. The vice chairperson shall serve at
64 the pleasure of the majority of the members of the board and may be removed at any time
65 without notice, cause, or hearing.

66 (b) It shall be the duty of the chairperson to act as presiding officer at all meetings of the
67 board of commissioners, and he or she shall be recognized as the ceremonial head of the
68 county government and shall have other duties as provided in this Act. Items shall be
69 placed on the agenda of any meeting by the chairperson or by a majority vote of the sitting
70 commissioners. In the event of the temporary absence, disqualification, or disability of the
71 chairperson, the board by majority vote shall appoint from the membership of the board a
72 commissioner to assume the duties of the chairperson, and he or she shall receive a per
73 diem allowance, not less than the per diem allowance received by members of the General
74 Assembly, for every day that the acting chairperson performs the duties of the chairperson.
75 It shall be the duty of the chairperson to preserve order and decorum at all meetings of the
76 board, to state every question coming before the board, to announce the decisions of the
77 board on all subjects, and to decide all questions of order, subject, however, to an appeal
78 to the board, in which event a majority vote of the board shall govern and conclusively
79 determine such question of order. The chairperson shall not have the right to vote on any
80 matters coming before the board except in the case of a tie vote. All commissioners
81 including the chairperson shall be bonded in the amount of \$10,000.00 by a good and
82 solvent bonding company authorized to do business in the State of Georgia, said bond to
83 be approved by the judge of the probate court, payable to the judge of the probate court and
84 his or her successors in the office, for the use of Bacon County, conditioned upon the
85 faithful performance of their duties. The costs of said bonds shall be paid from the general
86 funds of Bacon County."

87 **SECTION 5.**

88 Said Act is further amended by revising Section 10 as follows:

"SECTION 10.

89
90 All regular meetings of the board of commissioners shall be held at a date and time to be
91 adopted by majority vote of the commissioners in the office of said board or at a date and
92 time to be adopted by the majority of the commissioners in office of said board or at a
93 pre-announced place on the courthouse premises in Bacon County, Georgia, and said
94 meetings may be adjourned from day to day until all business is completed. Any
95 commissioner who fails to attend a monthly meeting forfeits his or her monthly salary for the
96 month in which the meeting was missed. If any commissioner misses a regularly scheduled
97 meeting or attends only part of a regularly scheduled meeting, the other commissioners shall
98 decide whether or not to pay said commissioner. The majority of said commissioners shall
99 decide on the validity of an excuse. Extra session or special meetings may be held at any
100 time on the call of the chairperson of the board or a majority of the commissioners.
101 Whenever a special meeting is called, notice shall be given by the clerk of the board to each
102 member of the board, in writing, setting forth the date and the place of the meeting and the
103 purpose for which the same is called, and no business shall be transacted at such special
104 meetings except such as is given in the notice without the unanimous consent of the entire
105 board of commissioners. Notice and purpose of meetings may be waived. All such notices
106 shall be served by leaving the same at the home of each member or by delivering the same
107 to him or her in person. All meetings, both regular and special, shall be open to the public;
108 provided, however, that the board shall have the right to hold executive session; provided,
109 further, that no official action or vote on any proposition or question coming before the board
110 shall be taken at any other than a public meeting."

SECTION 6.

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