

House Bill 224 (AS PASSED HOUSE AND SENATE)

By: Representatives Sims of the 169th and Roberts of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To reestablish the Board of Commissioners of Coffee County; to supersede the laws
2 pertaining to the governing authority of Coffee County; to provide for the powers of the
3 board of commissioners, the composition of the board of commissioners, election districts,
4 qualifications of commissioners, terms of office for commissioners, filling vacancies,
5 meetings, a quorum, the responsibilities of the chairperson, a vice chairperson, and the vice
6 chairperson's responsibilities; to provide for oaths, bonds, budgets, audits, a county
7 administrator, a clerk, minutes, and compensation and expenses of commissioners; to provide
8 for submission for approval pursuant to the federal Voting Rights Act of 1965; to provide for
9 severability; to provide for an effective date; to provide for the repeal of existing enabling
10 legislation and other conflicting laws; to provide for related matters; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 The laws pertaining to the governing authority of Coffee County shall be superseded by this
14 Act to reestablish the Board of Commissioners of Coffee County as follows:

15 "SECTION 1.

16 Board established.

17 The Board of Commissioners of Coffee County ('the board') which existed on January 1,
18 2013, is continued in existence as the governing authority of Coffee County but on and
19 after July 1, 2013, shall be constituted as provided in this Act. The Board of
20 Commissioners of Coffee County so continued and constituted shall continue to have the
21 powers, duties, rights, obligations, and liabilities of that board as it existed immediately
22 prior to January 1, 2013.

SECTION 2.

Duties and responsibilities.

The board 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 the jurisdiction of the board. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board, shall be conclusive and binding.

The board 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 and reserved to its exclusive jurisdiction:

- (1) To levy taxes;
- (2) To fix fees;
- (3) To make appropriations;
- (4) To fix rates and charges for services provided by the county;
- (5) To authorize the incurring of indebtedness;
- (6) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;
- (7) To authorize and provide for the execution of contracts;
- (8) To establish, alter, open, close, build, repair, or abolish public roads and bridges, according to law; provided, however, that the chairperson shall have the authority to adopt subdivision plats when the requirement established by the board for subdivisions is met;
- (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, duties, and authority 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 or other matters as authorized by law;
- (16) To appoint retained legal counsel and an independent county auditor and provide for their compensation;
- (17) To appoint and employ a county administrator for the purpose of administering the day-to-day routine operations of the county and to provide for his or her compensation;

- 58 (18) To appoint members of the Coffee County Board of Elections and Registration as
59 provided by a separate Act to create a board of elections and registration for Coffee
60 County and any amendments thereto;
- 61 (19) To appoint and employ an emergency management director as determined necessary
62 by the board and to provide for his or her compensation;
- 63 (20) To appoint, select, and employ officers, agents, and employees and to fix their
64 compensation unless hired by the county administrator;
- 65 (21) To exercise all of the power and authority which is or may be vested in the board
66 by the Constitution or laws of this state; and
- 67 (22) To exercise all power and authority formerly vested in the board.

68 SECTION 3.

69 Election of board members and districts established.

- 70 (a) Those members of the Board of Commissioners of Coffee County who are serving as
71 such on December 31, 2012, and any person selected to fill a vacancy in any such office
72 shall continue to serve as such members until the regular expiration of their respective
73 terms of office and upon the election and qualification of their respective successors. On
74 and after the effective date of this Act, the Board of Commissioners of Coffee County shall
75 consist of five members all of whom shall be elected from commissioner districts described
76 in subsection (b) of this section.
- 77 (b) For purposes of electing members of the board of commissioners, Coffee County is
78 divided into five commissioner districts. One member of the board shall be elected from
79 each such district. The five commissioner districts shall be and correspond to those five
80 numbered districts described in and attached to and made a part of this Act and further
81 identified as 'Plan: coffeecs-2012 Plan Type: local Administrator: coffee User: bak'.
- 82 (c) When used in such attachment, the terms 'VTD' shall mean and describe the same
83 geographical boundaries as provided in the report of the Bureau of the Census for the
84 United States decennial census of 2010 for the State of Georgia. The separate numeric
85 designations in a district description which are underneath a 'VTD' heading shall mean and
86 describe individual Blocks within a VTD as provided in the report of the Bureau of the
87 Census for the United States decennial census of 2010 for the State of Georgia. Any part
88 of Coffee County which is not included in any such district described in that attachment
89 shall be included within that district contiguous to such part which contains the least
90 population according to the United States decennial census of 2010 for the State of
91 Georgia. Any part of Coffee County which is described in that attachment as being in a
92 particular district shall nevertheless not be included within such district if such part is not

93 contiguous to such district. Such noncontiguous part shall instead be included within that
94 district contiguous to such part which contains the least population according to the United
95 States decennial census of 2010 for the State of Georgia. Except as otherwise provided in
96 the description of any commissioner district, whenever the description of such district
97 refers to a named city, it shall mean the geographical boundaries of that city as shown on
98 the census map for the United States decennial census of 2010 for the State of Georgia.

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

102 (e) In order to be elected or appointed as a member of the board from a commissioner
103 district, a person must have that person's legal residence in that district and, if elected, must
104 receive the number of votes cast as required by general law for that office in that district
105 only and not at large. Only electors who are residents of that commissioner district may
106 vote for a member of the board for that district. At the time of qualifying for election as
107 a member of the board from a commissioner district, each candidate for such office shall
108 specify the commissioner district for which that person is a candidate. A person elected
109 or appointed as a member of the board from a commissioner district must continue to reside
110 in that district during that person's term of office or that office shall become vacant.

111 (f) The members of the reconstituted board shall be elected as provided in this subsection.
112 The first members of the board elected under this Act shall be elected at the November
113 general election on the Tuesday next following the first Monday in November, 2014.
114 Those members of the board elected thereto from Commissioner Districts 1 and 3 in
115 November, 2014 shall take office the first day of January immediately following that
116 election and shall serve for initial terms of office which expire December 31, 2018, and
117 upon the election and qualification of their respective successors. Those members of the
118 board elected thereto from Commissioner Districts 2, 4, and 5 in November, 2016 shall
119 take office the first day of January immediately following that election and shall serve for
120 initial terms of office which expire December 31, 2020, and upon the election and
121 qualification of their respective successors. Those and all future successors to members
122 of the board whose terms of office are to expire shall be elected at the time of the
123 state-wide general election immediately preceding the expiration of such terms, shall take
124 office the first day of January immediately following that election, and shall serve for terms
125 of office of four years each. Members of the board shall serve for the terms of office
126 specified therefor in this subsection and until their respective successors are elected and
127 qualified.

128 (g) All members of the board who are elected thereto shall be nominated and elected in
129 accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

130 (h) Commissioner Districts 1 through 5, as they existed on January 1, 2013, shall continue
131 to be designated as Commissioner Districts 1 through 5, respectively, but as newly
132 described under this Act, and on and after January 1, 2013, such members of the board
133 serving from those former commissioner districts shall be deemed to be serving from and
134 representing their respective districts as newly described under this Act.

135 SECTION 4.

136 Vacancies.

137 When a vacancy occurs on the board under the laws of this state and the unexpired term
138 of office exceeds six months in duration, it shall be the duty of the election superintendent
139 of the county to call a special election to elect a successor and fill the vacancy in not less
140 than 30 nor more than 60 days. The election shall be held as provided by the Georgia
141 Election Code, and the cost of the election shall be defrayed by proper county authorities.
142 If the unexpired term to be filled is six months or less in duration in the case of the term of
143 a board member, the chairperson shall nominate and the board shall approve a successor
144 to fill the unexpired term, and in the case of the term of the chairperson, the remaining
145 members of the board shall elect a successor to fill the unexpired term of the chairperson.
146 Persons elected or appointed to fill a vacancy in office shall serve out the unexpired term
147 and until a successor is elected and qualified.

148 SECTION 5.

149 Meetings.

150 (a) The board shall hold a minimum of one regular meeting per month for the transaction
151 of business as may legitimately come before it. The board may convene in special
152 meetings on the call of the chairperson, as the business of the board may require. The
153 board members may at any time convene a special meeting of the board upon call by any
154 one of them as the business of the board may require, provided the chairperson is unable
155 or fails to call such meeting upon request.

156 (b) The chairperson and any two board members shall constitute a quorum. In the absence
157 of the chairperson, three board members shall constitute a quorum. Unless expressed
158 otherwise in any law, rule, or ordinance, a decision of the board may be made by majority
159 vote of a quorum of the board.

160 (c) The board shall cause minutes of its meetings to be kept in accordance with the laws
161 of this state.

162 SECTION 6.

163 Chairperson.

164 (a) The board shall elect one of the board members to serve as chairperson. The
165 chairperson shall be the official head of the board. The chairperson shall serve for a term
166 of one year from January 1 through December 31 of each year.

167 (b) No person shall serve as chairperson or vice chairperson unless he or she has
168 satisfactorily completed all annual training and education requirements.

169 (c) The chairperson shall cause an agenda to be established for and preside at all meetings
170 of the board unless absent. The chairperson shall have all the rights, powers, duties, and
171 responsibilities of a member of the board, including the right and power to make motions
172 and nominations and the right to vote on matters before the board. The chairperson may
173 serve as a member of boards, commissions, and committees required by law or requested
174 by the board and shall perform such other duties as may be required by law.

175 SECTION 7.

176 Vice chairperson.

177 The board shall elect one of the board members to serve as vice chairperson in the same
178 manner and for the same term as the chairperson. The vice chairperson shall cause an
179 agenda to be established for and preside at all meetings at which the chairperson is absent.
180 In such event, the vice chairperson shall retain all of his or her rights, duties, powers, and
181 responsibilities as a member of the board of commissioners, including the right to make
182 motions and to vote on matters before the board.

183 SECTION 8.

184 Oath, surety bond, conflicts of interest.

185 (a) Before entering upon the discharge of their duties, the chairperson and other board
186 members shall subscribe to an oath for the true and faithful performance of their duties and
187 that they are not the holders of any unaccounted for public funds.

188 (b) The chairperson shall give a satisfactory surety bond, as determined by the judge of the
189 Probate Court of Coffee County, and payable to the judge of the Probate Court of Coffee
190 County and filed in the office of the judge of the Probate Court of Coffee County, in the
191 sum of \$50,000.00, conditioned upon the faithful performance of the duties of the office.
192 Each board member shall give like bond in the sum of \$25,000.00. The costs of such
193 bonds shall be paid from county funds.

194 (c) No county official or employee shall employ an immediate family member in a
 195 position that is directly supervised by him or her. As used in this subsection, the term
 196 'immediate family member' means a spouse, child, sibling, or parent or the spouse of a
 197 child, sibling, or parent.

198 SECTION 9.

199 County budget and audits.

200 (a) The board shall adopt and operate under annual budgets in accordance with the laws
 201 of this state.

202 (b) The board shall provide for and cause to be made annual audits in accordance with the
 203 laws of this state.

204 SECTION 10.

205 County administrator.

206 (a) The board shall create in and for Coffee County the office of county administrator and
 207 vest in such office powers, duties, and responsibilities of an administrative nature in
 208 accordance with the laws of this state. The county administrator shall be the chief
 209 executive officer of Coffee County and shall be responsible to the board for the proper and
 210 efficient administration of all affairs of the county, except as otherwise provided by law.
 211 It shall be the duty of the county administrator to:

- 212 (1) See that all laws and ordinances of the county are enforced;
- 213 (2) Exercise control over all departments or divisions of the county which the board has
 214 exercised prior to the effective date of this Act or that may be created, except as
 215 otherwise provided in this Act;
- 216 (3) Keep the board fully advised as to the financial condition and needs of the county;
- 217 (4) Supervise and direct the official conduct of all appointed county officers and
 218 department heads, except as may be otherwise provided in this Act;
- 219 (5) Establish and alter the internal organization of the county government after
 220 consultation with the board;
- 221 (6) Attend all meetings of the board with the right to take part in the discussions,
 222 provided that the county administrator shall have no vote on any matter or issue before
 223 the board;
- 224 (7) Supervise the performance of all contracts made by any person for work done for
 225 Coffee County and supervise and regulate all purchases of materials and supplies for
 226 Coffee County within such limitations and under such rules, regulations, and delegations

227 of authority as may be imposed by the board in the county purchasing ordinance, by
228 resolution, or by contract;

229 (8) Confer with and advise all other elected or appointed officials of Coffee County who
230 are not under the immediate control of the board but who receive financial support from
231 the board;

232 (9) Exercise the authority to countersign with the chairperson or, in his or her absence,
233 the vice chairperson, all payroll checks for employees of Coffee County and such other
234 financial instruments as the board may by resolution delegate to the county administrator;
235 and

236 (10) Perform such other duties as may be required of him or her by the board.

237 (b) The county administrator shall have authority to appoint and fix the compensation of
238 the appointed officers and employees of Coffee County subject to the following limitations
239 and requirements:

240 (1) The person appointed as an officer or employee shall have the qualifications
241 necessary for the office or position; and

242 (2) The compensation fixed by the county administrator shall be within the approved
243 county budget.

244 (c) The county administrator shall have authority to appoint a deputy or other assistants
245 and department directors and execute employment agreements with them in his or her
246 discretion in accordance with guidelines set by the board and subject to the approval of the
247 county attorney.

248 (d) The county administrator shall have authority to discharge any employee consistent
249 with merit system rules and regulations, if applicable, and authority to discharge the deputy
250 county administrator or any department director following consultation with the board and
251 the county attorney.

252 (e) The provisions of this section shall not apply to:

253 (1) The county attorney, retained legal counsel, and the external county auditor;
254 provided, however, that the county administrator may fix the compensation of the county
255 attorney in consultation with the board;

256 (2) Members of boards, commissions, and authorities, and positions of employment in
257 connection therewith, when such boards, commissions, and authorities were created by
258 state law or appointed by the board; or

259 (3) Elected county officers of Coffee County and employees under their supervision and
260 control; provided, however, that the board by majority vote may approve or reject the
261 salary recommended for each such employee.

262 (f) The county administrator, before entering upon the discharge of his or her duties, shall
263 execute a bond with a solvent surety company licensed to do business in the county in an

264 amount to be approved by the board but no less than \$100,000.00 payable to the county
 265 conditioned on the faithful performance of his or her duties and to secure against
 266 corruption, malfeasance, misappropriations, or unlawful expenditures. The premium on
 267 said bond shall be paid by the county. The bond shall be delivered to the board within five
 268 days of the county administrator's assuming his or her duties and, upon receipt, shall be
 269 filed by the county clerk with the Probate Court of Coffee County.

270 (g) Before entering upon his or her duties, the county administrator shall take and
 271 subscribe an oath administered by the judge of the probate court for the faithful
 272 performance of his or her duties under this Act which shall be duly entered upon the
 273 minutes of the board.

274 (h) The county administrator shall not engage in or be concerned with local partisan
 275 politics or any local political campaign. The county administrator shall not contribute to
 276 any local campaign fund or solicit funds for local political purposes from any other person.
 277 He or she shall not be eligible for election as a member of the board of commissioners of
 278 the county for a period of one year after termination of his or her service as county
 279 administrator.

280 SECTION 11.

281 County clerk.

282 The board shall appoint a clerk in and for Coffee County consistent with the laws of this
 283 state. The clerk shall be a resident of Coffee County. Before entering upon the discharge
 284 of his or her duties, the clerk shall give a satisfactory surety bond, as determined by the
 285 judge of the Probate Court of Coffee County, and payable to the judge of the Probate Court
 286 of Coffee County and filed in the office of the judge of the Probate Court of Coffee
 287 County, in the sum of \$50,000.00, conditioned upon the faithful performance of his or her
 288 duties as clerk and to account for any and all funds, property, or effects which may come
 289 into his or her hands as clerk or otherwise. The costs of such bond shall be paid from
 290 county funds.

291 SECTION 12.

292 Salaries, compensation, and expenses.

293 Salaries, compensation, expenses, and expenses in the nature of compensation to which
 294 members of the board serving on the effective date of this Act are currently entitled shall
 295 continue in full force and effect. Salaries, compensation, expenses, and expenses in the

296 nature of compensation to which members of the board are thereafter entitled shall be fixed
297 pursuant to the laws of this state."

298 **SECTION 2.**

299 The governing authority of Coffee County shall through its legal counsel cause this Act to
300 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and
301 such submission shall be made to the United States Department of Justice or filed with the
302 appropriate court no later than 45 days after the date on which this Act is approved by the
303 Governor or otherwise becomes law without such approval.

304 **SECTION 3.**

305 This Act shall become effective on the first day of the month following the month in which
306 it is approved by the Governor or in which it becomes law without such approval.

307 **SECTION 4.**

308 In the event any provision of this Act is unconstitutional or cannot be implemented under
309 federal law, the remaining provisions of this Act shall remain valid and of full force and
310 effect.

311 **SECTION 5.**

312 The Act establishing the office of Commissioner of Roads and Revenues in the County of
313 Coffee, approved March 26, 1937 (Ga. L. 1937, p. 1294), and all amendments thereto, and
314 any Act establishing the Board of Commissioners of Coffee County prior to 1937, and all
315 amendments thereto, and an Act Replacing the Office of Commissioner, approved February
316 21, 1951 (Ga. L. 1951, p. 1294) and all amendments thereto, and all other laws and parts of
317 laws in conflict with this Act are repealed.