

House Bill 257

By: Representatives Taylor of the 173rd and Powell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act relating to the board of commissioners of Decatur County, approved
2 March 4, 1935 (Ga. L. 1935, p. 630), as amended, so as to restate the provisions of said Act;
3 to provide for the election of a chairperson and vice-chairperson of the board by its members;
4 to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act relating to the board of commissioners of Decatur County, approved March 4, 1935
8 (Ga. L. 1935, p. 630), as amended, is amended by striking Sections 1 through 17 of said Act,
9 which comprise all substantive provisions of said Act as amended, and inserting in their
10 place new Sections 1 through 17 to read as follows:

11 "SECTION 1.

12 (a) There is established in Decatur County a board of commissioners which shall be the
13 governing authority of said county. The board shall be composed of six members as
14 provided in this Act. For the purpose of electing members of the board of commissioners,
15 Decatur County is divided into six commissioner districts. One member of the board shall
16 be elected from each such district. The six commissioner districts shall be and correspond
17 to those six numbered districts described in and attached to and made a part of this Act and
18 further identified as 'Plan: decaturccsb-2012 Plan Type: local Administrator: decatur
19 User: bak'.

20 (b)(1) For the purposes of such plan:

21 (A) The term 'VTD' shall mean and describe the same geographical boundaries as
22 provided in the report of the Bureau of the Census for the United States decennial
23 census of 2010 for the State of Georgia. The separate numeric designations in a district
24 description which are underneath a VTD heading shall mean and describe individual

25 Blocks within a VTD as provided in the report of the Bureau of the Census for the
 26 United States decennial census of 2010 for the State of Georgia; and

27 (B) Except as otherwise provided in the description of any district, whenever the
 28 description of any district refers to a named city, it shall mean the geographical
 29 boundaries of that city as shown on the census maps for the United States decennial
 30 census of 2010 for the State of Georgia.

31 (2) Any part of Decatur County which is not included in any district described in
 32 subsection (a) of this section shall be included within that district contiguous to such part
 33 which contains the least population according to the United States decennial census of
 34 2010 for the State of Georgia.

35 (3) Any part of Decatur County which is described in subsection (a) of this section as
 36 being included in a particular district shall nevertheless not be included within such
 37 district if such part is not contiguous to such district. Such noncontiguous part shall
 38 instead be included within that district contiguous to such part which contains the least
 39 population according to the United States decennial census of 2010 for the State of
 40 Georgia.

41 SECTION 2.

42 All members of the board of commissioners shall not be less than 21 years of age and shall
 43 be qualified electors of Decatur County. Each of the commissioners shall have been a
 44 resident of his or her respective commission district for at least 18 months prior to the date
 45 of taking office. In the event that any member ceases to be a resident of his or her
 46 respective commission district during his or her term of office, a vacancy shall be created
 47 and shall be filled in the manner hereinafter provided. Each of the members shall be
 48 elected by the qualified voters of Decatur County residing within his or her respective
 49 commission district. In all elections conducted pursuant to this Act, each candidate shall
 50 designate, at the time of qualifying, the district from which he or she offers as a candidate.
 51 To be elected as a member of the board, a candidate must receive the highest number of
 52 votes cast for the seat he or she is seeking; and, at the same time, a candidate must receive
 53 a majority of the total votes cast for the election of a commissioner to that seat. In the
 54 event no candidate for a particular seat receives a majority of the votes for the seat he or
 55 she is seeking, a run-off election shall be conducted for that particular seat. All members
 56 shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21
 57 of the O.C.G.A., the Georgia Election Code, as now or hereafter amended.

58 SECTION 3.

59 Reserved.

60 SECTION 4.

61 (a) The present members of the board of commissioners of Decatur County and any
62 successors filling vacancies created by such members prior to the expiration of their terms
63 of office shall continue to serve out the terms of office for which they were elected and
64 until their successors are elected and qualified as provided in this section.

65 (b) The members from Commission Districts No. Two, Three, and Five shall be those
66 elected at the general election of 2004 and quadrennially thereafter and they shall take
67 office on January 1 next following their election for terms of four years and until their
68 successors are elected and qualified.

69 (c) The members from Commission Districts No. One, Four, and Six shall be elected at
70 the general election of 2006 and quadrennially thereafter and shall take office on January 1
71 next following their election for terms of four years and until their successors are elected
72 and qualified.

73 (d) Successors to the members elected pursuant to this section shall be elected at the
74 general election immediately preceding the expiration of their respective terms of office
75 and shall take office on the first day of January following their election for terms of four
76 years and until their successors are elected and qualified.

77 (e) Any vacancy which occurs on the board of commissioners by death, resignation,
78 removal from the commission district, or for any other reason shall be filled by the
79 remaining members of the board electing a successor to serve until a successor is elected
80 at the next general election to serve for the unexpired term or for a full term, as the case
81 may be. Persons elected or appointed to fill the vacancies as provided by this subsection
82 shall be subject to the same qualifications as required of other regular elected members of
83 the board of commissioners.

84 SECTION 5.

85 Each member of said board, before entering upon his or her duties, shall take an oath
86 before the probate judge or the clerk of superior court to faithfully and honestly discharge
87 all the duties of such commissioner according to the laws and Constitution of the State of
88 Georgia, which oath shall be subscribed by the member and recorded upon the minutes of
89 said board.

90 SECTION 6.

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

92 (b) A majority of the members of the board shall constitute a quorum for the transaction
93 of all business which may come before it. A majority vote of the members present and

94 voting on any matter shall be required for the board to act affirmatively or negatively on
95 the matter.

96 SECTION 7.

97 (a) At the first board meeting in January, 2016, and at the first meeting each year
98 thereafter, the board of commissioners shall by majority vote elect one of its members as
99 chairperson and one of its members as vice-chairperson.

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

102 (c) The vice-chairperson shall serve a term of one year, unless he or she resigns, vacates
103 the office, or is removed from the position of vice-chairperson.

104 (d) It shall be the duty of the chairperson to:

105 (1) Act as presiding officer at the meetings of the board;

106 (2) Serve as the ceremonial head of the county government;

107 (3) Represent the board in executing any matter approved by the board; and

108 (4) Ensure effective, regular, and harmonious communication among board members.

109 (e) The chairperson shall have the privilege to vote on any matter coming before the board
110 for its consideration, unless otherwise disqualified by interest or relationship.

111 (f) In the event of absence or recusal of the chairperson, the vice-chairperson shall
112 temporarily assume the duties of the chairperson.

113 (g) In the event that the chairperson is physically absent from four consecutive regularly
114 scheduled board meetings, the office of chairperson shall be declared vacant.

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

117 (i) In the event that the vice-chairperson is physically absent from four consecutive
118 regularly scheduled board meetings, the office of vice-chairperson shall be declared vacant.

119 (j) In the event that the office of vice-chairperson shall become vacant during the course
120 of the year, the position of vice-chairperson shall be filled in the same manner as it would
121 be pursuant to subsection (a) of this section.

122 (k) The chairperson or vice-chairperson may be removed from office for any of the
123 following reasons: incompetence, misfeasance, or malfeasance in performing the duties of
124 the office of chairperson or vice-chairperson; conviction of a crime of moral turpitude; or
125 abandonment of office or neglect to perform the duties thereof. Such removal of office
126 shall require the affirmative vote of five commissioners.

127 SECTION 8.

128 Each member of the board of commissioners shall be compensated from the funds of
129 Decatur County. The compensation for the chairperson, the vice-chairperson, and the
130 remaining members of the board shall be fixed by the governing authority of Decatur
131 County, as authorized by law.

132 SECTION 9.

133 The board of commissioners shall be authorized to employ a county administrator for the
134 purpose of carrying out any of their powers and duties in the management and controlling
135 of the affairs of the county. The county administrator shall perform such duties and
136 responsibilities as determined by the board of commissioners. The county administrator
137 shall be compensated out of county funds in an amount set by the board of commissioners.

138 SECTION 10.

139 The board of commissioners shall be authorized to elect and appoint a county clerk, and
140 said clerk shall take the same oath in the same manner as its members have. The clerk's
141 duties shall be prescribed by the board of commissioners and his or her term of office shall
142 be designated by the board of commissioners. The county clerk shall be compensated out
143 of county funds in an amount set by the board of commissioners.

144 SECTION 11.

145 Reserved.

146 SECTION 12.

147 The board of commissioners may appoint and employ a competent attorney to act as
148 attorney for said county, whose term of office may be fixed by the board of commissioners,
149 and the board of commissioners shall pay for such legal services such compensation as the
150 board in its discretion may deem reasonable.

151 SECTION 13.

152 The board of commissioners shall be authorized to designate the county administrator or
153 any other county employee as the purchasing agent for the board of commissioners. The
154 person designated as purchasing agent shall perform his or her responsibilities in accord
155 with the purchasing policy of the county.

SECTION 14.

156
157 The board of commissioners shall have, and they are hereby vested with, exclusive
158 jurisdiction over the following matters: in directing and controlling all of the property of
159 the county as they may deem expedient according to law; in levying taxes according to law;
160 in establishing, altering, or abolishing and changing elections, precincts, and militia
161 districts; in supplying by appointment all vacancies in county offices and in ordering
162 elections to fill them; in examining, settling, and allowing all claims against the county; in
163 examining and auditing the accounts of all officers having the care, management, keeping,
164 collection, or disbursement of money belonging to the county or appropriated for its use
165 and benefit and bringing them to a settlement; in supervising the tax commissioner's books
166 and allowing the insolvent list for said county, according to law in the settlement; and
167 especially are they charged with the authority to examine and audit the books of the county
168 treasurer, the tax commissioner, the sheriff, and all other officers of the county through
169 whose hands may pass funds. This may be done by the commissioners or their clerk or
170 designated auditor, and they may require from such officers such report as may be
171 necessary to keep the board of commissioners fully informed at all times of the financial
172 condition of the county; in controlling, caring for, and managing the inmates of the county
173 according to law; in making such rules, regulations, and provisions for the support of the
174 poor of the county; in preserving and promoting public health of the county with authority
175 to quarantine against contagious diseases and epidemics as provided by law; in levying and
176 collecting taxes and trying all defaulters according to law; to sit at any time as a court for
177 county purposes; to appoint any person or persons to discharge any duty and trust
178 authorized by their powers, when no other person or persons are designated by law, and to
179 regulate his or her or their compensation in their discretion; to concur in the approval with
180 the probate court of the county of all official bonds now or formerly required to be
181 approved by the ordinary or probate court by law; and generally to exercise all of the
182 powers which are by the Constitution and laws of Georgia vested in the probate judge when
183 sitting for county purposes, and to exercise such other powers as are granted by law or as
184 may be necessary to their jurisdiction over county matters or county finances, including all
185 powers not contrary with this Act, which have been heretofore exercised by the Board of
186 Commissioners of Roads and Revenues of Decatur County under the Acts approved
187 August 15th, 1904, and under all Acts amendatory thereof; in selecting and appointing all
188 subsidiary officers and employees of the county whose election and appointment are not
189 otherwise provided for by law, such as superintendents and guards of inmates, county
190 physicians, health officer, county farm agent, janitor of the courthouse, and other
191 employees or officials as may be required or authorized by law. The board shall have
192 entire management and control of the inmates of the county sentenced to work upon the

193 roads and public works of the county so long as the county maintains a correctional
194 institute and all inmates of the state assigned to work in the county by the proper authorities
195 of the state and shall so employ them according to law and under such plans of working,
196 building, repairing, and maintaining the public roads, bridges, and public works of the
197 county, as now provided by law in said county.

198 **SECTION 15.**

199 The board of commissioners may receive contributions to the building or improvement of
200 the public buildings, bridges, and property of the county from any person or persons, and
201 such contributions received shall be used for the improvement of the roads and bridges or
202 other county property.

203 **SECTION 16.**

204 Whenever practical and in the discretion of the board of commissioners, all supplies,
205 equipment, and materials used by the county shall be purchased after notice and
206 competitive bids received by the board, and whenever the board deems it advisable or
207 necessary in their discretion that any property of the county be sold, the board shall sell
208 same after due advertisement in the official organ of the county, at public outcry to the
209 highest bidder for cash, before the courthouse door, all pursuant to the county purchasing
210 policies.

211 **SECTION 17.**

212 The board of commissioners has the right to summon witnesses to appear before the board
213 sitting as a court for county purposes, and to punish any and every person for contempt as
214 the judges of the superior courts of this state now have."

215 **SECTION 2.**

216 Those members of the board of commissioners of Decatur County who are serving as such
217 on the effective date of this Act and any person selected to fill a vacancy in any such office
218 shall continue to serve as such members until the regular expiration of their respective terms
219 of office and upon the election and qualification of their respective successors.

220 **SECTION 3.**

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

Plan: decaturccsb-2012
Plan Type: local
Administrator: decatur
User: bak

District 001

Decatur County

VTD: 0871005 - BELL

VTD: 0871361 - CLIMAX

970100:

2022 2025 2028 2029 2030 2031 2032 2033 2037 2038 2045 2055
2056 2057 2058 2059 2062 2063

VTD: 0871392 - FOWLSTOWN

VTD: 087513 - BAINBRIDGE-COLI

970100:

2049 2050 2051

970300:

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4016 4018 4019 4031 4032 4033 4034 4035 4040 4041 4042 4043
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4057 4058 4060 4061 4062

970700:

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970800:

2001

VTD: 087694 - ATTAPULGUS

VTD: 087914 - FACEVILLE

970700:

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1099

970800:

2086

District 002

Decatur County

VTD: 0871277 - BELCHER

VTD: 0871361 - CLIMAX

970100:

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VTD: 0871646 - PARKER

VTD: 087513 - BAINBRIDGE-COLI

970600:

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VTD: 087514 - BDGE-FAIRGROUND

970100:

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970400:

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District 003

Decatur County

VTD: 087513 - BAINBRIDGE-COLI

970300:

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970600:
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VTD: 087514 - BDGE-FAIRGROUND
970100:
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970300:
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4051 4052

District 004
Decatur County
VTD: 087513 - BAINBRIDGE-COLI
970100:
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970300:
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4071 4072

District 005
Decatur County
VTD: 0871325 - RECOVERY
VTD: 0871342 - KENDRICK
VTD: 0871805 - WEST BAINBRIDGE
970200:
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970300:
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VTD: 087513 - BAINBRIDGE-COLI
970300:
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VTD: 087914 - FACEVILLE
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District 006
Decatur County
VTD: 0871188 - PINE HILL
VTD: 0871613 - BRINSON
VTD: 0871805 - WEST BAINBRIDGE
970200:
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970300:

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