

Senate Bill 246

By: Senators Butler of the 55th, Henson of the 41st, Millar of the 40th, Parent of the 42nd,  
Jones of the 10th and others

A BILL TO BE ENTITLED  
AN ACT

1 To create the DeKalb County Charter Review Commission; to provide for its membership,  
2 officers, purpose, meetings, hearings, functions, powers, expenses, and duties; to provide for  
3 a final report; to provide for the abolishment of such charter commission; to provide for  
4 definitions; to provide for an effective date; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**  
8 Definitions.

9 (1) "Organizational Act" as used in this act refers to the Organizational Act of DeKalb  
10 County, Georgia, Georgia Laws 1981, p. 4304, et seq., and all properly enacted  
11 amendments thereto.

12 (2) "Governing Authority" as used in this act refers to the governing authority of DeKalb  
13 County, Georgia, as defined in Section 1 of the Organizational Act.

14 (3) Any reference to the members of the General Assembly from DeKalb County, or to  
15 members of either the Senate or House of Representatives from DeKalb County refers  
16 to members of both houses, or of the identified house, whose senatorial or representative  
17 districts lie wholly or partially in DeKalb County.

18 **SECTION 2.**  
19 Charter commission creation.

20 (1) There is hereby created the DeKalb County Government Charter Review  
21 Commission, hereinafter referred to as the "Charter Commission."

22 (2) It shall be the duty of the Charter Commission to review the Organizational Act and  
23 to make such recommendations as the Charter Commission deems appropriate to ensure  
24 that the government of DeKalb County, Georgia is:

25 (A) Representative of all of the citizens of DeKalb County;

26 (B) Responsive to the needs and demands of the citizens of DeKalb County;

27 (C) Delivering governmental services to all of the citizens of DeKalb County in an  
28 efficient and effective way; and

29 (D) The most relevant and applicable form of government.

30 (3) It shall further be the duty of the Charter Commission to make such  
31 recommendations as it may deem necessary to harmonize all parts of the Organizational  
32 Act.

33 (4) The Charter Commission shall refer to all previous studies of the DeKalb County  
34 government. It shall specifically consider the reports of the two previous charter  
35 commissions created by the General Assembly: the Local Government  
36 Commission (1954), the DeKalb County Government Reorganization  
37 Commission (1979); and the 2014 DeKalb Operations Task Force.

38 (5) In addition to the foregoing resources and within budgetary limitations, the Charter  
39 Commission shall have complete authority to gather information from whatever source  
40 it deems necessary or appropriate to enable it to carry out its duties outlined in this Act.  
41 Officials and employees of the State of Georgia shall be authorized to provide  
42 information and assistance to the Charter Commission to enable the Charter Commission  
43 to carry out its duties under this Act. Should any official of the State of Georgia or  
44 DeKalb County refuse the reasonable request of the Charter Commission, or undertake,  
45 directly or indirectly, to hinder the Charter Commission in the proper performance of its  
46 duties, the Charter Commission, by majority vote, may refer the matter to the Chief Judge  
47 of the Superior Court of DeKalb County who may be asked to order the information  
48 released.

49 (6) The Charter Commission, within budgetary limitations, shall hold such number of  
50 public meetings and hearings as the Charter Commission deems necessary to obtain the  
51 opinions of the citizens of DeKalb County relative to the organization and functioning  
52 of the government of DeKalb County, and to inform the citizens of DeKalb County of the  
53 work of the Charter Commission. The Charter Commission shall hold at least one public  
54 hearing in each Commission District in DeKalb County. The Charter Commission shall  
55 publicize the time, place, date, and purpose of each such public hearing in advance of the  
56 date of such public hearing.

57 **SECTION 3.**

58 Membership.

59 (1) Because a legitimate government can exist only by the consent of the governed, it is  
 60 the intention of the General Assembly that the Charter Commission shall be composed  
 61 of 19 citizens of DeKalb County who have been residents of DeKalb County for at least  
 62 one year immediately preceding the date of taking office and who remain residents of  
 63 DeKalb County while in office who shall be selected as follows:

64 (A) One member shall be appointed by the board of education of DeKalb County;

65 (B) One member shall be appointed by the board of directors of the DeKalb County  
 66 Chamber of Commerce;

67 (C) Two members shall be appointed by the Chief Executive Officer of DeKalb  
 68 County;

69 (D) One member shall be appointed by each duly elected member of the Board of  
 70 Commissioners of DeKalb County;

71 (E) Two members shall be appointed by the chairperson of the DeKalb County  
 72 delegation in the House of Representatives of the General Assembly, provided that each  
 73 member resides in a separate regular commission district of DeKalb County and only  
 74 one may be a member of the DeKalb County delegation in the House of  
 75 Representatives of the General Assembly;

76 (F) Two members shall be appointed by the chairperson of the DeKalb County  
 77 delegation in the Senate of the General Assembly, provided that each member resides  
 78 in a separate regular commission district of DeKalb County and only one may be a  
 79 member of the DeKalb County delegation in the Senate of the General Assembly;

80 (G) One member shall be appointed by the DeKalb Municipal Association;

81 (H) One member shall be appointed by the Association County Commissioners of  
 82 Georgia; and

83 (I) The chairpersons of the DeKalb County delegation of the House of Representatives  
 84 and Senate shall be members ex officio.

85 (2) Each organization named in subparagraphs (A), (B), (G), and (H) of paragraph (1)  
 86 of this section shall determine the manner in which such organization shall act to elect  
 87 its respective member or members to the Charter Commission; provided that each  
 88 organization shall consider a prospective member's skills, knowledge, training, and  
 89 experience which are directly related to the stated duties of the Charter Commission.  
 90 Each organization shall act to elect its respective member or members prior to  
 91 May 1, 2017, and shall notify the respective chairpersons of the DeKalb County

92 delegation in the House of Representatives and Senate of the names and addresses of  
93 those elected not later than May 1, 2017.

94 (3) It shall be the responsibility of the chairperson of the Senate legislative delegation  
95 from DeKalb County or his or her designee to inform the Chief Executive Officer of  
96 DeKalb County and presiding officer of the county commission of the appointments of  
97 the Charter Commission members.

98 (4) In the event any member of the Charter Commission, without good cause, fails to  
99 attend three consecutive meetings of the Charter Commission, the member's position on  
100 the Charter Commission shall become vacant. After proper notice, the authority which  
101 originally elected or appointed the member shall fill the vacancy in the same manner.

102 (5) Members shall serve without compensation, but, subject to budgetary limitations, the  
103 Charter Commission may authorize reimbursement for travel expenses at not more than  
104 that rate per mile at which members of the General Assembly are reimbursed.

#### 105 **SECTION 4.**

#### 106 **Organization.**

107 (1) By July 1, 2017, it shall be the duty of the chairperson of the DeKalb Senate  
108 delegation to call an organizational meeting of the Charter Commission. The chairperson  
109 of the DeKalb Senate delegation shall convene the meeting and shall preside until a  
110 chairperson is elected by majority vote, which election shall be the first order of business.  
111 Upon election, the chairperson shall become the presiding officer, and shall preside over  
112 the election of a vice chairperson, a secretary, and such other officers as the Charter  
113 Commission deems necessary, by majority vote.

114 (2) The chairperson shall have full authority to preside over meetings, to lead and direct  
115 the Charter Commission and its activities, and act for the Charter Commission when so  
116 authorized by the Charter Commission. The vice chairperson shall have the same  
117 authority as the chairperson in the chairperson's absence.

118 (3) Nine members of the Charter Commission shall constitute a quorum for the  
119 transaction of business. However, any recommendation from the Charter Commission  
120 to add, eliminate, modify or change any provision of the Organizational Act must be  
121 approved by a majority of the membership of the whole Charter Commission. No  
122 vacancy on the Charter Commission shall impair the authority of the Charter Commission  
123 to carry out its duties under this Act.

124 (4) Unless expressly provided herein to the contrary, the Charter Commission shall have  
125 the authority to adopt bylaws, rules, or regulations governing its own operation, and it

126 may organize itself into such committees and subcommittees as it deems necessary and  
127 appropriate.

128 **SECTION 5.**

129 Funding, expenses, and budget.

130 (1) The funds necessary for the operation of the Charter Commission may come from  
131 funds of DeKalb County, and it is hereby declared that the expenditure of such funds is  
132 for a public purpose and for a necessary governmental function.

133 (2) Subject to budgetary limitations, the Charter Commission shall be authorized to  
134 employ such staff and clerical personnel as may be necessary for it to efficiently and  
135 effectively carry out its duties and responsibilities under this Act.

136 (3) As soon as practicable following its organization, the Charter Commission shall  
137 prepare a budget, showing in detail anticipated expenditures for staff, employees, rent,  
138 equipment, supplies, printing, travel, and other incidental expenses. DeKalb County is  
139 requested to financially assist in the operation of the Charter Commission during its entire  
140 period of operation. The Carl Vinson Institute of Government of the University of  
141 Georgia is also requested to assist in the operation of the Charter Commission. If  
142 available, funds from other public sources may be utilized.

143 (4) When prepared, the budget shall be submitted to the Governing Authority for  
144 approval. At any time prior to final approval, the budget may be returned to the Charter  
145 Commission with comments. Once adopted, the budget may be amended from time to  
146 time, if necessary, but only any such amendment must be approved by the Governing  
147 Authority.

148 **SECTION 6.**

149 Final report; charter commission abolished.

150 (1) The Charter Commission shall complete its review and deliberations, and shall issue  
151 its final report to the General Assembly not later than October 1, 2018.

152 (2) The final report shall set forth the Charter Commission's recommendations, to include  
153 the appropriate form of government of DeKalb County and any suggested changes to the  
154 Organizational Act of DeKalb County.

155 (3) A copy of the final report shall be presented to each member of the General  
156 Assembly from DeKalb County.

157 (4) During the month following the issuance of its final report, the Charter Commission  
158 shall meet at least once with the members of the General Assembly from DeKalb County.

159 The chairperson of the Charter Commission shall coordinate the date, time, and place of  
160 such meetings with the chairpersons of the Senate and House delegations, who shall issue  
161 the formal call of such meetings to the members of the respective delegations.

162 (5) The Charter Commission shall stand abolished on December 31, 2018.

163 **SECTION 7.**

164 This Act shall become effective upon its approval by the Governor or upon its becoming law  
165 without such approval.

166 **SECTION 8.**

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