

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

AS PASSED SENATE

**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.