

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to SB 246:

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 final reports; to provide for the abolishment of each 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 (a) "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 amendments
11 thereto.

12 (b) "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 (c) 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 to
16 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 (a) There is hereby created the DeKalb County Government Charter Review Commission,
21 hereinafter referred to as the "Charter Commission."

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

- 25 (1) Representative of all of the citizens of DeKalb County;
- 26 (2) Responsive to the needs and demands of the citizens of DeKalb County; and
- 27 (3) Delivering governmental services to all of the citizens of DeKalb County in an
28 efficient and effective way.

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

31 (d) The Charter Commission shall refer to all previous studies of the DeKalb County
32 government. It shall specifically consider the reports of the two previous charter
33 commissions created by the General Assembly: the Local Government Commission (1954),
34 the DeKalb County Government Reorganization Commission (1979).

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

45 (f) The Charter Commission, within budgetary limitations, shall hold such number of public
46 meetings and hearings as the Charter Commission deems necessary to obtain the opinions
47 of the citizens of DeKalb County relative to the organization and functioning of the
48 government of DeKalb County, and to inform the citizens of DeKalb County of the work of
49 the Charter Commission. The Charter Commission shall hold at least one public hearing, and
50 all meetings of the Charter Commission shall occur in DeKalb County. The Charter
51 Commission shall publicize the time, place, date, and purpose of each such public hearing
52 in advance of the date of such public hearing.

53 (g) The initial Charter Commission shall be formed in 2017, and a new Charter Commission
54 shall be formed decennially thereafter in accordance with the procedures set forth in this Act.

SECTION 3.

Membership.

(a) Because a legitimate government can exist only by the consent of the governed, it is the intention of the General Assembly that the Charter Commission shall be composed of 13 citizens of DeKalb County who have been residents of DeKalb County for at least one year immediately preceding the date of taking office and who remain residents of DeKalb County while in office; each residing in a separate district of commissioner Districts 1 through 5.

(b) The members of the Charter Commission shall be selected as follows:

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

(2) Three members; each residing in a separate district of commissioner Districts 1 through 5, shall be appointed by the Chief Executive Officer of DeKalb County, who shall appoint two of said members as cochairpersons;

(3) Three members; each residing in a separate district of commissioner Districts 1 through 5, shall be appointed by the Board of Commissioners of DeKalb County, which shall determine the manner in which it shall act to elect its members to the Charter Commission; provided that it shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Charter Commission;

(4) Two members shall be appointed by the DeKalb County delegation in the House of Representatives of the General Assembly, and one may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly;

(5) Two members shall be appointed by the DeKalb County delegation in the Senate of the General Assembly and one may be a member of the DeKalb County delegation in the Senate of the General Assembly; and

(6) The chairpersons of the DeKalb County delegation of the House of Representatives of the General Assembly and Senate of the General Assembly shall be members ex officio.

(c) The board of education of DeKalb County shall determine the manner in which it shall act to elect its member to the Charter Commission; provided that it shall consider a prospective member's skills, knowledge, training, and experience which are directly related to the stated duties of the Charter Commission. The board of education of DeKalb County shall act to elect its member prior to July 1 of the year of appointment of the Charter Commission, and shall notify the Chief Executive Officer of DeKalb County and the presiding officer of the county commission of the name and address of the member elected not later than July 1 of each such year.

(d) All members shall be appointed no later than July 1.

91 (e) In the event any member of the Charter Commission, without good cause, fails to attend
 92 three consecutive meetings of the Charter Commission, such member's position on the
 93 Charter Commission shall become vacant.

94 (f) After proper notice, the authority which originally elected or appointed the member shall
 95 fill a vacancy within 45 days.

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

99 **SECTION 4.**

100 **Organization.**

101 (a) By August 1 of the year of appointment of the Charter Commission, it shall be the duty
 102 of the appointed cochairpersons to call an organizational meeting of the Charter Commission.
 103 The cochairpersons shall convene the meeting and shall preside over the election of a
 104 secretary, and such other officers as the Charter Commission deems necessary, by majority
 105 vote.

106 (b) The cochairpersons shall have full authority to preside over meetings, to lead and direct
 107 the Charter Commission and its activities, and act for the Charter Commission when so
 108 authorized by the Charter Commission. The presence of at least one cochairperson shall be
 109 necessary for the transaction of any business by the Charter Commission.

110 (c) Eight members of the Charter Commission shall constitute a quorum for the transaction
 111 of business. However, any recommendation from the Charter Commission to add, eliminate,
 112 modify, or change any provision of the Organizational Act must be approved by at least ten
 113 members of the Charter Commission. No vacancy on the Charter Commission shall impair
 114 the authority of the Charter Commission to carry out its duties under this Act.

115 (d) Unless expressly provided herein to the contrary, the Charter Commission shall have the
 116 authority to adopt bylaws, rules, or regulations governing its own operation, and it may
 117 organize itself into such committees and subcommittees as it deems necessary and
 118 appropriate.

119 **SECTION 5.**

120 **Funding, expenses, and budget.**

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

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

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

134 (d) When prepared, the budget shall be submitted to the Governing Authority for approval.
 135 At any time prior to final approval, the budget may be returned to the Charter Commission
 136 with comments. Once adopted, the budget may be amended from time to time, if necessary,
 137 but only any such amendment must be approved by the Governing Authority.

138 **SECTION 6.**

139 Final report; future charter commissions.

140 (a) The Charter Commission shall complete its review and deliberations, and shall issue its
 141 final report to the General Assembly not later than December 1 of the year following its
 142 appointment.

143 (b) The final report shall set forth the Charter Commission's recommendations and any
 144 suggested changes to the Organizational Act of DeKalb County.

145 (c) A copy of the final report shall be presented to each member of the General Assembly
 146 from DeKalb County.

147 (d) During the month following the issuance of its final report, the Charter Commission shall
 148 meet at least once with the members of the General Assembly from DeKalb County. The
 149 cochairpersons of the Charter Commission shall coordinate the date, time, and place of such
 150 meetings with the chairpersons of the Senate and House delegations, who shall issue the
 151 formal call of such meetings to the members of the respective delegations.

152 (e) The initial Charter Commission, and each Charter Commission appointed decennially
 153 thereafter, shall stand abolished on December 31 of the year following its appointment.

154 **SECTION 7.**

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

157

SECTION 8.

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