House Bill 1272 (AS PASSED HOUSE AND SENATE)

By: Representative Smith of the 168th

A BILL TO BE ENTITLED

AN ACT

To amend an Act re-creating the Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, so as to limit the membership of the chairperson and commissioners on boards and authorities; to provide for the compensation of the chairperson; to provide for filling a vacancy in office; to provide for a person to assume the position of chairperson in the event of a vacancy or disability; to provide for placing items on meeting agenda; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act re-creating the Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, is amended by revising Section 3 as follows:

"SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the Official Code of Georgia Annotated or any other general law applicable to that office.

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have resided in that commissioner district for at least 12 months prior to election or appointment thereto and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that

person's term of office or that office shall become vacant. No commissioner shall serve on more than one local governing or advisory board while serving as commissioner.

(c) The member of the board who is chairperson of the board may reside anywhere within Bacon County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant. The chairperson shall not serve on any public board or authority or any entity which receives funds from the county, either directly or indirectly, or any entity for which the county is responsible, in whole or in part, for such entity's indebtedness, while serving as chairperson unless expressly required to do so by general law or the Constitution of Georgia; provided, however, that the chairperson shall be allowed to serve on any state or federal board or authority if such service is not in violation of state or federal law."

SECTION 2.

Said Act is further amended by revising Section 5 as follows:

"SECTION 5.

Compensation.

The compensation of the chairperson of the board shall be the average of the total compensation other than longevity supplements of the constitutional officers of Bacon County, as calculated by the Board of Commissioners of Bacon County, to be paid in equal monthly installments out of the funds of Bacon County; provided, however, that the chairperson shall be entitled to increases in compensation which average the salary increases granted to all other elected county officials in any year in which such person serves as chairperson. In addition, the board shall take into consideration any past service on the Bacon County Board of Commissioners and any other considerations the board deems appropriate when calculating the salary of the chairperson. The board may provide that the chairperson and the other members of the board be reimbursed, at a rate not to exceed that provided for members of the General Assembly, for mileage for other travel in the general performance of their duties as members of the board of commissioners."

SECTION 3.

Said Act is further amended by revising paragraph (1) of subsection (a) of Section 6 as follows:

″(1) If the vacancy occurs during the final 12 months of a term of office, within 30 days after such occurrence, the remaining members of the board shall appoint a person to fill such vacancy; or″

SECTION 4.

Said Act is further amended by revising Section 7 as follows:

″SECTION 7.

(a) At the first regular meeting each January, the board of commissioners shall by majority vote elect one of their members as vice chairperson. The vice chairperson shall serve at the pleasure of the majority of the members of the board and may be removed at any time without notice, cause, or hearing.

(b) It shall be the duty of the chairperson to act as presiding officer at all meetings of the board of commissioners, and he or she shall be recognized as the ceremonial head of the county government and shall have other duties as provided in this Act. Items shall be placed on the agenda of any meeting by the chairperson or by a majority vote of the sitting commissioners. In the event of the temporary absence, disqualification, or disability of the chairperson, the board by majority vote shall appoint from the membership of the board a commissioner to assume the duties of the chairperson, and he or she shall receive a per diem allowance, not less than the per diem allowance received by members of the General Assembly, for every day that the acting chairperson performs the duties of the chairperson. It shall be the duty of the chairperson to preserve order and decorum at all meetings of the board, to state every question coming before the board, to announce the decisions of the board on all subjects, and to decide all questions of order, subject, however, to an appeal to the board, in which event a majority vote of the board shall govern and conclusively determine such question of order. The chairperson shall not have the right to vote on any matters coming before the board except in the case of a tie vote. All commissioners including the chairperson shall be bonded in the amount of $10,000.00 by a good and solvent bonding company authorized to do business in the State of Georgia, said bond to be approved by the judge of the probate court, payable to the judge of the probate court and his or her successors in the office, for the use of Bacon County, conditioned upon the faithful performance of their duties. The costs of said bonds shall be paid from the general funds of Bacon County.″

SECTION 5.

Said Act is further amended by revising Section 10 as follows:

″SECTION 10.

All regular meetings of the board of commissioners shall be held at a date and time to be adopted by majority vote of the commissioners in the office of said board or at a date and time to be adopted by the majority of the commissioners in office of said board or at a pre-announced place on the courthouse premises in Bacon County, Georgia, and said meetings may be adjourned from day to day until all business is completed. Any commissioner who fails to attend a monthly meeting forfeits his or her monthly salary for the month in which the meeting was missed. If any commissioner misses a regularly scheduled meeting or attends only part of a regularly scheduled meeting, the other commissioners shall decide whether or not to pay said commissioner. The majority of said commissioners shall decide on the validity of an excuse. Extra session or special meetings may be held at any time on the call of the chairperson of the board or a majority of the commissioners. Whenever a special meeting is called, notice shall be given by the clerk of the board to each member of the board, in writing, setting forth the date and the place of the meeting and the purpose for which the same is called, and no business shall be transacted at such special meetings except such as is given in the notice without the unanimous consent of the entire board of commissioners. Notice and purpose of meetings may be waived. All such notices shall be served by leaving the same at the home of each member or by delivering the same to him or her in person. All meetings, both regular and special, shall be open to the public; provided, however, that the board shall have the right to hold executive session; provided, further, that no official action or vote on any proposition or question coming before the board shall be taken at any other than a public meeting.″

SECTION 6.

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