House Bill 4EX (AS PASSED HOUSE AND SENATE)

By: Representatives England of the 108th and Benton of the 31st

A BILL TO BE ENTITLED

AN ACT

To amend an Act re-creating and establishing a Board of Commissioners of Barrow County, approved April 2, 1976 (Ga. L. 1976, p. 4033), as amended, so as to provide for powers and duties of the chairperson of the board; to provide for compensation of the chairperson; to provide for appointment of a county manager and the powers and duties thereof; to provide for meetings, voting, and quorum of the board; to provide for a referendum; to provide for submission under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act re-creating and establishing a Board of Commissioners of Barrow County, approved April 2, 1976 (Ga. L. 1976, p. 4033), as amended, is amended by revising Section 7 as follows:

"SECTION 7.

(a) The chairperson shall preside over the meetings of the board of commissioners. The powers and duties of the chairperson shall include, but shall not be limited to, the powers and duties to:

(1) Call extra sessions of the board as provided in Section 13 of this Act;

(2) Preside at meetings of the board;

(3) Make motions and vote on any measure before the board;

(4) Represent the county government at ceremonial functions; and

(5) Perform such other duties as shall be delegated to the chairperson by the board of commissioners or as otherwise provided by law.

(b) The chairperson shall not have power to veto any resolution, ordinance, order, or other official action by the board.

(c) A chairperson pro tempore, to be selected by the board, shall preside at board meetings in the absence of the chairperson, shall have no other powers of the chairperson, but shall have the same right to vote while so residing as any other member."

SECTION 2.

Said Act is further amended by revising paragraph (1) of subsection (a) of Section 11 as follows:

"(a)(i) The chairperson of the board shall receive a base salary in the amount of $25,000.00 per annum. Such compensation shall be paid in equal monthly installments from the funds of Barrow County. The chairperson shall be on a part-time basis and shall devote the time necessary to fulfill the duties of his or her office."

SECTION 3.

Said Act is further amended by adding a new section to read as follows:

"SECTION 11A.

(a) Pursuant to Code Section 36-5-22 of the Official Code of Georgia Annotated, there is created the office of County Manager for Barrow County, who shall have the powers and duties conferred as provided by this Act. The county manager shall be appointed by the board of commissioners and shall serve at the direction, supervision, and pleasure of the board of commissioners. The position of county manager shall not be covered by the Barrow County Civil Service System. Any person appointed as county manager shall possess such qualifications as determined by the board of commissioners and shall receive such compensation, expenses, and benefits as fixed by the board. Except as provided in this section, no member of the board shall be appointed county manager or acting county manager during the term of office for which such member was elected and for a period of one year thereafter. In the event of the death, removal, dismissal, or termination of the county manager and pending the selection of a replacement for said county manager, the chairperson may, if approved in accordance with subsection (d) of this section, assume the powers and carry out the duties of the county manager.

(b) The county manager shall have the following powers and duties, which shall be further detailed in a job description to be approved by the board consistent with this section:

(1) The county manager shall be a nonvoting participant in all board meetings of the board of commissioners;

(2) Except as to those powers specifically reserved and granted to the chairperson and the board of commissioners by this Act, the county manager shall have the power to

supervise, direct, and control the day-to-day activities and business operations of the county government. The county manager shall carry out, execute, and enforce the ordinances, policies, rules, and regulations of the board when such ordinances, policies, rules, and regulations become effective. Members of the board shall deal solely through the county manager in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the board shall directly or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the county manager. The county manager shall have the power to hire, supervise, and fire all employees under the jurisdiction of the board of commissioners, with the exception that the county manager shall recommend the hiring and firing of any department director to the board for an official action by the board.

(c) The county manager may be removed by official action of the board of commissioners.

(d) The board of commissioners may designate a qualified individual to act as temporary county manager in the extended absence (more than 30 days) of the county manager or if the county manager is removed pursuant to this section.″

SECTION 4.

Said Act is further amended by revising Section 13 as follows:

″SECTION 13.

The board shall hold at least one session on the second Tuesday in each month at a site duly designated by the board of commissioners. At the request of a majority of the members of the board, the chairperson shall, at a time agreeable to most of the members, call an extra session. The commissioners shall have the right to adjourn from day to day until they finish their business. A quorum shall consist of four members of the board. An affirmative vote of four members of the board shall be necessary to adopt any resolution or ordinance or pass any order on any subject matter.″

SECTION 5.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Barrow County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Barrow County for approval or rejection. The election superintendent shall conduct that election on the Tuesday after the first Monday in November, 2011, and shall issue the call and conduct that election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof

in the official organ of Barrow County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides for appointment of a county manager for Barrow County; for a part-time chairperson of the Board of
( ) NO Commissioners of Barrow County, with a reduction in pay; and for meetings, voting, and quorum of the board?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Sections 1 through 4 of this Act shall become of full force and effect on January 1, 2013. If the Act is not so approved or if the election is not conducted as provided in this section, then Sections 1 through 4 of this Act shall not become effective and this Act shall be automatically repealed on January 1, 2012. The expense of such election shall be borne by Barrow County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 6.

The governing authority of Barrow County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 7.

Except as otherwise provided in Section 5 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 8.

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