

Senate Bill 421

By: Senators Butler of the 55th, Parent of the 42nd, Henson of the 41st, Davenport of the 44th and Jones of the 10th

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 commission; to provide for definitions;
4 to provide for an effective date; to repeal conflicting laws; and for other purposes.

5 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

6 **SECTION 1.**
7 Definitions.

8 (1) "Organizational Act" as used in this act refers to the Organizational Act of DeKalb
9 County, Georgia, Georgia Laws 1981, p. 4301, et seq., and all properly enacted
10 amendments thereto.
11 (2) "Governing Authority" as used in this act refers to the governing authority of DeKalb
12 County, Georgia, as defined in Section 1 of the Organizational Act.
13 (3) Any reference to the members of the General Assembly from DeKalb County, or to
14 members of either the Senate or House of Representatives from DeKalb County refers
15 to members of both houses, or of the identified house, whose senatorial or representative
16 districts lie wholly or partially in DeKalb County.

17 **SECTION 2.**
18 Commission creation.

19 (1) There is hereby created the DeKalb County Government Charter Commission,
20 hereinafter referred to as the "Commission."
21 (2) It shall be the duty of the Commission to review the Organizational Act and to make
22 such recommendations as the Commission deems appropriate to ensure that the
23 government of DeKalb County, Georgia is:

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

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

(C) Delivers governmental services to all of the citizens of DeKalb County in an efficient and effective way.

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

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

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

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

SECTION 3.

Membership.

(1) Because a legitimate government can exist only by the consent of the governed, it is the intention of the General Assembly that the Commission shall be composed of twenty-one 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 who shall be selected as follows:

(A) One member shall be appointed by the board of directors of Leadership DeKalb;

(B) One member shall be appointed by the DeKalb Bar Association, chosen from the attorney members of the association;

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

(D) One member shall be appointed by the DeKalb County branch of the NAACP;

(E) One member shall be appointed by the Chief Executive;

(F) Two members shall be appointed by a majority vote of the Board of Commissioners of DeKalb County;

(G) Five members shall be appointed by a majority vote of the DeKalb County delegation in the House of Representatives of the General Assembly, provided that each member resides in a separate regular commission district of DeKalb County and only one may be a member of the DeKalb County delegation in the House of Representatives of the General Assembly;

(H) Five members shall be appointed by a majority vote of the DeKalb County delegation in the Senate of the General Assembly, provided that each member resides in a separate regular commission district of DeKalb County and only one may be a member of the DeKalb County delegation in the Senate of the General Assembly;

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

(J) One member shall be appointed by the League of Women Voters of DeKalb;

(K) One member shall be appointed by the DeKalb Republican Party;

(L) One member shall be appointed by the DeKalb Democratic Party; and

(M) The chairs of the DeKalb County delegation of the House of Representatives and Senate shall be members ex officio.

(2) Each organization named in subparagraphs (A) through (L) of paragraph (1) of this section shall determine the manner in which said organization shall act to elect its respective member or members to the Commission. Each organization shall act to elect its respective member or members prior to July 1, 2016, and shall notify the respective chairs of the DeKalb County delegation in the House of Representatives and Senate of the names and addresses of those elected not later than July 1, 2016.

(3) It shall be the duty of the respective chairs of the Senate and House legislative delegations from DeKalb County to timely call a meeting of the respective delegations at the State Capitol at least one week prior to July 1, 2016, and that members of the Commission shall be selected prior to July 1, 2016.

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

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

SECTION 4.

Organization.

(1) By August 1, 2016, from the list of names and addresses submitted to the Secretary of the Senate pursuant to Section 3 of this Act, it shall be the duty of the chair of the DeKalb Senate delegation to call an organizational meeting of the Commission. The chair of the DeKalb Senate delegation shall convene the meeting and shall preside until a chairperson is elected by majority vote, which election shall be the first order of business. Upon election, the chairperson shall become the presiding officer, and shall preside over the election of a vice chair, a secretary, and such other officers as the Commission deems necessary, by majority vote.

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

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

(4) Unless expressly provided herein to the contrary, the Commission shall have the authority to adopt by-laws, rules or regulations governing its own operation, and it may organize itself into such committees and sub-committees as it deems necessary and appropriate.

SECTION 5.

Funding, expenses, and budget.

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

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

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

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

SECTION 6.

Final report; commission abolished.

(1) The Commission shall complete its review and deliberations, and shall issue its final report to the General Assembly not later than October 1, 2017.

(2) The final report shall set forth the Commission's recommendations for modifying or revising the Organizational Act, and shall include a detailed explanation of said plan, including an explanation of the plan for implementation of all changes proposed by the Commission.

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

(4) During the month following the issuance of its final report, the Commission shall meet at least once with the members of the General Assembly from DeKalb County. The chair of the Commission shall coordinate the date, time and place of said meetings with the chairs of the Senate and House delegations, who shall issue the formal call of said meetings to the members of the respective delegations.

158 (5) The Commission shall stand abolished at the end of the session of the General
159 Assembly following the issuance of the Commission's final report.

160 **SECTION 7.**

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

163 **SECTION 8.**

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