

Senate Bill 238

By: Senator Anderson of the 43rd

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners for Rockdale County, approved
2 March 4, 1977 (Ga. L. 1977, p. 2817), as amended, so as to increase the board of
3 commissioners to five members; to revise the office of chairperson; to provide for initial
4 terms of office; to provide for a county manager; to revise provisions related to the powers
5 and duties of the board of commissioners, chairperson, and county manager; to provide for
6 continuation in office of current members; to provide for related matters; to provide for a
7 referendum, effective dates, and automatic repeal; to provide for mandatory execution of
8 election and judicial remedies regarding failure to comply; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating a board of commissioners for Rockdale County, approved March 4, 1977
13 (Ga. L. 1977, p. 2817), as amended, is amended by revising subsection (a) and adding new
14 subsections to Section 2 to read as follows:

15 "(a) As of January 1, 2027, the commission established herein shall consist of five
16 members to be known as commissioners. The commissioners shall be elected by the

17 electors of the county on an at-large basis. Commissioners shall be residents of the county
18 for at least one year prior to their qualification for election.

19 (a.1) At the first meeting of the board of commissioners in January of each year, the board
20 of commissioners shall select from among its members a chairperson and vice-chairperson
21 of the board of commissioners. The chairperson shall preside over meetings of the board,
22 provided that the vice-chairperson shall preside in the chairperson's absence.

23 (a.2)(1) Those members of the Board of Commissioners of Rockdale County who are
24 serving as such on the effective date of this Act and any person selected to fill a vacancy
25 in any such office shall continue to serve as such members until the regular expiration of
26 their respective terms of office and upon the election and qualification of their respective
27 successors.

28 (2)(A) The chairperson's post, as it exists immediately prior to the effective date of this
29 Act, shall be designated as Commissioner Post 5, and on and after the effective date of
30 this Act, such member of the board serving from that former post shall be deemed to
31 be serving as a commissioner under this Act; the successor to such member shall be
32 elected at the November general election in 2028, and shall be elected and serve a term
33 as provided for in this Act.

34 (B) Commissioner Post 1, as it exists immediately prior to the effective date of this
35 Act, shall continue to be designated as Commissioner Post 1, and on and after the
36 effective date of this Act, such member of the board shall serve as a commissioner as
37 newly described under this Act; the successor to such member shall be elected at the
38 November general election in 2028, and shall be elected and serve a term as provided
39 for in this Act.

40 (C) The initial commissioners from Commissioner Posts 2 and 4 as newly described
41 under this Act shall be elected at the November general election in 2026 and shall serve
42 an initial term of office of four years; thereafter, successors to such members shall be
43 elected and serve terms as provided for in this Act.

44 (D) The initial commissioner from Commissioner Post 3 as newly described under this
45 Act shall be elected at the November general election in 2026 and shall serve an initial
46 term of office of two years; thereafter, successors to such member shall be elected and
47 serve terms as provided for in this Act."

48 **SECTION 2.**

49 Said Act is further amended by revising Section 3 as follows:

50 "SECTION 3.

51 Election and term of commissioners.

52 Successors to the commissioners provided for in Section 2 of this Act shall be elected at
53 the general election immediately preceding the expiration of terms of office and shall take
54 office on the first day of January immediately following their election for terms of four
55 years and until their successors are elected and qualified. Qualification by candidate shall
56 be partisan. Each candidate shall pay a qualification fee set by law at time of qualifying.
57 All elections shall be conducted pursuant to Chapter 2 of Title 21 of the O.C.G.A., the
58 'Georgia Election Code.'"

59 **SECTION 3.**

60 Said Act is further amended by revising Sections 5 through 8 as follows:

61 "SECTION 5.

62 Election returns, vacancies.

63 (a) Except as set forth in Section 3 of this Act, all elections for members of the board of
64 commissioners created by this Act shall be held and conducted in accordance with the

65 provisions of Chapter 2 of Title 21 of the O.C.G.A., 'Georgia Election Code,' as now or
66 hereafter amended.

67 (b) In the event of a vacancy in the office of a commissioner, whose unexpired term equals
68 or exceeds 210 days, it shall be the duty of the election superintendent of the county to call
69 a special election for the filling of such vacancy or vacancies, provided that such election
70 shall be governed by the provisions of the Georgia Election Code relative to special
71 elections for the filling of vacancies. Such special election shall be called within 30 days
72 of the date of the creation of the vacancy; provided, however, that it shall be the duty of the
73 remaining commissioners to appoint, within ten days following the vacancy or vacancies,
74 an interim commissioner to serve pending the election of a new commissioner. Said
75 interim appointee shall be subject to the same qualifications, oath, and bond as a duly
76 elected or permanently appointed commissioner.

77 (c) In the event of a vacancy in the office of a commissioner whose unexpired term does
78 not equal or exceed 210 days, it shall be the duty of the remaining commissioners to fill
79 vacancies by permanent appointment. The appointment shall be made within 20 days from
80 the occurrence of the vacancy or vacancies.

81 (d) If all seats on the commission shall become vacant concurrently and if any unexpired
82 term is for less than 210 days, the Judge of the Probate Court of Rockdale County shall
83 proceed to fill such vacancy or vacancies by appointment. All remaining vacancies for
84 which the unexpired term equals or exceeds 210 days shall then be filled by following the
85 procedure set out in subsection (b) of this section.

86 (e) All persons elected or appointed to fill vacancies pursuant to the provisions of this
87 section, except interim appointees, shall serve for the remainder of the unexpired term of
88 any such office, and shall be residents of the county.

89 SECTION 6.

90 Oath and bond.

91 Before entering upon the discharge of their duties, the commissioners shall subscribe an
92 oath before the judge of the probate court of said county for the true and faithful
93 performance of their duties and that they are not the holders of any public funds
94 unaccounted for. In addition, each commissioner shall further give a satisfactory surety
95 bond to be judged by said judge of the probate court of the county and payable to the judge
96 of the probate court or his or her successor in office and filed in the office of the judge of
97 the probate court, in the sum of \$10,000.00 conditioned upon the faithful performance of
98 the duties of the office. The costs of said bonds shall be paid out of the county treasury.

99 SECTION 7.

100 Compensation.

101 (a) Commissioners shall receive an annual salary for services equal to 16.5 percent of the
102 base salary of a superior court judge as set forth in Code Section 45-7-4 of the O.C.G.A.,
103 as set on June 30, 2025. The base salary of a superior court judge shall mean that salary
104 paid from state funds and shall not include any county supplement or expense
105 reimbursements nor any subsequent increases provided by operation of general law on or
106 after July 1, 2025. The salary of the commissioners shall be paid in equal monthly
107 installments paid out of the county treasury upon warrants drawn upon the county treasury.
108 Except as otherwise provided by subsections (b) and (c) of this section, the salary so fixed
109 shall constitute the entire compensation from all public sources to which the commissioners
110 shall be entitled. The commissioners shall not be entitled to any further compensation for
111 serving on any other boards or authorities by virtue of their office.

112 (b) The board of commissioners may provide by ordinance or resolution for the
113 reimbursement from county funds of actual and necessary expenses incurred by
114 commissioners in carrying out their official duties. No commissioner shall receive any
115 expense allowance, mileage allowance, or travel allowance unless such member has
116 personally performed such service and has personally incurred the expense for mileage or
117 travel. Each commissioner submitting a voucher shall certify that he or she has personally
118 performed the service and personally incurred the expense for mileage or travel covered
119 by the voucher and that the information contained on the voucher is true and correct. The
120 voucher shall contain such a certificate for the commissioner to sign. It shall be unlawful
121 for any commissioner to knowingly falsify any such certificate, and any commissioner
122 convicted of such action shall be punished by a fine of not more than \$1,000.00 or by
123 imprisonment of not less than one nor more than five years, or both.

124 (c) Commissioners shall be authorized to participate in the group retirement program and
125 the group hospitalization benefit program on the same basis as other officers and
126 employees of Rockdale County if they meet the normal eligibility requirements of the
127 programs. Nothing in this subsection shall affect the rights of any person who served as
128 chairperson of the board of commissioners prior to the effective date of this section to
129 participate in such group retirement or hospitalization programs pursuant to the law in
130 effect at the time of his or her service as chairperson.

131 SECTION 8.

132 Meetings.

133 The board shall hold regular meetings on the second and fourth Tuesday of each month at
134 the county seat at 10:00 a.m. on the second Tuesday and 7:00 p.m. on the fourth Tuesday,
135 which meetings shall be open to the public; the board may hold such additional meetings
136 as shall be necessary when called by the chairperson or any two commissioners, provided

137 that all commissioners are notified at least one day in advance of such special meeting. No
138 official action shall be taken by the commission except in a meeting which is open to the
139 public. Any three commissioners or the chairperson and any two commissioners shall
140 constitute a quorum, but no official action shall be taken except upon the affirmative vote
141 of at least three commissioners or two commissioners and the chairperson. The
142 chairperson shall be entitled to the same voting rights as other commissioners on all
143 questions considered by the commission."

144 **SECTION 4.**

145 Said Act is further amended by revising Section 9 as follows:

146 "SECTION 9.

147 County manager.

148 (a) There shall be an office of county manager to be appointed by and report to the board
149 of commissioners. Except as otherwise provided in this Act, the qualifications,
150 compensation, and other matters pertaining to the office of county manager shall be
151 provided for by ordinance or resolution of the commission.

152 (b)(1) The board of commissioners shall select a person to appoint as the county manager
153 based solely upon the appointee's executive and administrative qualifications, with
154 specific reference to actual experience in or knowledge of accepted practices with respect
155 to the duties of the office.

156 (2) The commission, at its discretion, may require the person appointed as county
157 manager to:

158 (A) Hold a bachelor's degree in public administration, business administration,
159 accounting, finance, or a related field and possess at least five years of experience as
160 a county or city manager or as an assistant county or city manager; or

161 (B) Hold a master's degree in public administration, business administration,
162 accounting, finance, or a related field and possess at least three years of experience as
163 a county or city manager or as an assistant county or city manager.

164 (c) The county manager shall be the administrative head of the county government and
165 shall be responsible to the commission for the proper and efficient administration of all the
166 affairs of the county, except as otherwise provided by law. It shall be the duty of the
167 county manager to:

168 (1) See that all laws and ordinances of the county are enforced;

169 (2) Exercise control over all departments and divisions of the county which the
170 chairperson or commissioners have exercised control over, except as otherwise provided
171 for in this Act;

172 (3) Keep the commission fully advised as to the needs of the county;

173 (4) Except as otherwise provided in this Act, supervise and direct the official conduct of
174 all department heads and county employees, except for the county attorney, comptroller,
175 and executive assistant to the commission;

176 (5) Prepare the agenda for meetings of the commission, with the input of the chairperson
177 and commissioners;

178 (6) Attend all meetings of the commission with the right to take part in discussion,
179 provided that the county manager shall have no vote on any matter before the
180 commission;

181 (7) Supervise the performance of all contracts entered into by or on behalf of the county;

182 (8) Confer with and advise all other elected or appointed officers or officials of the
183 county who are not under the control of the commission but who receive financial support
184 therefrom;

185 (9) Devote his or her entire time to the duties and affairs of the office of county manager
186 and hold no other office or employment for remuneration while serving as county
187 manager;

- 188 (10) Make purchases for the county without seeking approval from the commission and
189 without obtaining bids in amounts not to exceed \$5,000.00, except:
- 190 (A) As provided by general law relating to the letting of public works contracts; and
191 (B) That no employment, consulting, or severance contract or agreement shall be
192 entered into and no payments shall be made without the approval of the commission;
193 and
- 194 (11) Perform such other duties as may be required by the commission."

195

SECTION 5.

196 Said Act is further amended by revising subsection (b) of Section 10 as follows:

197 "(b) The policies, rules, and regulations so adopted by the board of commissioners shall
198 be carried out, executed, and enforced by the county manager as chief administrative
199 officer of the county, and said board may exercise administrative powers, but only where
200 such are necessarily and properly incident to its functions as a policymaking or rulemaking
201 body or which are necessary to compel enforcement of its adopted resolutions or
202 ordinances. Any action taken by the county manager which is in conflict with such
203 adopted resolutions or ordinances or which deals with matters exclusively reserved to the
204 jurisdiction of said board shall be null, void, and of no effect."

205

SECTION 6.

206 Said Act is further amended by revising Sections 13 and 14 as follows:

207

"SECTION 13.

208 Appointment, removal and compensation of county officials, employees, attorneys, the
209 executive assistant, and employees of elected officials.

210 (a) Unless otherwise provided by subsection (b) of this section or other provisions of this
211 Act, all county employees shall be employed and dismissed and have their compensation
212 set by the county manager or a designee thereof subject to county budgetary provisions and
213 any applicable civil service, merit system or personnel laws or ordinances.

214 (b) All nonelected county officials, department heads, chiefs, directors, superintendents,
215 or executives shall be appointed and removed by the county manager with the consent of
216 the board of commissioners. When a vacancy exists in any such office, the county manager
217 shall, within 90 days, propose an appointment to which the board consents; otherwise, said
218 board may fill the vacancy by majority vote.

219 (c) The board of commissioners shall have the exclusive authority to appoint, remove, and
220 fix the compensation of the executive assistant, the finance director, and the county
221 attorney employed at county expense.

222 (d) Elected county officials shall have the exclusive authority to appoint, remove, and fix
223 the compensation of the personnel within their respective offices subject to county
224 budgetary provisions and any applicable civil service or merit system, state laws, or county
225 personnel ordinances; provided that, in the case of county personnel ordinances, the
226 particular elected county official or a predecessor in that office must authorize in writing
227 the inclusion of the employees of that office under the county personnel ordinance before
228 said ordinance shall include such employees.

229 SECTION 14.

230 Statutory positions; appointment; removal; compensation.

231 The appointment and removal of, and the compensation to be paid to, persons filling
232 offices and positions created by state statute, where not otherwise prescribed by such
233 statute, shall be made and fixed by the county manager, subject to the approval of the
234 compensation therefor by the commission, within budgetary provisions."

235

SECTION 7.

236 The election superintendent of Rockdale County shall call and conduct an election as
 237 provided in this section for the purpose of submitting this Act to the electors of the Rockdale
 238 County for approval or rejection. The election superintendent shall conduct that election on
 239 the Tuesday after the first Monday in November, 2025, and shall issue the call and conduct
 240 such election as provided by general law. The election superintendent shall cause the date
 241 and purpose of the election to be published once a week for two weeks immediately
 242 preceding the date thereof in the official organ of Rockdale County. The ballot shall have
 243 written or printed thereon the words:

244 " YES Shall the Act be approved that expands the Rockdale County Board of
 245 NO Commissioners to five members and provides for a county manager form
 246 of government?"

247 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 248 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 249 such question are for approval of the Act:

250 (1) Sections 4 through 6 of this Act and the provisions of this Act necessary to conduct
 251 elections for the members of the Board of Commissioners of Rockdale County in 2026
 252 shall become effective on January 1, 2026; and

253 (2) Sections 1 through 3 of this Act shall become effective on January 1, 2027.

254 If the Act is not so approved, or if the election is not conducted as provided in this section,
 255 Sections 1 through 6 of this Act shall not become effective, and this Act shall be
 256 automatically repealed on the 365th calendar day following the election date provided for in
 257 this section. The expense of such election shall be borne by Rockdale County. It shall be
 258 the election superintendent's duty to certify the result thereof to the Secretary of State. The
 259 provisions of this section shall be mandatory upon the election superintendent and are not
 260 intended as directory. If the election superintendent fails or refuses to comply with this
 261 section, any elector of Rockdale County may apply for a writ of mandamus to compel the

262 election superintendent to perform his or her duties under this section. If the court finds that
263 the election superintendent has not complied with this section, the court shall fashion
264 appropriate relief requiring the election superintendent to call and conduct such election on
265 the date required by this section or on the next date authorized for special elections provided
266 for in Code Section 21-2-540 of the O.C.G.A.

267

SECTION 8.

268 Except as otherwise provided in Section 7 of this Act, this Act shall become effective upon
269 its approval by the Governor or upon its becoming law without such approval.

270

SECTION 9.

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