

The Senate Committee on State and Local Governmental Operations - General offered the following substitute to SB 628:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the consolidation of Richmond County and the City of
2 Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide for
3 a council-manager form of government; to provide for a referendum, effective dates, and
4 automatic repeal; to provide for mandatory execution of election and judicial remedies
5 regarding failure to comply; to provide for related matters; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing for the consolidation of Richmond County and the City of Augusta,
10 approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by revising
11 subsection (a) of Section 4 as follows:

12 "(a) The mayor shall possess and exercise the following powers and duties:

13 (1) To preside at all meetings of the commission;

14 (2) To vote on all matters before the commission;

15 (3) To serve as the official head of Augusta-Richmond County for the service of process
16 and for ceremonial purposes;

- 17 (4) To administer oaths and to take affidavits;
- 18 (5) To sign all written contracts entered into by the commission on behalf of
19 Augusta-Richmond County and all other contracts and instruments executed by the
20 consolidated government which by law are required to be in writing; and
- 21 (6) To exercise such other powers and perform such other duties as may be required by
22 ordinance or resolution of the commission."

23 **SECTION 2.**

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

25 "SECTION 4.1.
26 County manager.

27 (a) There shall be an office of county manager to be nominated by the mayor and
28 appointed by majority vote of the commission. Notwithstanding any other provision of this
29 charter to the contrary, the mayor shall nominate at least two, but no more than four,
30 candidates for county manager. The mayor shall have no vote on the appointment of the
31 county manager; provided, however, that, in the event of a tie vote of the commission, the
32 mayor may vote to break such tie. Except as otherwise provided in this Act, the
33 qualifications, compensation, and other matters pertaining to the office of county manager
34 shall be provided for by ordinance or resolution of the commission.

35 (b) The county manager shall be appointed based solely upon the appointee's executive
36 and administrative qualifications, with specific reference to actual experience in or
37 knowledge of accepted practices with respect to the duties of the office.

38 (c) The county manager shall be the administrative head of the county government and
39 shall be responsible to the commission for the proper and efficient administration of all the

40 affairs of the county, except as otherwise provided by law. It shall be the duty of the
41 county manager to:

- 42 (1) See that all laws and ordinances of the county are enforced;
- 43 (2) Exercise control over all departments and divisions of the county which the mayor
44 or commissioners have exercised control over, except as otherwise provided for in this
45 Act;
- 46 (3) Keep the commission fully advised as to the needs of the county;
- 47 (4) Except as otherwise provided in this Act, supervise and direct the official conduct of
48 all department heads and county employees, except for the county attorney;
- 49 (5) Prepare the agenda for meetings of the commission, with the input of the mayor and
50 commissioners;
- 51 (6) Attend all meetings of the commission with the right to take part in discussion,
52 provided that the county manager shall have no vote on any matter before the
53 commission;
- 54 (7) Supervise the performance of all contracts entered into by or on behalf of the county;
- 55 (8) Confer with and advise all other elected or appointed officers or officials of the
56 county who are not under the control of the commission but who receive financial support
57 therefrom;
- 58 (9) Devote his or her entire time to the duties and affairs of the office of county manager
59 and hold no other office or employment for remuneration while serving as county
60 manager;
- 61 (10) Make purchases for the county without seeking approval from the commission and
62 without obtaining bids in amounts not to exceed \$50,000.00, except:
 - 63 (A) As provided by general law relating to the letting of public works contracts;
 - 64 (B) That no employment, consulting, or severance contract or agreement shall be
65 entered into and no payments shall be made without the approval of the commission;
 - 66 and

67 (C) Any purchase made for the county in excess of \$10,000.00 shall be reported to the
68 commissioner by the county manager; and

69 (11) Perform such other duties as may be required by the commission.

70 (d) The policies, rules, and regulations so adopted by the commission shall be carried out,
71 executed, and enforced by the county manager as chief administrative officer of the county,
72 and said board may exercise administrative powers, but only where such are necessarily
73 and properly incident to its functions as a policymaking or rulemaking body or which are
74 necessary to compel enforcement of its adopted resolutions or ordinances. Any action
75 taken by the county manager which is in conflict with such adopted resolutions or
76 ordinances or which deals with matters exclusively reserved to the jurisdiction of the
77 commission shall be null, void, and of no effect."

78

SECTION 3.

79 The election superintendent of Augusta-Richmond County shall call and conduct an election
80 as provided in this section for the purpose of submitting this Act to the electors of the
81 Augusta-Richmond County for approval or rejection. The election superintendent shall
82 conduct that election on the Tuesday following the first Monday in November, 2026, and
83 shall issue the call and conduct such election as provided by general law. The election
84 superintendent shall cause the date and purpose of the election to be published once a week
85 for two weeks immediately preceding the date thereof in the official organ of
86 Augusta-Richmond County. The ballot shall have written or printed thereon the words:

87 "() YES Shall the Act be approved that provides for a council-manager form of
88 () NO government for Augusta-Richmond County?"

89 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
90 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
91 such question are for approval of the Act, Section 1 of this Act shall become of full force and
92 effect on January 1, 2027. If the Act is not so approved or if the election is not conducted

93 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall
94 be automatically repealed on the 365th calendar day following the election date provided for
95 in this section. The expense of such election shall be borne by Augusta-Richmond County.
96 It shall be the election superintendent's duty to certify the result thereof to the Secretary of
97 State. The provisions of this section shall be mandatory upon the election superintendent and
98 are not intended as directory. If the election superintendent fails or refuses to comply with
99 this section, any elector of the Augusta-Richmond County may apply for a writ of mandamus
100 to compel the election superintendent to perform his or her duties under this section. If the
101 court finds that the election superintendent has not complied with this section, the court shall
102 fashion appropriate relief requiring the election superintendent to call and conduct such
103 election on the date required by this section or on the next date authorized for special
104 elections provided for in Code Section 21-2-540 of the O.C.G.A.

105

SECTION 4.

106 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon
107 its approval by the Governor or upon its becoming law without such approval.

108

SECTION 5.

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