

House Bill 1101

By: Representative Pruett of the 149<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the office of commissioner of Dodge County, approved August  
2 19, 1912 (Ga. L. 1912, p. 367), as amended, particularly an Act approved April 21, 1997  
3 (Ga. L. 1997, p. 4417), so as to change the composition of the governing authority of Dodge  
4 County; to create the office of commissioner of Dodge County; to terminate the terms of the  
5 board of commissioners; to provide for continuation of certain obligations and liabilities; to  
6 provide for elections and terms of office; to provide for qualifications; to provide for the  
7 appointment of a clerk; to provide for filling of vacancies; to provide for oaths of office and  
8 surety bonds; to provide for the compensation and expenses of the commissioner; to provide  
9 for powers and duties of such officer; to provide for meetings; to provide for formal bids for  
10 certain purchases; to provide for the appointment, removal, and compensation of employees  
11 and department heads; to provide for the preparation, review, adoption, and amendment of  
12 budgets; to provide for expenditure of county funds; to provide for audits of county finances  
13 and financial records; to provide for other related matters; to provide for a referendum and  
14 the submission of a question related thereto to the electors of Dodge County; to provide for  
15 effective dates and automatic repeals; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act creating the office of commissioner of Dodge County, approved August 19, 1912  
19 (Ga. L. 1912, p. 367), as amended, particularly an Act approved April 21, 1997 (Ga. L. 1997,  
20 p. 4417), is amended by striking Parts I, II, and III and inserting in lieu thereof the following:

21 "SECTION 1.

22 (a) There is created the office of commissioner of Dodge County to be elected as provided  
23 for in this Act. The office of commissioner shall be the successor to the board of  
24 commissioners of Dodge County and shall continue to have the obligations and liabilities  
25 of the board of commissioners of Dodge County as such existed immediately prior to the

26 date on which the first commissioner takes office under this Act. The office of  
27 commissioner shall constitute the governing authority of Dodge County and shall exercise  
28 the powers, duties, and responsibilities vested in and upon said officer by the provisions  
29 of this Act.

30 (b) The board of commissioners in office on the effective date of this Act shall continue  
31 in office until December 31, 2016, at which time their terms shall end.

32 SECTION 2.

33 (a) No person shall serve as commissioner if that person is ineligible for such office  
34 pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law.

35 (b) The commissioner shall be 25 years of age or older, shall have resided in Dodge  
36 County for at least 12 months prior to election to such office, may reside anywhere within  
37 Dodge County, and shall receive the requisite number of the votes cast for such office by  
38 the electors of the entire county. The commissioner shall continue to reside within Dodge  
39 County during that person's term of office or that office shall thereupon become vacant.

40 SECTION 3.

41 (a) The first sole commissioner of Dodge County under this Act shall be elected at a  
42 special election to be called and conducted by the election superintendent of Dodge County  
43 on the date of and in conjunction with the November, 2016, state-wide general election.  
44 Such special election shall be conducted as provided by general law with the additional  
45 qualification that each candidate shall upon qualifying declare his or her political party  
46 affiliation or his or her status as independent of party affiliation, and such party affiliation  
47 or independent status shall be listed beside the candidate's name on the ballot. The person  
48 elected as sole commissioner shall take office on the first day of January immediately  
49 following the election and shall serve for a term of office of four years and until the  
50 election and qualification of his or her successor. All future successors to the sole  
51 commissioner shall be elected at the state-wide general election immediately preceding the  
52 expiration of the term of office, shall take office on the first day of January immediately  
53 following that election, and shall serve for a term of office of four years and until his or her  
54 successor is elected and qualified.

55 (b) The commissioner shall be nominated and elected in accordance with Chapter 2 of  
56 Title 21 of the O.C.G.A., the 'Georgia Election Code.'

57 SECTION 4.

58 (a) In the event of a vacancy occurs in the office of commissioner when at least 180 days  
59 remain in the unexpired term of office, the election superintendent of Dodge County,

60 within 15 days after the vacancy occurs, shall issue the call for a special election to fill the  
61 vacancy for the remainder of the unexpired term. Such special election shall be called and  
62 conducted as provided in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election  
63 Code,' as now or hereafter amended. Any person elected in a special election to fill such  
64 a vacancy shall take office immediately upon certification of the results of such special  
65 election and qualification. Until such special election can be held, the judge of the probate  
66 court of Dodge County shall appoint a qualified individual to exercise the powers and  
67 duties of the commissioner for the period beginning on the date the vacancy occurs and  
68 ending on the date a successor takes office for the remainder of the unexpired term  
69 following the special election provided for in this subsection.

70 (b) In the event a vacancy occurs in the office of commissioner when less than 180 days  
71 remain in the unexpired term of office, the judge of the probate court of Dodge County  
72 shall appoint a qualified person to fill the vacancy for the remainder of the unexpired term.  
73 Any person appointed by the judge of probate court to fill a vacancy as provided in this  
74 subsection shall possess the residency and other qualifications required for the office and  
75 shall take office immediately upon appointment and qualification.

#### 76 SECTION 5.

77 Before entering upon the discharge of his or her duties, the sole commissioner shall  
78 subscribe an oath before the judge of the probate court of Dodge County for the true and  
79 faithful performance of his or her duties and that he or she is not the holder of any public  
80 funds unaccounted for. In addition, the commissioner shall further give a satisfactory  
81 surety bond to the judge of the probate court of the county and payable to the judge of the  
82 probate court or that judge's successor in office and filed in the office of the judge of the  
83 probate court, in the sum of \$10,000.00, conditioned upon the faithful performance of the  
84 duties of the office. The costs of said bonds shall be paid out of the county treasury.

#### 85 SECTION 6.

86 The sole commissioner shall be paid a salary of \$2,500.00 per month. The commissioner  
87 shall also receive a regular fixed allowance of \$250.00 per month for expenses incurred  
88 inside the county and reimbursement for reasonable expenses incurred outside the county  
89 in the performance of his or her duties. Such compensation shall be paid in equal monthly  
90 installments from the funds of Dodge County.

#### 91 SECTION 7.

92 The commissioner shall hold one regular meeting each month at the county seat, which  
93 meeting shall be open to the public. The time, date, and place of the meetings shall be

94 determined by the commissioner in the first meeting of the year. Any resolution adopted  
95 by the commissioner regarding the date, time, and place of monthly meetings shall be  
96 published in the official county organ once a week for two weeks during a period of 30  
97 days immediately following the passage of the resolution. The commissioner may hold  
98 such additional meetings as shall be necessary which shall be open to the public.

99 SECTION 8.

100 The sole commissioner shall have the power and authority to fix and establish, by  
101 appropriate resolution entered on the minutes, policies, rules, and regulations governing all  
102 matters reserved to its exclusive jurisdiction. Such policies, rules, and regulations, when  
103 so adopted with proper entry thereof made on the minutes, shall be conclusive and binding.  
104 The sole commissioner shall exercise only those administrative powers which are  
105 necessarily and properly incident to his or her functions as a policy-making or rule-making  
106 body or which are necessary to compel enforcement of his or her adopted resolutions. The  
107 following powers are vested in the sole commissioner and reserved to his or her exclusive  
108 jurisdiction:

- 109 (1) To levy taxes;
- 110 (2) To make appropriations;
- 111 (3) To fix rates and charges for services provided by the county;
- 112 (4) To authorize the incurring of indebtedness;
- 113 (5) To order work done where the cost is to be assessed against benefited property and  
114 to fix the basis for such assessment;
- 115 (6) To authorize and provide for the execution of contracts;
- 116 (7) To establish, alter, open, close, build, repair, or abolish public roads, bridges, and  
117 ferries, according to law; provided, however, that the commissioner shall have the  
118 authority to accept subdivision plats only when the requirements established for  
119 subdivisions have been met;
- 120 (8) To establish, abolish, or change election precincts and militia districts according to  
121 law;
- 122 (9) To accept, for the county, the provisions of any optional statute where the statute  
123 permits its acceptance by the governing authority of the county;
- 124 (10) To exercise all power, duty, and authority formerly imposed upon or vested in the  
125 board of commissioners of Dodge County in respect to zoning and planning;
- 126 (11) To create and change the boundaries of special taxing districts authorized by law;
- 127 (12) To fix the bonds of county officers where same are not fixed by statute;
- 128 (13) To enact any ordinances or other legislation which the county may be given  
129 authority to enact;

- 130 (14) To determine the priority of capital improvements;
- 131 (15) To call elections for the voting of bonds;
- 132 (16) To represent the county government at ceremonial functions;
- 133 (17) Except as otherwise provided in this Act, to exercise all of the power and authority
- 134 formerly vested by law in the board of commissioners of Dodge County together with the
- 135 power and authority which may be delegated by law to the governing authority of the
- 136 county, by whatever name designated; and
- 137 (18) To appoint and retain legal counsel and an independent county auditor and provide
- 138 for their compensation.

139 SECTION 9.

140 The sole commissioner shall by ordinance or resolution establish procedures for county

141 purchasing under which:

142 (1) Formal sealed bids shall be received for any purchase in an amount of \$20,000.00 or

143 more and advertisements for such bids shall be published for two consecutive weeks in

144 the official organ of Dodge County; and such procedures may, but shall not be required

145 to, provide for such formal advertisement and bidding to apply to purchases under

146 \$20,000.00; and

147 (2) Competitive bids or price quotations shall be obtained from at least three vendors for

148 any purchase in an amount of \$3,000.00 or more; and such procedures may, but shall not

149 be required to, provide for such competitive bids or price quotations to apply to purchases

150 under \$3,000.00.

151 The sole commissioner may be authorized to dispense with the requirements of bids or

152 price quotations where the commissioner determines that an emergency exists which will

153 not permit a delay.

154 SECTION 10.

155 The internal organization of the county government shall be established and altered by the

156 commissioner. Existing departments may be abolished and their functions transferred to

157 other departments, additional departments may be created, and any two or more

158 departments may be consolidated.

159 SECTION 11.

160 The sole commissioner shall appoint a clerk, who shall keep a proper and accurate book

161 of minutes. The book of minutes of the office of commissioner shall contain all the acts,

162 orders, and proceedings of the commissioner in chronological order. The minutes book of

163 the office of commissioner shall be open to the public for inspection at all times during

164 regular office hours; and certified copies of any entries in the minutes book shall be  
165 furnished by the clerk to any person requesting same upon payment of a reasonable fee, to  
166 be paid into the county treasury as are other funds, to be assessed by the commissioner in  
167 an amount sufficient to defray the cost of preparing same.

168 SECTION 12.

169 (a) The sole commissioner shall be authorized to create the office of county manager and  
170 on and after the creation of such office, the county manager shall have the powers and  
171 duties conferred on such office as provided by this Act. The county manager shall be  
172 appointed by the commissioner and shall serve at the pleasure of the commissioner. Any  
173 person appointed as county manager shall possess such qualifications as determined by the  
174 commissioner and shall receive such compensation, expenses, and benefits as fixed by the  
175 commissioner. If the commissioner does not create the office of county manager or in the  
176 event of the death, removal, dismissal, or termination of the county manager and pending  
177 the selection of a replacement for said county manager, the commissioner shall assume the  
178 powers and carry out the duties of the county manager, except as provided in subsection (d)  
179 of this section.

180 (b) The county manager shall have the following powers and duties:

181 (1) The county manager shall be a nonvoting participant in all public meetings of the  
182 commissioner;

183 (2) Except as to those powers specifically reserved and granted to the commissioner by  
184 this Act, the county manager shall have the exclusive power to supervise, direct, and  
185 control the day-to-day activities and business operations of the county government. The  
186 county manager shall have the exclusive power to supervise, direct, and control the  
187 administration of the county government. The county manager shall carry out, execute,  
188 and enforce the ordinances, policies, rules, and regulations of the commissioner when  
189 such ordinances, policies, rules, and regulations become effective;

190 (3) The county manager shall have the power to propose changes in, consolidation of,  
191 or creation or abolishment of any departments, agencies, or offices over which he or she  
192 exercises supervision and control;

193 (4) Subject to budgetary limitations and except as otherwise provided in this Act, the  
194 county manager shall have exclusive authority to appoint, remove, and fix the  
195 compensation of all employees and nonelected officials of the county not otherwise set  
196 or established by state or local law. Any supplements provided to elected officials shall  
197 be approved by the commissioner. The appointment, removal, and compensation of  
198 persons filling offices and positions created by state statutes, when not otherwise

199 prescribed by such statutes, shall be made and fixed by the county manager within  
200 budgetary limitations;

201 (5) The county manager may recommend, at any time, to the commissioner for his or her  
202 formal consideration such measures or proposals as are deemed necessary or desirable  
203 to improve the administration of the affairs of the county;

204 (6) The county manager shall seek to promote a coordinated plan for future growth and  
205 development of the county; and

206 (7) The county manager shall submit to the commissioner a revenue estimate for the  
207 following fiscal year, a proposed capital budget, and a proposed operating budget  
208 governing the expenditure of all funds expected to be available to the county. No  
209 expenditure of county funds shall be made except in accordance with the county budget  
210 or amendments thereto adopted by the commissioner.

211 (c) The county manager may be removed by official action of the commissioner. Upon  
212 the request of the county manager, the commissioner shall set forth, in writing, his or her  
213 reasons for the dismissal. The county manager may, within ten days, reply in writing to  
214 the commissioner's written statement listing the reasons for such manager's removal and  
215 also request a hearing before the commissioner either in executive session or open meeting.

216 (d) The commissioner may designate a qualified individual to act as temporary county  
217 manager in an absence of more than 30 consecutive days of the county manager or if the  
218 county manager is removed as referenced in this section.

219 SECTION 13.

220 (a) The county shall comply with Chapter 81 of Title 36 of the O.C.G.A., relating to local  
221 government budgets and audits, as well as the provisions of this section.

222 (b) The commissioner shall cause to be produced or, if there is a county manager, the  
223 county manager shall submit to the commissioner each year a revenue estimate for the  
224 following fiscal year and a proposed budget governing the expenditures of all funds  
225 expected to be available to the county for the following fiscal year and shall include  
226 proposed expenditures for capital outlay and public works projects. The commissioner  
227 shall cause to be produced or, if there is a county manager, the county manager shall  
228 submit to the commissioner at the time the proposed budget is submitted a report  
229 containing information relating to the financial affairs of the county which is relevant to  
230 establishing the annual budget.

231 (c) At the time the proposed budget is produced, the commissioner or the county manager  
232 shall cause to be published in the official organ of Dodge County a copy of the proposed  
233 budget along with the public notices required by subsection (e) of Code Section 36-81-5  
234 of the O.C.G.A. It shall be the duty of the commissioner to hold a meeting at the time and

235 place specified in the notice for the purpose of conducting such public hearing. The  
236 commissioner shall review the proposed budget at such public hearing and may adopt the  
237 same or make such amendments thereto as the commissioner may deem necessary to  
238 maintain the county in sound financial condition. The commissioner may continue the  
239 hearing on the proposed budget from time to time, but the time of and the place where the  
240 hearing is continued shall be publicly announced at the previous hearing. The  
241 commissioner shall adopt the proposed budget as produced or as amended as the budget  
242 for the county for the following fiscal year prior to the beginning of the new fiscal year to  
243 which it applies.

244 (d) The final budget adopted by the commissioner shall constitute the commissioner's  
245 appropriations of all funds for the fiscal year covered by the budget. The budget may be  
246 amended during the fiscal year which it covers upon the commissioner's taking formal  
247 action for such purpose at a regular meeting. Prior to taking such action, the commissioner  
248 shall cause to be published in the official organ of Dodge County a notice setting forth the  
249 proposed changes in the budget and a summary of the reasons therefor. Such notice shall  
250 also state the time and place of the regular meeting of the commissioner at which action to  
251 amend the budget is to be taken. Such notice shall be published at least ten days prior to  
252 the date of the meeting. No increase in appropriations shall be made without provision also  
253 being made to finance such increase.

254 (e) A copy of the final budget adopted by the commissioner and any amendment to or  
255 revision of the budget shall be transmitted to the grand jury of the Superior Court of Dodge  
256 County then in session.

#### 257 SECTION 14.

258 No expenditures of county funds shall be made except in accordance with the county  
259 budget, or amendments thereto, adopted by the commissioner. The commissioner or, if a  
260 county manager has been appointed, the county manager shall enforce compliance with this  
261 provision by all departments of county government and to this end shall institute a system  
262 of allotments of all moneys appropriated and budgeted.

#### 263 SECTION 15.

264 The sole commissioner shall on or before the final day of the month following the end of  
265 each fiscal year employ a certified public accountant for the making of an annual  
266 continuous audit of county finances and financial records. The accountant so employed  
267 shall be paid out of county funds and shall perform a complete audit of the financial  
268 records of the county for the preceding year, pointing out any irregularities found to exist,  
269 and reporting the results of such audit to the commissioner. Each annual report submitted



270 to the commissioner shall be made available for public inspection as are other records in  
 271 such office. The commissioner shall cause to be published in the official organ of Dodge  
 272 County and posted at the courthouse door a statement of the financial condition of the  
 273 county as of December 31 and June 30 of each year. Such accountant shall transmit to the  
 274 grand jury of the Superior Court of Dodge County a copy of each annual report furnished  
 275 by said accountant to the commissioner."

276 **SECTION 2.**

277 The election superintendent of Dodge County shall call and conduct an election as provided  
 278 in this section for the purpose of submitting this Act to the electors of Dodge County for  
 279 approval or rejection. The election superintendent shall conduct that election on the date of  
 280 the state-wide 2014 November general election and shall issue the call and conduct that  
 281 election as provided by general law. The superintendent shall cause the date and purpose of  
 282 the election to be published once a week for two weeks immediately preceding the date  
 283 thereof in the official organ of Dodge County. The ballot shall have written or printed  
 284 thereon the words:

285 "( ) YES Shall the governing authority of Dodge County be changed from a board of  
 286 ( ) NO commissioners composed of a chairperson and four additional commissioners  
 287 to a single commissioner form of government?"

288 All persons desiring to vote for approval of changing the governing authority of Dodge  
 289 County from a board of commissioners to a single commissioner form of government shall  
 290 vote "Yes" on the question and those persons desiring to vote against changing the governing  
 291 authority of Dodge County from a board of commissioners to a single commissioner form  
 292 of government shall vote "No" on the question. If more than one-half of the votes cast on  
 293 the question are for approval of changing the governing authority of Dodge County from a  
 294 board of commissioners to a single commissioner form of government, then the provisions  
 295 of this Act necessary to elect a sole commissioner in 2016 shall become effective  
 296 immediately and the remaining parts of this Act shall become effective on January 1, 2017.  
 297 If more than one-half of the votes cast on the question are against changing the governing  
 298 authority of Dodge County from a board of commissioners to a single commissioner form  
 299 of government or if the election is not conducted as provided in this section, then this Act  
 300 shall not become effective and this Act shall be automatically repealed on January 1, 2015.  
 301 The expense of such election shall be borne by Dodge County. It shall be the election  
 302 superintendent's duty to certify the result thereof to the Secretary of State.

303 **SECTION 3.**

304 Section 2 of this Act shall become effective upon its approval by the Governor or upon its  
305 becoming law without such approval. The remaining sections of this Act shall become  
306 effective as provided in Section 2.

307 **SECTION 4.**

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