

House Bill 554 (AS PASSED HOUSE AND SENATE)

By: Representatives Rutledge of the 109th, Stephenson of the 90th, Welch of the 110th, Yates of the 73rd, Strickland of the 111th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "An Act to amend an Act providing for a new Board of
2 Commissioners of Henry County," approved March 24, 1974 (Ga. L. 1974, p. 3680), as
3 amended, particularly by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), so as to
4 further define the authority, roles, and responsibilities of the chairperson, the board of
5 commissioners, and the county manager; to provide for compensation; to provide for related
6 matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act entitled "An Act to amend an Act providing for a new Board of Commissioners of
10 Henry County," approved March 24, 1974 (Ga. L. 1974, p. 3680), as amended, particularly
11 by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), is amended by revising Section 5
12 as follows:

13 "SECTION 5.

14 The chairperson of the board of commissioners shall receive an annual salary in the amount
15 of \$45,000.00. Each district commissioner shall receive an annual salary in the amount of
16 \$35,000.00. Such salaries shall be paid in equal monthly installments out of the general
17 funds of Henry County. The chairperson and each district commissioner shall also receive
18 an expense allowance for in-county travel of \$2,400.00 per annum, payable in equal
19 monthly installments out of the funds of Henry County."

20 **SECTION 2.**

21 Said Act is further amended by revising Section 8.2 as follows:

"SECTION 8.2.

(a) The Board of Commissioners of Henry County, Georgia, in addition to such power and authority granted to it by local law, general statute, the Constitution of the State of Georgia, or by the now existing ordinances of Henry County, Georgia, shall have the exclusive power to:

(1) Appoint, from time to time, a non-elected individual to serve as county manager and individuals to serve as assistant county managers as necessary and appropriate;

(2) Delegate to such county manager and assistant county managers such duties and responsibilities as are deemed necessary and appropriate;

(3) Establish the qualifications, compensation, and job description of the county manager and assistant county managers;

(4) Appoint, at least annually, an individual to serve as county clerk and individuals to serve as assistant county clerks;

(5) Delegate to such county clerk such duties and responsibilities as are deemed necessary and appropriate;

(6) Establish the qualifications, compensation, and job description of the county clerk; provided, however, that, in addition to any additional duties and responsibilities, the county clerk shall be the official custodian of records for Henry County and shall keep and maintain the minutes of meetings of the Board of Commissioners of Henry County, and after consultation with the board of commissioners, chairperson, county attorney, and county manager, the clerk shall establish the agenda for each meeting of the board of commissioners;

(7) Appoint and retain, from time to time, an attorney or attorneys to serve as county attorney for Henry County;

(8) Establish the qualifications and compensation of such attorney or attorneys designated to serve as county attorney who shall serve as legal counsel to the chairperson and the board of commissioners; provided, however, where there is a conflict between the chairperson and members of the board of commissioners, and unless otherwise provided by the board of commissioners, the Georgia Rules of Professional Conduct for attorneys in Georgia, or by order of court, the county attorney shall serve as legal counsel to the board of commissioners. Unless otherwise provided by the board of commissioners, the Georgia Rules of Professional Conduct for attorneys in Georgia, or by order of court, the county attorney in all legal proceedings shall serve as the attorney of record for Henry County, Georgia, and the chairperson and the board of commissioners in their official capacities;

(9) Establish rules of order and procedure to govern meetings of the board of commissioners;

- 59 (10) Establish personnel policies and organizational charts for the personnel of Henry
60 County government;
- 61 (11) Appoint, from time to time, one or more individuals to serve as executive assistant
62 to the board of commissioners;
- 63 (12) Establish the qualifications, compensation, and job description of such executive
64 assistant or assistants; and
- 65 (13) Hire, fire, discipline, suspend, or demote such executive assistant or assistants.
- 66 The power and authority to hire, fire, discipline, suspend, or demote the county manager,
67 county clerk, and county attorney shall rest exclusively with the Board of Commissioners
68 of Henry County. In the absence of any such positions, the board of commissioners shall
69 have the power to hire, fire, discipline, suspend, or demote any employee of Henry County
70 or delegate such power to one or more non-elected employees. Any such action shall
71 require the affirmative vote of a majority of the board of commissioners. Assistant county
72 managers may be hired, fired, disciplined, suspended, or demoted by the county manager
73 as well as the Board of Commissioners of Henry County. Assistant county clerks may be
74 hired, fired, disciplined, suspended, or demoted by the county clerk as well as the Board
75 of Commissioners of Henry County.
- 76 (b) The chairperson shall:
- 77 (1) Serve as a voting member of the board of commissioners;
- 78 (2) Serve as presiding officer over meetings of the board of commissioners;
- 79 (3) Execute such documents and instruments as are approved by the board of
80 commissioners;
- 81 (4) After consultation with the county manager, submit to the board of commissioners
82 an annual budget for consideration and adoption by the board of commissioners;
- 83 (5) See that the ordinances, resolutions, and regulations of the board of commissioners
84 and the laws of the state are faithfully executed and enforced;
- 85 (6) Coordinate intergovernmental activity between the county and municipalities, other
86 counties, other political subdivisions, and state and federal agencies;
- 87 (7) With the other members of the board of commissioners, initiate the assessment of the
88 needs of the county, evaluate county services, and develop the policies of the county;
- 89 (8) Represent or designate an individual to represent Henry County at ceremonial
90 functions; and
- 91 (9) Have the power to delegate in writing to a member of the board of commissioners
92 who accepts any of the powers of chairperson."

93 **SECTION 3.**

94 Section 1 of this Act shall become effective on January 1, 2017. The remainder of this Act
95 shall become effective upon its approval by the Governor or upon its becoming law without
96 such approval.

97 **SECTION 4.**

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