

Senate Bill 423

By: Senators Jeffares of the 17th and VanNess of the 43rd

**AS PASSED**

A BILL TO BE ENTITLED  
AN ACT

1 To reestablish the Board of Commissioners of Newton County; to supersede the laws  
2 pertaining to the governing authority of Newton County; to provide for a board of  
3 commissioners, commissioner districts, a chair of the board, a county manager, a clerk to the  
4 board, and ethics provisions; to provide for meetings, agendas, and the conduct of meetings;  
5 to provide for budgeting, audits, financial condition, and approval of expenditures; to provide  
6 for an effective date; to provide for the repeal of existing enabling legislation and other  
7 conflicting laws; to provide for related matters; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 The laws pertaining to the governing authority of Newton County shall be superseded by this  
11 Act to reestablish the Board of Commissioners of Newton County as follows:

12 "ARTICLE 1  
13 BOARD OF COMMISSIONERS

14 **SECTION 1-101.**

15 Creation of board of commissioners.

16 (a) There is created in and for the County of Newton a chair and board of commissioners  
17 to be elected and organized as provided for in this Act. The chair and board of  
18 commissioners shall exercise the powers, duties, and responsibilities vested in and upon  
19 said officers by the provisions of this Act. The term 'board' or the term 'commission,'  
20 whenever used in this Act, shall mean the board of commissioners of Newton County,  
21 including the chair and all members.

22 (b) The board of commissioners of Newton County in existence immediately prior to the  
23 effective date of this Act is continued in existence, but on and after the effective date of this  
24 Act shall be constituted as provided in this Act. The board of commissioners of Newton

25 County so continued and constituted shall continue to have the powers, duties, rights,  
 26 obligations, and liabilities of that board as existed immediately prior to the effective date  
 27 of this Act.

28 (c) Those members of the board who are serving as such immediately prior to the effective  
 29 date of this Act and any person selected to fill a vacancy in any such office shall continue  
 30 to serve as such members until the regular expiration of their respective terms of office and  
 31 upon the election and qualification of their respective successors.

32 (d) On and after the effective date of this Act, the board of commissioners of Newton  
 33 County shall consist of five members, all of whom shall be elected from commissioner  
 34 districts described in Section 1-102 of this Act.

### 35 **SECTION 1-102.**

#### 36 Commissioner districts.

37 (a) For purposes of electing members of the board of commissioners, Newton County is  
 38 divided into five commissioner districts. One member of the board shall be elected from  
 39 each such district. The five commissioner districts shall be and correspond to those five  
 40 numbered districts described in and attached to and made a part of this Act and further  
 41 identified as 'Plan: newtonccsbR-2012 Plan Type: Local Administrator: Newton User: SE'.

42 (b)(1) For the purposes of such plan:

43 (A) The term Voter Tabulation District (hereinafter referred to as 'VTD') shall mean  
 44 and describe the same geographical boundaries as provided in the report of the Bureau  
 45 of the Census for the United States decennial census of 2010 for the State of Georgia.  
 46 The separate numeric designations in a district description which are underneath a  
 47 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in  
 48 the report of the Bureau of the Census for the United States decennial census of 2010  
 49 for the State of Georgia; and

50 (B) Except as otherwise provided in the description of any district, whenever the  
 51 description of any district refers to a named city, it shall mean the geographical  
 52 boundaries of that city as shown on the census maps for the United States decennial  
 53 census of 2010 for the State of Georgia.

54 (2) Any part of Newton County which is not included in any district described in this  
 55 section shall be included within that district contiguous to such part which contains the  
 56 least population according to the United States decennial census of 2010 for the State of  
 57 Georgia.

58 (3) Any part of Newton County which is described in this section as being included in  
 59 a particular district shall nevertheless not be included within such district if such part is

60 not contiguous to such district. Such noncontiguous part shall instead be included within  
61 that district contiguous to such part which contains the least population according to the  
62 United States decennial census of 2010 for the State of Georgia.

63 (c) Commissioner Districts 1 through 5, as they exist immediately prior to the effective  
64 date of this Act, shall continue to be designated as Commissioner Districts 1 through 5,  
65 respectively, but as described under this Act; and, on and after the effective date of this  
66 Act, such members of the board serving from those former commissioner districts shall be  
67 deemed to be serving from and representing their respective districts as newly described  
68 under this Act.

69 **SECTION 1-103.**

70 Board of commissioners.

71 (a) There shall be elected to the board of commissioners of Newton County one member  
72 from each of the commissioner districts who shall be elected only by the qualified voters  
73 of the commission district that member represents.

74 (b) The members of the reconstituted board of commissioners of Newton County shall be  
75 elected as provided in this subsection.

76 (1) The first members from Commissioner Districts 1, 3, and 5 shall be elected at the  
77 general election on the Tuesday next following the first Monday in November, 2016.  
78 Those members of the board elected thereto from Commissioner Districts 1, 3, and 5 in  
79 2016 shall take office the first day of January immediately following that election and  
80 shall serve for initial terms of office which expire December 31, 2020, and upon the  
81 election and qualification of their respective successors.

82 (2) The terms of office of the members from Commissioner Districts 2 and 4 in office  
83 on December 31, 2016 shall expire on December 31, 2018. The members from  
84 Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday  
85 next following the first Monday in November, 2018. Those members of the board elected  
86 thereto from Commissioner Districts 2 and 4 in 2018 shall take office the first day of  
87 January immediately following that election and shall serve for initial terms of office  
88 which expire December 31, 2022, and upon the election and qualification of their  
89 respective successors.

90 (3) All future successors to members of the board whose terms of office are to expire  
91 shall be elected at the time of the state-wide general election immediately preceding the  
92 expiration of such terms, shall take office the first day of January immediately following  
93 that election, and shall serve for terms of office of four years each. Members of the board

94 shall serve for the terms of office specified therefor in this subsection and until their  
95 respective successors are elected and qualified.

96 (c) No person shall be eligible to represent a commission district unless that person is at  
97 least 21 years of age and has been a resident of Newton County at least 12 months and is  
98 a resident of the district from which the person offers as a candidate. In the event a  
99 member moves the member's residence from the district being served, that place on the  
100 board shall immediately become vacant.

101 (d) The board of commissioners of Newton County shall be the legislative, policymaking  
102 body of Newton County. Said board shall exercise all of the powers, duties, and  
103 responsibilities hereinafter provided for, as well as all other powers, duties, and  
104 responsibilities which are vested in governing authorities of the counties of this state by the  
105 Constitution and general laws of Georgia. Without limiting the general legislative powers  
106 of the board to undertake and transact such business as is necessary for the orderly conduct  
107 of county affairs, the following powers are vested in the board of commissioners and  
108 reserved to its exclusive jurisdiction:

109 (1) To adopt and provide for the execution of such ordinances, resolutions, rules, and  
110 regulations, not inconsistent with this Act or state law, as may be necessary or proper for  
111 the purpose of carrying into effect the powers conferred by this Act and state law and for  
112 the promotion and protection of the safety, health, peace, security, environment, and  
113 general welfare of the inhabitants of Newton County;

114 (2) To adopt, and from time to time amend, the budget;

115 (3) To levy taxes, make appropriations, and fix the rates of all other charges;

116 (4) To authorize the incurring of indebtedness;

117 (5) To set the salary and wage ranges and numbers of employees in each range at the first  
118 meeting of each fiscal year or as part of the budget approval process;

119 (6) To authorize and provide for the execution of contracts;

120 (7) To establish, alter, open, close, build, repair, or abolish public roads, private ways,  
121 and bridges, according to law;

122 (8) To exercise all power, duty, and authority in respect to zoning and planning;

123 (9) To establish a yearly work plan and set all specifications for work to be done in the  
124 county;

125 (10) To determine the priority of capital improvements;

126 (11) To make periodic inspections of county properties and of the work being carried on  
127 by the county;

128 (12) To appoint the county manager and county clerk as provided in this Act and enter  
129 into contracts of employment for these positions;

- 130 (13) To enter into contracts of employment for needed professional services, including  
131 but not limited to legal, accounting, and auditing services; and
- 132 (14) To accept, for the county, the provisions of any optional statute where the statute  
133 permits its acceptance by the governing authority of the county.
- 134 (e)(1) Except as otherwise provided in this Act, the board shall not enter into  
135 administrative acts.
- 136 (2) Except as otherwise provided in this Act, members of the board shall not contact  
137 employees or personnel of the county in relation to any duty or work habits of said  
138 employee, or to request any service or actions on the part of said employee except  
139 through the county manager. This limitation shall not limit contact by members of the  
140 board as a matter of inquiry to obtain information necessary to allow said members to  
141 carry out their duties.
- 142 (f)(1) The board shall develop and maintain a work plan, outlining the work that shall  
143 be taken up under the direction of the chair and manager for each fiscal year.
- 144 (2) The work plan shall not authorize action or set forth any expenditures which would  
145 cost in excess of the amount of funds budgeted.
- 146 (g)(1) Prior to January 1, 2021, the members of the board shall receive an annual base  
147 salary which shall be equal to 20 percent of the base salary of the sheriff. Beginning  
148 January 1, 2021, the members of the board shall receive an annual base salary of  
149 \$25,000.00.
- 150 (2) Cost-of-living increases shall be added to the base salary equivalent to the average  
151 percentage of the general increase in salary as may from time to time be granted to the  
152 executive, judiciary, and legislative branches of state government, as calculated by the  
153 State Office of Planning and Budget.
- 154 (3) Members of the board shall receive reimbursement for actual and necessary  
155 expenses incurred as a result of performing their official duties. The members of the  
156 board shall receive reimbursement for mileage driven on county business in a personal  
157 vehicle. Such reimbursement shall correspond to the rate per mile authorized for  
158 employees of the State of Georgia. Reimbursements shall be paid only upon  
159 presentation of an itemized statement of expenses and mileage.
- 160 (h)(1) In the event a vacancy occurs on the board by death, resignation, or otherwise, and  
161 the unexpired term for such office exceeds 180 days before the date of election for such  
162 office, it shall be the duty of the county election superintendent to call a special election  
163 to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The  
164 election shall be held as provided by Chapter 2 of Title 21 of the Official Code of  
165 Georgia Annotated, and the cost of the election shall be defrayed by the county governing  
166 authority.

167 (2) In the event a vacancy occurs on the board by death, resignation, or otherwise, and  
 168 the unexpired term for such office is 180 days or less before the date of election for such  
 169 office, the remaining members shall appoint a person to fill such vacancy until a  
 170 successor takes office after the next general election.

171 (3) Any person appointed by the board to fill a vacancy shall reside within the  
 172 commission district in which said vacancy occurred, and any person elected to fill a  
 173 vacancy shall reside within the commission district in which said vacancy occurred and  
 174 shall be elected in the same manner as the member whose position is vacant.

175 **SECTION 1-104.**

176 Board of commissioners chair.

177 (a) There shall be a chair of the board of commissioners of Newton County ('chair') who  
 178 shall be elected by the qualified electors of the entire county.

179 (b) The first chair shall be elected at the general election on the Tuesday next following  
 180 the first Monday in November, 2016. The chair elected thereto in 2016 shall take office  
 181 the first day of January immediately following that election and shall serve for an initial  
 182 term of office which expires December 31, 2020, and upon the election and qualification  
 183 of the chair's respective successor. Thereafter, successors to the chair shall be elected at  
 184 the general election which is conducted in that year in which the term of office expires, and  
 185 shall take office on the first day of January following such election for a term of four years  
 186 and until a successor is duly elected and qualified.

187 (c) No person shall be eligible to serve as chair unless that person is at least 21 years of  
 188 age and has been a resident of Newton County for at least 12 months immediately  
 189 preceding the date of the election. In the event the chair moves residence from Newton  
 190 County, the office of chair shall be declared vacant.

191 (d) The chair shall be the chief executive officer of Newton County. The following  
 192 powers and duties are vested in the chair:

193 (1) To be the official spokesman for the county government and the chief advocate of  
 194 policy as established by the board;

195 (2) To be available to the constituency, citizens, and civic associations on a regular basis;

196 (3) To preside at all meetings of the board;

197 (4) To coordinate with the county manager in setting the agenda for regular and specially  
 198 called meetings of the board;

199 (5) To vote in the event of a tie;

200 (6) To veto acts of the governing authority approved by no more than three members,  
 201 provided that:

- 202 (A) Any such veto, in order to be effective, shall be provided by the chair in writing,  
203 including an identification of the reason or reasons for the veto, to the county clerk no  
204 more than eight days after the occurrence of the act;
- 205 (B) The county clerk shall provide a copy of the veto to the other members of the  
206 governing authority within five business days of receipt of the veto; and
- 207 (C) No later than 60 days after the date of the receipt of the veto by the county clerk,  
208 the veto may be overturned by a vote of at least four members of the governing  
209 authority at any regularly scheduled meeting of the governing authority;
- 210 (7) To execute ordinances and resolutions on their final passage and sign deeds, bonds,  
211 contracts, and other instruments and documents in any case in which the general laws of  
212 this state or any ordinance or resolution of the board so require or authorize;
- 213 (8) To issue proclamations honoring and recognizing the achievements and contributions  
214 of citizens;
- 215 (9) To coordinate intergovernmental activity among municipalities, other counties, state,  
216 and federal agencies;
- 217 (10) To represent the board in matters involving the relationship of the county  
218 government with elected county officers;
- 219 (11) To coordinate with the county legislative delegation on matters that impact county  
220 government;
- 221 (12) To coordinate with the Chamber of Commerce and encourage economic  
222 development;
- 223 (13) To represent the county government at ceremonial functions;
- 224 (14) To submit a list of qualified candidates for the position of county manager as  
225 provided in this Act;
- 226 (15) To ratify the removal of the county manager as provided in this Act;
- 227 (16) To call special meetings of the board of commissioners as provided in this Act;
- 228 (17) To coordinate with the county manager on the implementation of the work plan  
229 approved by the board; and
- 230 (18) To perform such additional duties as may be required by law or ordinances or  
231 resolutions of the board.
- 232 (e) Acts of the chair shall be binding unless four members of the board shall make their  
233 objections known within 30 days of an act, stating the reasons therefor, at an official  
234 meeting of the board, or if a meeting is not scheduled to be held prior to said action by the  
235 chair becoming effective, then four members of the board shall make their objections  
236 known to the chair, in writing, stating their objections and the reasons therefor, and said  
237 action by the chair shall be stayed until the next official meeting of the board. At such

238 official meeting of the board, at least four of the members of the board may vote to  
239 override the action of the chair and thereby render this prior action nugatory.

240 (f) Should the chair fail to exercise any of the duties provided for by law, a member of the  
241 board, at the next regular meeting, may bring a written accusation against such chair  
242 outlining the duties that such chair failed to exercise, and order said chair to show cause  
243 why such duties have not been exercised. Such accusation shall be entered in the minutes  
244 of the meeting. The chair shall then be afforded an opportunity to respond to such charges  
245 and show cause why such duties have not been exercised, if in fact such duties were not  
246 exercised. Such response shall also be entered in the minutes of the meeting. If, after such  
247 accusation, response, and further discussion, a majority of the members of the board,  
248 excluding the chair, feels that it is necessary for the welfare of the county to compel such  
249 chair to exercise such duties, the board may exercise the duty themselves or may make a  
250 written request to the Judge of the Superior Court of Newton County to issue a writ of  
251 mandamus commanding the chair to exercise such duties.

252 (g)(1) The salary of the chair shall be as set forth by 'An Act to Provide for a Change in  
253 the Compensation of the Sheriff, the Tax Commissioner, the Judge of the Probate Court,  
254 the Clerk of the Superior Court, and the chairman of the Board of Commissioners of  
255 Newton County to Reflect Increases in the Cost of Living; to Define Certain Terms; to  
256 Provide an Effective Date; to Repeal Conflicting Laws; and for Other Purposes,'  
257 approved April 6, 1981 (1981 Ga. Laws, p. 3304), and amended March 21, 1989 (1989  
258 Ga. Laws, p. 3983) and March 25, 1994 (1994 Ga. Laws, p. 4156) or as otherwise  
259 determined by the General Assembly.

260 (2) Cost-of-living increases shall be added to the base salary equivalent to the average  
261 percentage of the general increase in salary as may from time to time be granted to the  
262 executive, judiciary, and legislative branches of state government, as calculated by the  
263 State Office of Planning and Budget.

264 (3) The chair shall receive reimbursement for actual and necessary expenses incurred  
265 as a result of performing his or her official duties. The chair shall receive  
266 reimbursement for mileage driven on county business in a personal vehicle. Such  
267 reimbursement shall correspond to the rate per mile authorized for employees of the  
268 State of Georgia. Reimbursements shall be paid only upon presentation of an itemized  
269 statement of expenses and mileage.

270 (h)(1) In the event a vacancy occurs in the office of chair by death, resignation, or  
271 otherwise, and the unexpired term for such office exceeds 180 days before the date of  
272 election for such office, it shall be the duty of the county election superintendent to call  
273 a special election to elect a successor and fill the vacancy in not less than 30 nor more  
274 than 60 days. The election shall be held as provided by Chapter 2 of Title 21 of the



275 Official Code of Georgia Annotated, and the cost of the election shall be defrayed by the  
276 county governing authority.

277 (2) In the event a vacancy occurs in the office of chair by death, resignation, or  
278 otherwise, and the unexpired term for such office is 180 days or less before the date of  
279 election for such office, a majority of the members of the board shall appoint a person to  
280 fill such vacancy until a successor takes office after the next general election.

281 **SECTION 1-105.**

282 County manager.

283 (a) There is hereby created the office of county manager of Newton County, hereinafter  
284 at times referred to as 'manager'.

285 (b)(1) The manager shall be appointed by a majority of the members of the board from  
286 a list of qualified candidates to be provided by the chair. Provided sufficient applications  
287 are received, the chair shall submit at least three candidates for consideration by the  
288 board. In the event less than three candidates are submitted, all applications shall be  
289 provided to the board for review and determination of whether additional candidates  
290 should be added to the list provided by the chair.

291 (2) The terms and conditions of the manager's appointment shall be provided for by  
292 contract to be approved by the board.

293 (3) The manager shall serve at the pleasure of the board; however, any decision to  
294 remove the manager shall be ratified by the chair. If the chair does not ratify a decision  
295 to remove the manager, the manager may only be removed by the vote of at least four  
296 board members.

297 (c) The manager shall be the administrative officer of Newton County and shall be  
298 responsible for the proper and efficient administration of all affairs of the county, except  
299 as otherwise provided in this Act or by law. It shall be the duty of the manager:

300 (1) To ensure all laws and ordinances of the county are enforced;

301 (2) To implement the work plan approved by the board and coordinate with the chair on  
302 the implementation of the work plan;

303 (3) To exercise control over all departments or divisions of the county, including:

304 (A) Facilitating internal and external communication throughout all levels of the  
305 organization;

306 (B) Assisting departments with the resolution of problems that require the attention of  
307 count management; and

308 (C) Informing the chair on departmental activities;

- 309 (4) To manage and supervise county staff and department heads with the exception of  
310 employees of other elected county officials and the board of tax assessors, including the  
311 following:
- 312 (A) To hire, determine compensation within the range approved by the board, train,  
313 evaluate performance, discipline, and terminate classified employees in coordination  
314 with the Human Resources Director and in accordance with the county's personnel  
315 policies;
- 316 (B) To appoint department heads subject to ratification by the board and to train,  
317 determine compensation within the range approved by the board, evaluate performance,  
318 discipline, and terminate department heads; provided, however, that department heads  
319 shall have a right to appeal any termination decision to the board; and
- 320 (C) To report to the board monthly on all positions to be filled in the ensuing month  
321 and all suspensions or replacements thereof which took place in the prior month. All  
322 said reports shall be spread upon the minutes of the board;
- 323 (5) To supervise and regulate all purchase of materials and supplies for Newton County  
324 within such limitations and under such rules and regulations as may be imposed by the  
325 board;
- 326 (6) To supervise the performance of all contracts for work done and services provided  
327 for Newton County and provide recommendations to the board on contract renewals;
- 328 (7) To keep the board fully advised as to the financial condition and needs of the county  
329 as provided in this Act;
- 330 (8) To work with the finance director and consult with the chair in the development of  
331 the annual budget as provided in this Act;
- 332 (9) To oversee and participate in the resolution of inquiries and complaints from the  
333 public and other organizations;
- 334 (10) To attend all meetings of the board with the right to brief the board on pending  
335 agenda items and take part in the discussions, provided that the manager shall have no  
336 vote on any matter or issue before the board;
- 337 (11) To respond to inquiries and provide commissioners with information on the status  
338 of county operations and projects;
- 339 (12) To provide analysis as needed to assist the board to make informed policy decisions;
- 340 (13) To report to the chair regarding day to day operations and preparation of  
341 preliminary agenda items; and
- 342 (14) To perform such other duties as may be required by the board.

343 **SECTION 1-106.**

344 Board of commissioners clerk.

345 (a) The board shall have the authority to appoint a clerk and deputy clerks by affirmative  
 346 vote of three of the members of the board, and the clerk shall serve at the pleasure of the  
 347 board.

348 (b) The clerk shall keep all books and records of the board and shall perform all duties  
 349 required to keep the board's office open and all records open to public inspection as  
 350 required by law.

351 (c) The clerk shall receive such compensation as shall be determined by the board.

## 352 SECTION 1-107.

### 353 Ethics.

354 (a) It is essential to the proper administration and operation of the Newton County  
 355 government that public officials be, and give the appearance of being, independent and  
 356 impartial; that public office not be used for private gain; and that there be public confidence  
 357 in the integrity of Newton County public officials. Because the attainment of one or more  
 358 of these ends is impaired whenever there exists in fact, or appears to exist, a conflict  
 359 between the private interests and public responsibilities of Newton County public officials,  
 360 the chair and members of the board shall adhere to all ethical standards established by all  
 361 applicable general laws of the State of Georgia and by the Newton County Code of Ethics  
 362 and any such ordinance or ordinances as may be adopted from time to time by the board  
 363 with respect to the conduct of such public officials.

364 (b) The chair and members of the board shall, before entering upon the duties of their  
 365 office, make oath before the Judge of the Probate Court of said county to faithfully  
 366 administer all things and affairs coming under their jurisdiction as county commissioners  
 367 to the best interests of the county and to carry out the provisions of this Act.

368 (c)(1) The chair and members of the board, before entering upon their duties of office,  
 369 shall give a good and sufficient bond to be approved by the Judge of the Probate Court  
 370 of said county in the sum of \$10,000.00 for the faithful discharge of their duties as county  
 371 commissioners.

372 (2) For any violations or neglect of duty as provided by this Act, said bonds shall become  
 373 actionable, suit thereon to be brought in the name of the Judge of the Probate Court of  
 374 said county, for the use of any person damaged thereby, or for the County of Newton for  
 375 any breach thereof by malfeasance or misfeasance in office or for any tort, or wrong  
 376 committed under color of office.

## 377 ARTICLE 2

### 378 MEETINGS OF THE BOARD OF COMMISSIONERS

379 **SECTION 2-101.**

380 Meeting schedule.

381 (a) No later than December of each year, the board shall set the regular meeting schedule  
382 for the upcoming year. Said meeting schedule shall include a minimum of one meeting per  
383 month.

384 (b) There shall be such other special called meetings or work sessions as may be called by  
385 the chair or three board members during each month.

386 **SECTION 2-102.**

387 Agenda.

388 (a)(1) The chair and county manager shall coordinate on the placement of items on the  
389 agenda which shall be prepared by the clerk.

390 (2) Any matters which any individual member of the board wishes to be brought before  
391 the board shall be submitted to the clerk, in writing, with a copy to the chair and county  
392 manager.

393 (b) Board members shall be provided with a copy of the agenda and all supporting  
394 documentation as required by the Georgia Open Meetings Act and as otherwise required  
395 by any Newton County local procedural rules. If the local rules conflict with the Open  
396 Meetings Act, the Open Meetings Act shall control.

397 (c) The agenda shall be approved by the board as required by the Georgia Open Meetings  
398 Act and as otherwise required by any Newton County local procedural rules. If the local  
399 rules conflict with the Open Meetings Act, the Open Meetings Act shall control.

400 (d) Notwithstanding the foregoing subsections, the failure to include on the agenda an item  
401 which becomes necessary to address during the course of a meeting shall not preclude  
402 consideration or action upon same.

403 **SECTION 2-103.**

404 Conduct of meetings.

405 (a) The chair shall preside at all meetings of the board, and in the absence of the chair, the  
406 member of the board designated as vice chair shall preside and act as chair.

407 (b) Three members of the board shall constitute a quorum for the transaction of business.

408 (c)(1) Except as otherwise specified herein, the affirmative vote of at least three board  
409 members, or, in the event of a tie, two board members and the chair, shall be necessary  
410 to take official action.

411 (2) The vote of at least four board members shall be required to approve any  
 412 amendments to this Act the board is authorized by law to make or to approve ordinances  
 413 or resolutions changing the powers or responsibilities of the board members, chair, or  
 414 county manager.

415 ARTICLE 3

416 FINANCE

417 SECTION 3-101.

418 Budget.

419 (a) The annual budget shall set forth all the anticipated revenues and expenditures for the  
 420 ensuing fiscal year to begin July 1 of each year and going through June 30, setting forth in  
 421 detail all categories where funds are to be received or expended. Budgeted expenditures  
 422 shall not exceed the anticipated revenues of Newton County as based upon the tax digest  
 423 for the current tax year as approved and upon such other moneys as were received by  
 424 Newton County from all other sources during the previous fiscal year.

425 (b) The manager shall work with the finance director and consult with the chair in the  
 426 development of a budget for consideration by the board. In developing the budget, the  
 427 manager shall prepare the board's administrative offices budget, and review departmental  
 428 budget requests and requests for appropriations. An initial draft budget shall be submitted  
 429 to the board by April 1 of each year.

430 (c) Notwithstanding any other provision of any other local law to the contrary, the Judge  
 431 of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax  
 432 Commissioner of Newton County shall prepare budgets for the ensuing fiscal year based  
 433 on the same fiscal year as the board and shall submit proposed budgets to the board by June  
 434 1 of each year.

435 (d) Notwithstanding any other provision of any other local law to the contrary, with regard  
 436 to the budget of any elected official of Newton County, who is required under law to  
 437 submit a budget for the operation of his or her office to the board, the board shall have the  
 438 power and authority to determine the amount which shall represent the final budget of said  
 439 officials and only those amounts so determined by said board shall be paid from the funds  
 440 of the county. After the board approves the budget of said officials, it will become the  
 441 responsibility of the officials to administer the budget.

442 (e) The manager shall coordinate the scheduling of budget meetings and, in consultation  
 443 with the legal counsel, ensure compliance with all legal and procedural requirements for  
 444 budget adoption.

445 (f) The board shall approve a budget prior to the first day of the fiscal year; however, if for  
 446 good and sufficient reasons, a budget cannot be adopted by the first day of the fiscal year,  
 447 the budget shall be adopted not later than 30 days subsequent thereto. If the budget is not  
 448 adopted prior to the beginning of the fiscal year, a resolution authorizing the continuation  
 449 of necessary and essential expenditures to operate the county shall be adopted prior to any  
 450 actual expenditure.

451 **SECTION 3-102.**

452 Audit.

453 (a) At the end of each fiscal year, it shall be the duty of an auditor selected by the board  
 454 to audit the financial affairs and transactions of all funds and activities of the board, the  
 455 Judge of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax  
 456 Commissioner and to return said audits to the board.

457 (b) In conducting said audit, the auditor shall have the power to examine on oath the chair,  
 458 any board member, or any other public official set out herein or any person serving under  
 459 the board or any other public official set out herein relative to any account or item on the  
 460 books and accounts or any transaction in said office.

461 (c) Said auditor shall perform its duties herein prescribed and submit a report of its  
 462 findings as required by law and to the grand jury sitting at the fall term of the Newton  
 463 Superior Court.

464 (d) A summarized audit statement shall be published in the county legal organ.

465 **SECTION 3-103.**

466 Financial condition.

467 In keeping the board fully advised as to the financial condition and needs of the county, the  
 468 manager shall:

469 (1) Present to the board a monthly financial statement showing the revenues and  
 470 expenditures of the previous month;

471 (2) Present and publish such other financial reports as requested by the board;

472 (3) Perform financial and managerial analyses pertaining to county operations and  
 473 programs and other matters under consideration; and

474 (4) Gather requested information, evaluate data, and make recommendations on  
 475 programs and other matters under consideration.

476 **SECTION 3-104.**

477 Approval of expenditures.

478 (a) All purchases of Newton County, and the method for payment of same, shall be  
479 governed by all applicable general laws of the State of Georgia and by any such ordinance  
480 or ordinances as may be adopted from time to time by the board.

481 (b)(1) The signature of the chair and the manager shall be required on all checks issued  
482 by Newton County. In the absence of either the chair or manager, the signature of any  
483 board member shall be required as the second signature.

484 (2) Any check shall be deemed to be signed with the full knowledge of the intent and  
485 purposes for which said check was issued."

486 **SECTION 2.**

487 This Act shall become effective on January 1, 2017.

488 **SECTION 3.**

489 The Act creating a board of commissioners of Newton County, approved April 6, 1967 (Ga.  
490 L. 1967, p. 2784), and all amendments thereto, and all other laws and parts of laws in conflict  
491 with this Act are repealed.