House Bill 1557 (AS PASSED HOUSE AND SENATE)
By: Representatives Gravley of the 67th, Gullett of the 19th, Momtahan of the 17th, and Alexander of the 66th

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, so as to provide for an office of county manager; to provide for the duties, powers, qualifications, and role of the county manager; to revise provisions related to meetings of the commission; to revise the compensation, duties, powers, and role of the chairperson of the board of commissioners; to reduce the bond of the chairperson; to revise the list of named county departments; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
An Act creating the Board of Commissioners of Paulding County, approved April 17, 1975 (Ga. L. 1975, p. 2916), as amended, is amended by revising Section 7 as follows:
"SECTION 7.
Oath and bond.

Before entering upon the discharge of their duties, the chairperson and commissioners shall subscribe an oath before the Judge of the Probate Court of Paulding County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. In addition, the chairperson and each commissioner shall give a satisfactory surety bond in the sum of $10,000.00. The costs of said bonds shall be paid out of the county treasury."

SECTION 2.
Said Act is further amended by revising subsection (a) of Section 8 as follows:

"(a)(1) Beginning on January 1, 2025, the chairperson shall receive an annual salary of $87,500.00.

(2) Each commissioner other than the chairperson shall receive an annual salary of $22,500.00.

(3) All compensation provided for in this section shall be payable monthly and shall be paid from county funds. Except as otherwise provided in subsection (b) of this section, the compensation provided for in this subsection shall constitute the entire compensation from all public sources to which the chairperson or commissioners shall be entitled. The chairperson and commissioners shall not be entitled to any further compensation for serving on any boards or authorities by virtue of their office."

SECTION 3.
Said Act is further amended by revising Sections 9 through 11 as follows:
SECTION 9.
Meetings.

The commission shall hold regular meetings at least twice monthly, with such meetings to be held at a time, a place, and dates as prescribed according to a schedule which shall be approved by a majority of the members of the commission, which schedule may be changed upon majority vote by the members of the commission. The schedule shall be posted and maintained in a conspicuous place available to the public outside the regular meeting place of the commission and at the office of the board of commissioners. Subject to the provisions of Code Section 50-14-1 of the O.C.G.A., such meetings shall be open to the public, and the commission may hold such additional meetings as may be necessary when called by the chairperson or any three commissioners, provided all members of the commission shall have been notified at least one day in advance of such special meeting. No official action shall be taken by the commission except in a meeting which is open to the public, except as otherwise provided by general law. Any four commissioners or the chairperson and any three commissioners shall constitute a quorum. No official action shall be taken except on the affirmative vote of at least three commissioners or two commissioners and the chairperson. The chairperson shall be entitled to the same voting rights as other commissioners on questions considered by the commission.

SECTION 10.
Chairperson.

The chairperson shall have the duty and responsibility to:

(1) Act pursuant to the adopted resolutions of the commission in regard to matters reserved to the exclusive jurisdiction of the commission;
(2) Make appointments and otherwise act in accordance with the authority set forth in Sections 14 and 15 of this Act;
(3) Preside over meetings of the commission;
(4) Execute on behalf of the commission contracts, agreements, memoranda of understanding, and other documents as authorized by the commission;
(5) Represent the county at ceremonial functions;
(6) Act pursuant to any other power conferred upon the chairperson by this Act.

SECTION 11.
The commission.

(a) The commission shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules, and regulations governing all matters reserved to its exclusive jurisdiction, which policies, rules, and regulations shall be so adopted with proper entry thereof made on the commission minutes. The policies, rules, and regulations so adopted by the commission shall be carried out, executed, and enforced by the county manager, and the commission shall exercise those powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. Any action taken by the county manager which is in conflict with such adopted resolutions and which deals with matters exclusively reserved to the jurisdiction of the commission shall be null, void, and of no effect.

(b) The following powers are hereby vested in the commission and reserved to its exclusive jurisdiction:
(1) To levy taxes;
(2) To make appropriations;
(3) To fix the rates of all other charges;
(4) To authorize the incurring of indebtedness;
(5) To order work done where the cost is to be assessed against benefited property, and
to fix the basis for such assessment;
(6) To authorize contracts, except purchases otherwise provided for herein, involving the
expenditure of county funds;
(7) To establish, alter, or abolish public roads, private ways, bridges, and ferries,
according to law; provided, however, that the county manager shall have the authority to
accept subdivision plats when the requirements established by the commission for
subdivisions have been met;
(8) To establish, abolish, or change election precincts and militia districts according to
law;
(9) To allow the insolvent lists for the county;
(10) To accept, for the county, the provisions of any optional statute where the statute
permits its acceptance by the governing authority of the county;
(11) To create and change the boundaries of special taxing districts authorized by law;
(12) To fix the bonds of county officers where same are not fixed by statute;
(13) To enact any ordinances or other legislation the county may be given authority to
enact;
(14) To determine the priority of capital improvements;
(15) To call elections for the voting of bonds;
(16) To exercise all of the power and authority heretofore vested by law in the
Commissioner of Paulding County, together with the power and authority which may
hereafter be delegated by law to the governing authority of the county, by whatever name
designated;
(17) To make purchases which do not exceed $100,000.00 and which, in the discretion
of its members, are deemed necessary for the operation of the county, except as provided
by general law relating to letting of public works contracts; and
(18) To make purchases in amounts over $100,000.00; provided, however, that for any purchases in such amounts, advertisements for bids shall be first published for four consecutive weeks in the official organ of Paulding County. After said advertisements have been published, formal, sealed bids must be obtained on all purchases in excess of $100,000.00. Advertisement and the obtaining of formal, sealed bids may be dispensed with when, in the discretion of the commission, an emergency exists which will not permit a delay. In the event such an emergency is declared, the nature of the emergency and the reasons therefor shall be clearly set forth in the minutes of the commission."

SECTION 4.

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

"SECTION 13.1.

County manager.

(a) There shall be an office of county manager. The county manager shall be appointed by the chairperson with the approval of the commission. Except as otherwise provided in this Act, the qualifications, compensation, and other matters pertaining to the office of county manager shall be provided for by ordinance or resolution of the commission.

(b)(1) The chairperson shall select a person to appoint as the county manager based solely upon the appointee's executive and administrative qualifications, with specific reference to actual experience in or knowledge of accepted practices with respect to the duties of the office. Current active employees of Paulding County may be ineligible for appointment as county manager, provided that an employee of the county may resign such employment so as to qualify for appointment as the county manager.
(2) The chairperson, at his or her discretion, may require the person appointed as county
manager to:

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

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

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

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

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

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

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

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

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

(7) Supervise the performance of all contracts entered into by or on behalf of the county;
(8) Confer with and advise all other elected or appointed officers or officials of the county who are not under the control of the commission but who receive financial support therefrom;

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

(10) Make purchases for the county without seeking approval from the commission and without obtaining bids in amounts not to exceed $50,000.00, except:

(A) As provided by general law relating to the letting of public works contracts;

(B) That no employment, consulting, or severance contract or agreement shall be entered into and no payments shall be made without the approval of the commission; and

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

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

SECTION 5.

Said Act is further amended by revising Section 14 as follows:

“SECTION 14.

Appointment of county officials and employees.

(a) Subject to the qualifications and limitations set out in this Act, the county manager shall have the exclusive power and authority to appoint, remove, and fix the compensation of, within budgetary provisions and in accordance with civil service and merit system laws of Paulding County which may now be in force or subsequently adopted, all employees and officials of the county, except the following:

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(1) Boards or positions created by general law;
(2) Elected officers and employees under such an officer's supervision and control; and
(3) The county attorney, the executive assistant to the board of commissioners, the comptroller, and heads or chief executive officers, by whatever names designated, of the various departments of the county.

(b) Subject to confirmation by a majority vote of the commission, the chairperson shall appoint, from a list of recommendations made by the county manager, the heads or chief executive officers, by whatever names designated, of the various departments of the county, except the departments of the elected county officers of the county. Should a majority of the commission fail to confirm any such nomination, the chairperson shall submit another nominee from the list of recommendations made by the county manager, and such process shall continue until a nomination is approved by a majority of the commission.

(c) Subject to confirmation by a majority vote of the commission, the chairperson shall appoint the county attorney, the executive assistant to the board of commissioners, and the comptroller. Should a majority of the commission fail to confirm any such nomination, the chairperson shall submit another nominee, and such process shall continue until a nomination is approved by a majority of the commission.

(d) The head or chief executive officer of any department, the county manager, the county attorney, the executive assistant to the board of commissioners, and the comptroller shall serve at the pleasure of the commission and may be removed from office at any time by a majority vote of the commission.

(e) Any person appointed comptroller of the county shall have the qualifications specified in Section 17 of this Act.

(f) The compensation of all department heads or other chief executive officers, the county attorney, the executive assistant to the board of commissioners, and the comptroller
appointed as provided in this section and of the county manager shall be fixed by a majority vote of the commission.

(g) The elected county officers of said county shall have the sole authority to appoint and remove the personnel within their respective offices unless such personnel are subject to the county civil service system in which case appointment and removal shall be in accordance with rules applicable to such civil service system. The compensation of such personnel shall be subject to approval by a majority vote of the commission."

SECTION 6.

Said Act is further amended by revising subsection (a) of Section 16 as follows:

"(a) The internal organization of the county government hereby established subordinate to and as administrative instrumentalities of the commission shall be divided into the following departments:

(1) Finance;
(2) Water and sewer;
(3) Transportation;
(4) Marshal;
(5) Fire;
(6) Parks and recreation;
(7) Community development;
(8) Elections;
(9) Human resources;
(10) Fleet maintenance;
(11) Building maintenance;
(12) Information technology; and
(13) E-911."
SECTION 7.

Said Act is further amended by revising subsection (b) of Section 17 as follows:

"(b) The department of finance shall, pursuant to the resolutions adopted by the commission, perform the following functions:

1. Keep and maintain accurate records reflecting the financial affairs of the county;
2. Compile the annual budget covering all funds;
3. Make quarterly allotments of moneys appropriated and budgeted to each department, office, or agency of the county entitled to receive same;
4. Maintain current accounts over the collection and deposit of moneys due the county from taxes and other sources;
5. Examine all claims against the county and make recommendations as to payment;
6. Maintain budgetary control accounts showing encumbrances for obligations entered into, liquidation of such encumbrances, unencumbered balances of allotments, unexpended balances of allotments, and all unallotted balances of appropriations;
7. Maintain proprietary accounts of the current assets and of the liabilities of all county funds;
8. Prepare and issue semiannually financial reports of the operations of all county funds;
9. Maintain property control records of all county property, including equipment and stores, and supervise stores;
10. Plan and prepare for meeting the financial needs of the county, project financial requirements, recommend a means of financing those requirements, and advise the commission on financial matters;
11. Establish rules and regulations for purchasing services for all county departments, offices, and agencies, subject to the approval of the commission;
12. Perform such other duties as may be assigned by the commission; and
13. Respect an open door policy between county employees and the chairperson and commissioners."
SECTION 8.

Said Act is further amended by revising Sections 19 and 20 as follows:

"SECTION 19.

Budget and Appropriations.

The county manager shall submit annually to the commission, not later than June 1, a proposed budget governing expenditures of all county funds, including capital outlay and public works projects, for the following year. The commission shall thereafter hold a public hearing on the budget, giving notice thereof at least ten days in advance by publication of such notice and of the proposed budget in the official organ of Paulding County and by posting same at the courthouse door. The budget shall then be reviewed and adopted or amended by the commission at the first regular meeting in August of the year to which it applies, which budget, when so adopted or amended by the commission, shall constitute the commission's appropriation of all funds for such year. The budget so adopted may be revised during the year only by formal action of the commission in a regular meeting and no increase shall be made therein without provision also being made for financing same. The proposed budget submitted by the county manager shall be accompanied by a report containing information and data relating to the financial affairs of the county pertinent to arriving at and establishing the annual budget. A copy of the budget and of each revision or amendment to same shall be transmitted by the county manager to the grand jury of the Superior Court of Paulding County within ten days from the time such budget or amendment thereof is adopted by the commission.
SECTION 20.

Expenditures by allotments.

No expenditures of county funds shall be made except in accordance with the county budget as adopted and amended by the commission. The county manager shall enforce compliance with this provision by all departments of county government, including those for elected officers, and to this end shall, through the comptroller and the department of finance, institute a system of annual allotments of all moneys appropriated and budgeted."

SECTION 9.

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