

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

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

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating the Board of Commissioners of Paulding County, approved April 17, 1975
11 (Ga. L. 1975, p. 2916), as amended, is amended by revising Section 7 as follows:

12 "SECTION 7.
13 Oath and bond.

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

20 **SECTION 2.**

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

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

24 (2) Each commissioner other than the chairperson shall receive an annual salary of
25 \$22,500.00.

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

32 **SECTION 3.**

33 Said Act is further amended by revising Sections 9 through 11 as follows:

34 "SECTION 9.
35 Meetings.

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

52 SECTION 10.
53 Chairperson.

54 The chairperson shall have the duty and responsibility to:
55 (1) Act pursuant to the adopted resolutions of the commission in regard to matters
56 reserved to the exclusive jurisdiction of the commission;

- 57 (2) Make appointments and otherwise act in accordance with the authority set forth in
58 Sections 14 and 15 of this Act;
- 59 (3) Preside over meetings of the commission;
- 60 (4) Execute on behalf of the commission contracts, agreements, memoranda of
61 understanding, and other documents as authorized by the commission;
- 62 (5) Represent the county at ceremonial functions;
- 63 (6) Act pursuant to any other power conferred upon the chairperson by this Act.

64 SECTION 11.

65 The commission.

- 66 (a) The commission shall have the power and authority to fix and establish, by appropriate
67 resolution entered on its minutes, policies, rules, and regulations governing all matters
68 reserved to its exclusive jurisdiction, which policies, rules, and regulations shall be so
69 adopted with proper entry thereof made on the commission minutes. The policies, rules,
70 and regulations so adopted by the commission shall be carried out, executed, and enforced
71 by the county manager, and the commission shall exercise those powers which are
72 necessarily and properly incident to its functions as a policy-making or rule-making body
73 or which are necessary to compel enforcement of its adopted resolutions. Any action taken
74 by the county manager which is in conflict with such adopted resolutions and which deals
75 with matters exclusively reserved to the jurisdiction of the commission shall be null, void,
76 and of no effect.
- 77 (b) The following powers are hereby vested in the commission and reserved to its
78 exclusive jurisdiction:
- 79 (1) To levy taxes;
- 80 (2) To make appropriations;
- 81 (3) To fix the rates of all other charges;

- 82 (4) To authorize the incurring of indebtedness;
- 83 (5) To order work done where the cost is to be assessed against benefited property, and
84 to fix the basis for such assessment;
- 85 (6) To authorize contracts, except purchases otherwise provided for herein, involving the
86 expenditure of county funds;
- 87 (7) To establish, alter, or abolish public roads, private ways, bridges, and ferries,
88 according to law; provided, however, that the county manager shall have the authority to
89 accept subdivision plats when the requirements established by the commission for
90 subdivisions have been met;
- 91 (8) To establish, abolish, or change election precincts and militia districts according to
92 law;
- 93 (9) To allow the insolvent lists for the county;
- 94 (10) To accept, for the county, the provisions of any optional statute where the statute
95 permits its acceptance by the governing authority of the county;
- 96 (11) To create and change the boundaries of special taxing districts authorized by law;
- 97 (12) To fix the bonds of county officers where same are not fixed by statute;
- 98 (13) To enact any ordinances or other legislation the county may be given authority to
99 enact;
- 100 (14) To determine the priority of capital improvements;
- 101 (15) To call elections for the voting of bonds;
- 102 (16) To exercise all of the power and authority heretofore vested by law in the
103 Commissioner of Paulding County, together with the power and authority which may
104 hereafter be delegated by law to the governing authority of the county, by whatever name
105 designated;
- 106 (17) To make purchases which do not exceed \$100,000.00 and which, in the discretion
107 of its members, are deemed necessary for the operation of the county, except as provided
108 by general law relating to letting of public works contracts; and

109 (18) To make purchases in amounts over \$100,000.00; provided, however, that for any
110 purchases in such amounts, advertisements for bids shall be first published for four
111 consecutive weeks in the official organ of Paulding County. After said advertisements
112 have been published, formal, sealed bids must be obtained on all purchases in excess
113 of \$100,000.00. Advertisement and the obtaining of formal, sealed bids may be
114 dispensed with when, in the discretion of the commission, an emergency exists which
115 will not permit a delay. In the event such an emergency is declared, the nature of the
116 emergency and the reasons therefor shall be clearly set forth in the minutes of the
117 commission."

118 **SECTION 4.**

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

120 "SECTION 13.1.

121 County manager.

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

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

132 (2) The chairperson, at his or her discretion, may require the person appointed as county
133 manager to:

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

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

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

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

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

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

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

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

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

157 (7) Supervise the performance of all contracts entered into by or on behalf of the county;

- 158 (8) Confer with and advise all other elected or appointed officers or officials of the
159 county who are not under the control of the commission but who receive financial support
160 therefrom;
- 161 (9) Devote his or her entire time to the duties and affairs of the office of county manager
162 and hold no other office or employment for remuneration while serving as county
163 manager;
- 164 (10) Make purchases for the county without seeking approval from the commission and
165 without obtaining bids in amounts not to exceed \$50,000.00, except:
- 166 (A) As provided by general law relating to the letting of public works contracts;
- 167 (B) That no employment, consulting, or severance contract or agreement shall be
168 entered into and no payments shall be made without the approval of the commission;
169 and
- 170 (C) Any purchase made for the county in excess of \$10,000.00 shall be reported to the
171 commissioner by the comptroller; and
- 172 (11) Perform such other duties as may be required by the commission."

173 **SECTION 5.**

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

175 "SECTION 14.

176 Appointment of county officials and employees.

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

- 182 (1) Boards or positions created by general law;
183 (2) Elected officers and employees under such an officer's supervision and control; and
184 (3) The county attorney, the executive assistant to the board of commissioners, the
185 comptroller, and heads or chief executive officers, by whatever names designated, of the
186 various departments of the county.
- 187 (b) Subject to confirmation by a majority vote of the commission, the chairperson shall
188 appoint, from a list of recommendations made by the county manager, the heads or chief
189 executive officers, by whatever names designated, of the various departments of the
190 county, except the departments of the elected county officers of the county. Should a
191 majority of the commission fail to confirm any such nomination, the chairperson shall
192 submit another nominee from the list of recommendations made by the county manager,
193 and such process shall continue until a nomination is approved by a majority of the
194 commission.
- 195 (c) Subject to confirmation by a majority vote of the commission, the chairperson shall
196 appoint the county attorney, the executive assistant to the board of commissioners, and the
197 comptroller. Should a majority of the commission fail to confirm any such nomination, the
198 chairperson shall submit another nominee, and such process shall continue until a
199 nomination is approved by a majority of the commission.
- 200 (d) The head or chief executive officer of any department, the county manager, the county
201 attorney, the executive assistant to the board of commissioners, and the comptroller shall
202 serve at the pleasure of the commission and may be removed from office at any time by a
203 majority vote of the commission.
- 204 (e) Any person appointed comptroller of the county shall have the qualifications specified
205 in Section 17 of this Act.
- 206 (f) The compensation of all department heads or other chief executive officers, the county
207 attorney, the executive assistant to the board of commissioners, and the comptroller

208 appointed as provided in this section and of the county manager shall be fixed by a
209 majority vote of the commission.

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

215 **SECTION 6.**

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

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

- 220 (1) Finance;
- 221 (2) Water and sewer;
- 222 (3) Transportation;
- 223 (4) Marshal;
- 224 (5) Fire;
- 225 (6) Parks and recreation;
- 226 (7) Community development;
- 227 (8) Elections;
- 228 (9) Human resources;
- 229 (10) Fleet maintenance;
- 230 (11) Building maintenance;
- 231 (12) Information technology; and
- 232 (13) E-911."

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SECTION 7.

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

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

237 (1) Keep and maintain accurate records reflecting the financial affairs of the county;

238 (2) Compile the annual budget covering all funds;

239 (3) Make quarterly allotments of moneys appropriated and budgeted to each department,
240 office, or agency of the county entitled to receive same;241 (4) Maintain current accounts over the collection and deposit of moneys due the county
242 from taxes and other sources;

243 (5) Examine all claims against the county and make recommendations as to payment;

244 (6) Maintain budgetary control accounts showing encumbrances for obligations entered
245 into, liquidation of such encumbrances, unencumbered balances of allotments,
246 unexpended balances of allotments, and all unallotted balances of appropriations;247 (7) Maintain proprietary accounts of the current assets and of the liabilities of all county
248 funds;

249 (8) Prepare and issue semiannually financial reports of the operations of all county funds;

250 (9) Maintain property control records of all county property, including equipment and
251 stores, and supervise stores;252 (10) Plan and prepare for meeting the financial needs of the county, project financial
253 requirements, recommend a means of financing those requirements, and advise the
254 commission on financial matters;255 (11) Establish rules and regulations for purchasing services for all county departments,
256 offices, and agencies, subject to the approval of the commission;

257 (12) Perform such other duties as may be assigned by the commission; and

258 (13) Respect an open door policy between county employees and the chairperson and
259 commissioners."

260 **SECTION 8.**

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

262 "SECTION 19.

263 Budget and Appropriations.

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

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SECTION 20.

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Expenditures by allotments.

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No expenditures of county funds shall be made except in accordance with the county

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budget as adopted and amended by the commission. The county manager shall enforce

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compliance with this provision by all departments of county government, including those

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for elected officers, and to this end shall, through the comptroller and the department of

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finance, institute a system of annual allotments of all moneys appropriated and budgeted."

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SECTION 9.

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