## CHAPTER 1

## ORGANIZATION AND POWERS OF CHATHAM COUNTY GOVERNMENT

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### ARTICLE I

## Organization and Powers of Chatham County Government

- S1-101 Purpose. To completely revise the laws relative to the governing authority of Chatham County; to provide for a Board of Commissioners as the governing authority of said county; to provide for the election of said commissioners; to provide for the organization of said Board of Commissioners and for the organization of the government of said county; to provide for officials and employees; to provide for the powers and duties of the Board of Commissioners and for certain officials and employees; to provide for other matters relative to the foregoing; to provide effective dates; to repeal specific Acts subject to certain limitations; to provide for severability; to repeal conflicting laws; and for other purposes. (1984 Ga. Laws 5050)
- S1-102 The Governing Authority. The governing authority of Chatham County shall be known and shall be designated as the Board of Commissioners of Chatham County, hereinafter referred to in this Act as the "Board of Commissioners" or "Board, "and shall consist of nine commissioners, one of whom shall be the Chairman thereof. All members of the Board of Commissioners, including the Chairman, shall be entitled to vote on any question before the Board. All members, including the Chairman, shall be elected as provided in this Act. (1984 GA Laws 5050)

### §1-103 Election; Qualifications; Terms.

- 1. The chairman shall be elected by a majority of the qualified electors of Chatham County voting from the county at large. In order to be eligible to offer for election to such office, a candidate must have been a resident and qualified elector of Chatham County for at least two years prior to the general election at which said candidate offers for election; and a candidate shall be at least 25 years of age upon taking office. A candidate elected to the office of chairman shall take office on the first business day of January immediately following his or her election and shall serve for a term of four years and until his or her successor is elected and No chairman may succeed himself or herself in qualified. office more than twice. (Ga. L. 1984, p. 5050, Sec. 2(a); Ga. L. 1990, p. 3992, Sec. 2(a)) (Amended November 2, 2001)
- 2. There shall be elected from each commissioner district provided for in Section 3 of this Act, one commissioner of Chatham County who shall be elected by a majority of the qualified electors voting within each respective commissioner district. In order to be eligible to offer for election for

such office, a candidate must have resided in the commissioner district for which said candidate is offering for election for at least one year prior to the general election at which said candidate offers for election; and a candidate shall be at least 21 years of age upon taking office. Candidates elected to office shall take office on the first business day of January following their election and shall serve for a term of office for four years and until their successors are elected and qualified.

- §1-104 Commissioner Districts. (Amended July 23, 2004. On July 23, 2004, Section 1-104 was stricken and a new Section 1-104 was adopted.)
- 1. For purposes of electing members of the board of commissioners, Chatham County is divided into eight commissioner districts. One member of the board shall be elected from each such district. The eight commissioner districts shall be and correspond to those eight numbered districts described in and attached to and made a part of this Act and further identified as Plan Name: Alternative-F2 Plan Type: Local User: Gina Administrator: Chatham Co.
- 2. When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of Chatham County which is not included in any such district described in that attachment shall be included within that district contiquous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of Chatham County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia.

3. Commissioner Districts 1, 2, 3, 4, 5, 6, 7, and 8, as they exist on January 1, 2004, shall continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, 6, 7, and 8, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

Redistricting Plan Components Report

## District 001

BG: 1

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Chatham County
Tract: 102
BG: 3
3000 3001 3004 3005 3006 3020 3021
Tract: 110.03
Tract: 110.04
BG: 1
BG: 2
BG: 3
3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023
3026 3983 3984 3985 3986 3987 3988 3989 3990 3991 3992 3993
3994 3995 3997 3998 3999
Tract: 111.01
BG: 1
BG: 5
5000 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011
5012 5013 5014 5996 5997 5998 5999
Tract: 29
Tract: 30
BG: 2
BG: 3
Tract: 34
BG: 3
BG: 4
BG: 5
BG: 6
Tract: 39
BG: 1
1025 1026 1027 1028
BG: 4
4000 4001 4002 4003
Tract: 40.01
BG: 2
BG: 3
BG: 4
BG: 5
Tract: 40.02
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1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 BG: 2 BG: 3 BG: 5 5009 5010 5011 5012 5013 5014 5015 5016 5017 5018 5019 5020 5021 5022 5023 5024 5025 5026 5027 5028 Tract: 41 Tract: 42.02 BG: 5 5000

### District 002

Chatham County Tract: 101.01 BG: 1 BG: 2 2004 2018 2019 2021 2022 2023 2024 2025 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2057 2058 2059 2060 2061 2062 2063 2064 2065 2066 2068 2069 2071 2076

Tract: 11 Tract: 13 BG: 1 1000 Tract: 15 Tract: 20

Tract: 21 Tract: 22 Tract: 24 BG: 1

1000 1001 1002 1003 1006 1007 1008 1009 1010 1011 1012 1013 1014 1017 1018 1019 1020 1021 1022

2000 2001 2002 2003 2004 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2033 2034 2035 2036 2037 2038 2039 2040

Tract: 25 Tract: 26 Tract: 27 Tract: 3

2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035 2036 2070 2071 2072 2073 2074 2075 2076 2077 2078 2079 2080

Tract: 30 BG: 1

Tract: 35.01 Tract: 35.02

BG: 1

1 - 6

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1018 1019 1020 1021 1022 1023 1024 1025 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1076 1077 1078 1079 1080 1081 1082 1083 1084 1103 1104 1105

1013 1014 1020

Tract: 3
BG: 1

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1106 1107 1108 1109 1110 1111 1112 1113 1114 1115 1116 1117
1118 1119 1120 1121 1122 1123 1124 1125 1126 1150 1151 1152
1153 1154 1155 1156 1157 1158 1159 1160 1161 1999
BG: 2
2000 2037 2038 2039 2040 2041 2046 2047 2048 2049 2050 2051
2052 2053 2054 2058 2059 2060 2061 2062 2063 2064 2065 2066
2067 2068 2069
Tract: 35.02
BG: 1
1013 1020 1021 1022 1023 1024
BG: 2
BG: 3
BG: 4
Tract: 36.01
BG: 1
1004 1007 1008 1016 1017 1020
BG: 3
BG: 4
4000 4001 4002 4003 4004 4005 4007 4011 4012 4999
Tract: 36.02
BG: 1
BG: 2
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4000 4001 4002 4003 4004 4007 4008 4011 4012 4013 4014 4015
4016 4017 4018 4022 4023 4024 4025 4026 4027 4028 4029 4030
4032 4033
BG: 5
Tract: 37
BG: 2
2000 2001 2002 2003 2004 2005 2006
Tract: 38
Tract: 39
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1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
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BG: 3
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4016
Tract: 40.02
BG: 1
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1028
Tract: 8
Tract: 9
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## District 004

Chatham County Tract: 109.02 BG: 1 1048 1999 Tract: 110.02 Tract: 110.04 BG: 3 3024 3025 3996 Tract: 111.01 BG: 2 BG: 3 BG: 4 Tract: 111.03 Tract: 111.04 Tract: 111.05 District 005 Chatham County Tract: 105.02 BG: 1 1007 1008 1009 1010 1011 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032 BG: 2 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2013 Tract: 109.01 BG: 1 1000 Tract: 28 Tract: 34 BG: 1 BG: 2 Tract: 40.01 BG: 1 Tract: 42.02 BG: 1 BG: 2 BG: 3 BG: 6 6000 6001 BG: 7 7000 7001 Tract: 42.05 BG: 4 4007 4013 Tract: 42.07 Tract: 42.08 Tract: 43 Tract: 44 Tract: 45

BG: 2

4014 4015 4016 4017 4018 4019 4020 4999

BG: 5 BG: 6 BG: 7

Tract: 42.06

#### District 007

Chatham County Tract: 105.01

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009

BG: 2

2006 2007 2008 2009 2010 2011

Tract: 106.01

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1012 BG: 2 BG: 3

3001 3002 3003 3004 3005 3006

BG: 4

4000 4001 4002 4003

Tract: 106.03

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1017 1018 1019 1020 1021 1022 1023 1024 1025

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Tract: 106.04

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Tract: 107

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1170 1171 1172 1173 1174 1175 1176 1177 1182 1183 1184 1185 1186 1187 1188 1983 1984 1985 1986 1987 1988 1991 1992 1993

1994 1995 1996 1997 1998 1999 BG: 3 BG: 4 BG: 5

Tract: 106.04

BG: 1

BG: 2

2000 2001 2002 2003 2004 2005 2006 2007 2010 2011 2012 2013

2014 2015 2016 2017 2018 2019 2020 2021

Tract: 6.01

(Amended July 23, 2004)

## **§1-105** First Board of Commissioners; Georgia Election Code.

- 1. The first members of the Board of Commissioners provided for by this Act, including the Chairman, shall be elected at the general election of 1984 and shall take office on the first business day of January, 1985, for terms of four years and until their successors are elected and qualified. Thereafter, the Chairman and other members of the Board of Commissioners shall be elected at the general election immediately preceding the expiration of terms of office and shall take office on the first business day of January immediately following their election for terms of four years and until their successors are elected and qualified.
- 2. The Chairman and all members of the Board of Commissioners shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code." (1984 GA Laws 5050).

### **§1-106** Oath; Bonds.

- 1. Before entering upon the discharge of their duties, the members of the Board of Commissioners shall each take and subscribe to the following oath: "I do solemnly swear that I will impartially discharge the duties of my office, so help me God," which oath shall be taken before the judge of the superior court of said county, or the judge of the probate court of said county, or in their absence, before the clerk of the superior court of said county.
- 2. The Chairman and each of the other members of the Board of Commissioners shall give a satisfactory surety bond, as determined by the chief judge of the Superior Court of Chatham County, and payable to the clerk of the Board of Commissioners and filed in the office of said clerk, conditioned upon the faithful performance of the duties of their office. The bond for the Chairman shall be in the amount of \$50,000.00 and the bond of each of the other commissioners shall be in an amount of \$10,000.00 The costs of such bonds shall be paid from the funds of Chatham County. (1984 Ga. Laws 5050)
- §1-107 Other Elective Public Office Prohibited. No member of the Board of Commissioners shall hold any other elective public office while holding office as a member of the Board. (1984 Ga. Laws 5050)

## **§1-108** Vacancies; Forfeiture of Office.

- 1. The office of any member of the Board of Commissioners shall become vacant upon the death, resignation, removal from office in any manner authorized by law, or forfeiture of the office of the member as provided in subsection (b) of this section.
- 2. A member of the Board of Commissioners shall forfeit the office held by the member if:
  - a. The member lacks at any time during the member's term of office any qualification prescribed by this Act to hold the office;
  - b. The member is convicted of a felony or other crime involving moral turpitude; regardless of sentence imposed; or
  - c. The member fails to attend four consecutive regular meetings of the Board of Commissioners without being excused by the Board.
- 3. a. A vacancy in the office of chairperson or another member of the board of commissioners occurring prior to the expiration of three-fourths of the term to which elected shall be filled by appointment by the majority vote of the remaining members of the board of commissioners. The appointed person shall serve until the vacated position can be filled by special election. Such election shall be held not less than 45 nor more than 90 days after the vacancy occurs. The person elected shall serve the remainder of the unexpired term. (Amended June 14, 2002)
  - b. In the event the vacancy occurs after the expiration of three-fourths or more of the term to which elected, the vacancy may be filled by appointment by the majority vote of the remaining members of the board of commissioners. The appointed person shall serve for the remainder of the unexpired term. In the event the board of commissioners does not make an appointment within 120 days after the date the vacancy occurred, the vacancy shall be filled by special election to be held within 45 days of the board's failure to act. (Amended June 14, 2002)
  - c. When the board of commissioners fills a vacancy in the office of chairperson by appointment, the appointment shall be made from the membership of the board of commissioners. The vacancy thus created in the membership of the board of commissioners shall be filled for the unexpired term by appointment as provided in this subsection. (Amended June 14, 2002)

- d. Whenever a special election can be held concurrently with a general election, the election superintendent shall make every reasonable effort to call the special election so that it may be conducted contemporaneously with the general election. (Amended June 14, 2002)
- 4. Special elections provided for in subsection (3) of this section shall be called, held and conducted in accordance with the applicable provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code." A special election to fill a vacancy in the office of Chairman of the Board of Commissioners shall be county wide. A special election to fill a vacancy in the office of a commissioner other than the Chairman shall be held in the commissioner district wherein the vacancy exists. (1984 Ga. Laws, 5050)

### **§1-109** Salaries.

1. Each official of Chatham County listed below shall receive a salary fixed by the governing authority of such county, provided that said salary for each officer shall not exceed the salary set forth as follows:

Chairperson of the board of commissioners \$57,500 per annum (Amended December 21, 2012)

Members of the board of commissioners. \$25,000 per annum (Amended December 21, 2012)

2. The salaries provided in Section 1 shall be paid in equal monthly installments from the funds of Chatham County. (Amended December 21, 2012)

## **§1-110** Meetings.

1. The Board of Commissioners shall hold two regular meetings each month except as may otherwise be determined by the Board of Commissioners, at the county seat for all matters requiring action of an administrative or policy nature, and for all matters advertised or scheduled for hearing in which the public will be asked to speak for or against the items under consideration, which meetings shall be open to the public. At the first meeting of the Board of Commissioners in January of each year, the Board of Commissioners shall set the days and the time when it will hold its regular meetings. Meeting hours for the public hearings may be changed by action of the Board of Commissioners and may be held at such hours as stated in the public notice of the date and time of such hearings. Special or additional meetings may be held as necessary upon call of the Chairman or any five members of the Board of Commissioners, provided all members of the Board of Commissioners have been notified at least 24 hours in advance

of such special or additional meeting, and such notice shall specify the subject matter to be considered. (Amended March 28, 1986)

- 2. At any meeting of the Board of Commissioners, each commissioner present shall vote on each question before the Board unless a commissioner is immediately and particularly interested in the question or unless a member is excused from voting by the Board of Commissioners. A motion to excuse a member from voting must be made before the question is put to a vote and such motion shall be decided without debate, except that the commissioner making the motion may state briefly the reasons it was made. (1984 Ga. Laws 5050)
- 3. Items which are to be placed on the agenda at a regular meeting of the Board of Commissioners will be submitted to the clerk of the Board of Commissioners by noon, three days prior to the regularly scheduled meeting. The proposed agenda will be submitted by the clerk to the Chairman by not later than 5:00 p.m. three days prior to the regularly scheduled meeting for the Chairman's approval. The approved agenda will be delivered to all members of the Board of Commissioners not later than 4:00 p.m., two days prior to the meeting. At the meeting of the Board of Commissioners, any member may make a motion to add any item to the agenda and if there is a second to that motion, the Board of Commissioners may consider, discuss, debate, table, or take final action. As a point of personal privilege, any member of the Board of Commissioners may discuss any item which is not on the agenda at a regular meeting, but the length of time of any such discussion by a member of the Board of Commissioners referred to as personal privilege shall be set by a majority of the members of the Board of Commissioners present.
- §1-111 Clerk of the Board. The Board of Commissioners shall appoint some person as clerk of the Board of Commissioners of Chatham County. The clerk shall give the same bond and take the same oath as prescribed for the clerk of the superior court. The clerk of the Board of Commissioners shall be appointed to hold office at the will of a majority of the Board of Commissioners. The clerk shall receive such salary as may be allowed by the Board of Commissioners. The Board of Commissioners shall record all their proceedings in the conduct of the county business, and it shall be the duty of the Board to keep a book in which to record the Board's minutes and a book for docketing of all applications granted or refused and to keep such other books as may be necessary for the use of the county. The Board of Commissioners shall have a seal which shall be affixed to their proceedings. The Board of Commissioners shall also have the right to appoint a deputy clerk who shall have the same power and authority of

the clerk when acting in place of the clerk, but shall act as clerk only during the disqualifying or absence of the clerk. The deputy clerk shall receive such salary as may be allowed by the Board of Commissioners and shall hold office at the will of the majority of the Board of Commissioners. (1984 Ga. Laws 5050)

## **§1-112** Actions of the Board of Commissioners.

- 1. Every proposed ordinance or resolution shall be introduced in writing. No ordinance or resolution shall pass which refers to more than one subject matter or contains matter different from that expressed in the title thereof, except ordinances or resolutions adopting the annual operating and capital budgets and general codification and revision of ordinances and resolutions of the Board of Commissioners.
- 2. Votes of the Board; how many, when taken:
  - a. Except for emergency ordinances under subsection 3. of this section, no ordinance shall be adopted until it has been read or presented in written form at two meetings held not less than one week apart. A resolution may be adopted at the same meeting at which it is introduced. The affirmative vote of a majority of the full membership of the Board of Commissioners shall be required for the adoption of any ordinance or resolution. The passage of all ordinances or resolutions shall require the recording of "ayes" and "nays" and the names of the members of the Board of Commissioners voting for and against each proposed ordinance or resolution or amendment thereto shall be entered upon the journal of the proceedings of the Board of Commissioners.
  - b. All nominations for appointment to any board shall be first discussed in executive session. No vote of appointment shall be taken in executive session. The Chairman may place the nomination upon the agenda for vote and such vote shall occur at a publicly held commission meeting. (Amended January 20, 2017)
- 3. To meet a public emergency threatening life, health, property, or public peace, the Board of Commissioner may adopt emergency ordinances or resolutions, but such ordinances or resolutions may not be enacted to levy taxes, or to grant, renew or extend a franchise, or to regulate the rate charged for any public utility or service, or to authorize the borrowing of money. An emergency ordinance or resolution shall be in the form prescribed for ordinances or resolutions generally, except that it shall be plainly designated as an emergency ordinance or resolution and shall contain a declaration stating what

emergency exists. An emergency ordinance or resolution may be adopted with or without amendment or may be rejected at the meeting at which it is introduced, but the affirmative vote of at least five members of the Board of Commissioners shall be required for its adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance or resolution shall automatically stand repealed on the sixteenth day following the date on which it was adopted but, if the emergency still exists, the automatic repeal of the ordinance or resolution shall not prevent its reenactment in the manner specified in this subsection. An emergency ordinance or resolution may also be repealed in the same manner specified in this subsection for adoption of emergency ordinances or resolutions.

- 4. The Board of Commissioners may adopt any standard code of technical regulations by reference thereto in an adopting ordinance or resolution. (1984 Ga. Laws 5050)
- §1-113 Signing, Authentication, and Recording. Every ordinance or resolution adopted by the Board of Commissioners shall be submitted to the Chairman for approval or disapproval as promptly as practicable following its adoption. The clerk of the Board of Commissioners shall authenticate by the clerk's signature and record in full all ordinances and resolutions adopted by the Board and approved by the Chairman or otherwise becoming law in a properly indexed book kept for such purpose which shall be a public record and open to public inspection. The Board of Commissioners shall further provide for the periodic updating, revision, codification, and printing of all ordinances or resolutions of a general and permanent nature, together with such codes of technical regulations and other rules and regulations as the Board of Commissioners may require. (1984 Ga. Laws 5050)

### **§1-114** Veto of the Chairman.

1. The Chairman of the Board of Commissioners shall approve or disapprove all ordinances and resolutions adopted by the Board of Commissioners within five business days after adoption and, except as otherwise provided in this section, no ordinance or resolution shall become effective without the Chairman's approval. If the Chairman approves the ordinance or resolution, said officer shall sign it, whereupon it shall become law or it shall become effective as law according to its terms. If the Chairman disapproves an ordinance or resolution, said officer shall return it to the Board of Commissioner along with a statement giving the reason for its disapproval at the first regularly held meeting of the Board following the disapproval of the ordinance or resolution by the Chairman. If the Board of Commissioners shall pass the

ordinance or resolution by a vote of at least six members at the regular meeting next held after the ordinance or resolution has been returned with the Chairman's disapproval, it shall become law without the Chairman's approval. In the event the Chairman does not approve or disapprove the ordinance or resolution within the time required, it shall become law without the approval of the Chairman.

- 2. The veto power of the Chairman shall not extend to or include the power to veto any ordinance or resolution of the Board of Commissioner providing for the county budget, fixing tax millage rates, or establishing special service tax districts. The veto power of the Chairman shall not extend to or include appointments which the governing authority of Chatham County is authorized by law to make to any public authority, board, commission, or other agency, and such appointments shall be made by majority vote of the membership of the Board of Commissioners. (1984 Ga. Law 5050)
- §1-115 <u>Chairman; Powers and Duties</u>. The Chairman shall be the chief executive of the county and the presiding officer of the Board of Commissioners. In addition to the Chairman's duties as presiding officer, the Chairman shall have the power and it shall be the duty of said officer to:
- 1. Be the official spokesman for the county government and the chief advocate of policy as established by the Board of Commissioners;
- Nominate the county manager and the county attorney as provided, respectively, in Section 1-117 and 1-120 of this Act;
- 3. Preside at meetings of the Board of Commissioners and to serve in all respects as a member of the Board;
- 4. Sign ordinances and resolutions on their final passage and sign deeds,. bonds, contracts, and other instruments and documents in any case in which the general laws of this state or any ordinance or resolution of the Board of Commissioners so require or authorize;
- 5. Be recognized as the official head of the Board of Commissioners by the courts for the purpose of receiving service of civil process, by the Governor for the purpose of the military law, and for all ceremonial purposes;
- 6. Call special meetings of the Board of Commissioners as provided in subsection (1) of Section 1-110 of this Act;

- 7. Organize and approve items on the agenda at regular meetings of the Board of Commissioners as provided in subsection (3) of Section 1-110 of this Act;
- 8. Veto ordinances and resolutions as provided in Section 1-114 of this Act;
- 9. Represent the Board of Commissioners in matters involving the relationship of the county government with elected county officers and in intergovernmental relations, particularly where questions of public policy are at issue;
- 10. Conduct all meetings of the Board of Commissioners in accordance with <u>Robert's Rules of Order</u>, unless the Board of Commissioners shall adopt other rules; and
- 11. Perform such additional duties as may be required by law or ordinances or resolutions of the Board of Commissioners. (Amended March 28, 1986)

### §1-116 Vice-Chairman and Pro Tem.

- 1. At the second regular meeting of the County Commissioners of each year the board shall elect from its members a Vice Chair. In the event of the absence of the Chairman the Vice Chair shall preside at the board meetings. The term of office for the Vice Chair shall be one year term beginning upon election at the second meeting of each year and concluding on December 31<sup>st</sup> of each year at midnight. In the event of death, disqualification or resignation of the Chairman, the Vice Chair shall perform the duties and have the authority of the Chairman until such time as a new Chairman is chosen as provided in Section 1-108 of this Act. (Amended January 20, 2017)
- 2. At the first regular meeting in January of each year, the Board of Commissioners shall elect from its members a Chairman pro tem. In the event of the absence of both the Chairman and the Vice-Chairman, the Chairman pro tem shall preside at meetings of the Board of Commissioners. Such a Chairman pro tem shall not have or exercise any of the duties or authority of the Chairman except to preside at meetings of the Board of Commissioners. (1984 Ga. Laws 5050)

# **§1-117** <u>County Manager; Appointment, Qualifications, Removal, and Compensation.</u>

1. There shall be a county manager who shall be nominated by the Chairman of the Board of Commissioners and elected by a majority vote of the total membership of the Board. The county manager shall be chosen solely on the basis of

executive and administrative qualifications and need not be a resident of Chatham County or of the state at the time of election by the Board of Commissioners. The county manager shall be nominated and elected as provided in this subsection by May 1, 1985. The county manager shall not engage in any other business or occupation.

- The county manager may be removed from office by a two-thirds 2. vote of the total membership of the Board of Commissioners. At least 30 days before such removal shall become effective, the Board of Commissioners shall, by the same vote required for removal, adopt a preliminary resolution stating the reasons for the removal of the county manager. The county manager may, within ten days, reply in writing and may request a public hearing which shall be held not earlier than 20 nor later than 30 days after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Board of Commissioners, by the vote required for the removal of the county manager, may adopt a final resolution of removal. By the preliminary resolution, the Board of Commissioners may suspend the county manager from duty but shall in any case cause to be paid forthwith to the county manager any unpaid balance of the county manager's salary and accumulated annual leave and the county manager's salary for the next three calendar months following adoption of the preliminary resolution, unless the county manager is removed from malfeasance, misfeasance, or nonfeasance in office, in which event the salary of the county manager for the next three months shall not be paid.
- 3. The county manager shall receive such compensation as shall be fixed by the Board of Commissioners. (Amended March 28, 1986)
- 1. To serve as the chief administrative officer and head of the administrative branch of the county government;
- 2. To recommend to the Board of Commissioners the creation, reorganization, or abolishment of certain offices, departments, divisions, or bureaus;
- 3. To appoint or remove certain officers and employees as authorized by Section 1-119 of this Act;
- 4. To direct and supervise the administration of all departments, offices, and agencies of the county government except as

- otherwise provided by this Act or by ordinance or resolution of the Board of Commissioners;
- 5. To see that the ordinances, resolutions, and regulations of the Board of Commissioners and laws of the state, subject to enforcement by the county manager or by officers subject to said officer's supervision and control, are faithfully executed and enforced;
- 6. To attend all meetings of the Board of Commissioners unless excused and, upon the request of the Board of Commissioners, to take part in the discussion; but the county manager may not vote on any question before the Board of Commissioners;
- 7. To prepare and submit annually a proposed balanced operating and capital budget and capital improvement program to the Board of Commissioners and to appoint such officers or employees of the county government as the county manager may select to assist in the preparation of such budget;
- 8. To establish the schedules and procedure to be followed by all county departments, offices, and agencies in connection with the budget and supervise and administer all phases of the budgetary process;
- 9. To submit to the Board of Commissioners and make available to the public a complete report on the finances and administrative activities of the county government at of the end of each fiscal year and at such other times as the Board of Commissioners may direct;
- 10. To prepare and make such other reports concerning the operations of departments, offices, and agencies of the county government as may be required by the Board of Commissioners;
- 11. To keep the Board of Commissioners fully advised as to the financial condition and future needs of the county government and to make recommendations to the Board of Commissioners concerning the affairs of the county government;
- 12. To appoint, when the manager deems necessary, subject to the approval of the Chairman, a qualified administrative officer to exercise the powers of the county manager during the temporary absence of disability of said officer; by filing a letter for such purpose with the clerk of the Board of Commissioners;
- 13. To negotiate leases, contracts, and other agreements, including consultant services, for the county, subject to policies of the Board, and make recommendations concerning the nature and location of county improvements; and

14. To exercise and perform such other or additional duties and assignments as may be required by the Board of Commissioners. (Amended March 28, 1986)

# **§1-119** <u>County Manager; Authority Relative to Officer and Employees.</u>

- 1. Subject to the personnel rules adopted by the Board of Commissioners, to the limitations of subsection (d) of this section, and to other general limitations or qualifications prescribed by law, the county manager shall have the power to appoint and remove all officers and employees of the county government who are subject to the county manager's supervision and control. All unclassified employees who are under the control and supervision of the county manager shall serve at the pleasure of the county manager.
- 2. Subject to budgetary limits, salary ranges, and rules and regulations established by the Board of Commissioners, the county manager shall have the authority to fix the salaries of all employees who are subject to the county manager's supervision and control.
- 3. Except for the purpose of inquiry and information, the commission and individual commissioners shall deal with county employees who are subject to appointment and removal by the county manager solely through the county manager and shall not give orders or directions to any such employee, either publicly or privately, directly or indirectly. (Amended March 28, 1986)
- 4. The authority of the county manager to supervise and control county officers and employees shall not extend to or include the following officers and employees:
  - a. Officers elected by the people or appointed by the Board of Commissioners;
  - b. Members of boards, commissions, and authorities;
  - c. Assistants to the Chairman of the Board of Commissioners and the county attorney; and
  - d. Employees subject to the supervision and control of elected officials. (Amended March 28, 1986.)
- 5. The constitutional officers of Chatham County may prepare their respective annual budget requests independently and submit them directly to the Chatham County Board of Commissioners. Any budget requests submitted by the constitutional officers directly to the Chatham County Board of Commissioners shall be submitted to the Board of

Commissioners at the same time that all departmental budget requests are submitted to the budget officer of Chatham County and such annual budget requests of the constitutional officers may be reviewed by the members of the Chatham County Board of Commissioners before said budget requests are forwarded to the budget officer for inclusion in the budget review process and final proposed budget to be prepared by the county staff of the Chatham County Board of Commissioners. For the purposes of this subsection, the annual budget request of a constitutional officer shall include the operating capital, and capital improvement program budgets for the department or agency of the constitutional officer. As used in this subsection, "constitutional officer" means the sheriff, clerk of superior court, judge of the probate court, and tax commissioner of Chatham County.

§1-120 County Attorney; Appointment, Removal, and Qualifications. There shall be a county attorney who shall be nominated by the chairperson of the board of commissioners and elected by a majority vote of the total membership of the board of commissioners but, in the event the board of commissioners does not so appoint a county attorney within 120 days after the office shall become vacant, the board of commissioners may proceed to elect, by a two-thirds' vote of its total membership, a county attorney who was not nominated by the chairperson of the board of commissioners. The county attorney may be removed by a two-thirds' vote of the total membership of the board of commissioners. The county attorney shall be a member of the State Bar of Georgia in good standing with at least five years of experience in the practice of law. The office of county attorney may be a full-time position if so provided by a majority vote of the board of commissioners. (Ga. L. 1984, p. 5050, Sec. 19; Ga. L. 1997, p. 4136, Sec. 19) (Amended November 2, 2001)

## §1-121 <u>County Attorney; Compensation and Disclosure</u>.

- 1. The county attorney shall receive such compensation as shall be fixed by the board of commissioners.
- 2. The county attorney, if not a full-time position, shall file a report annually with the clerk of the board of commissioners disclosing all compensation and fees received, directly and indirectly, by said officer during the immediately preceding calendar year for any service rendered in the capacity of county attorney. Such reports shall be filed by April 1 of each year with the first such report being filed by April 1, 1986, covering compensation and fees received during calendar year 1985. The clerk of the board of commissioners shall maintain a file of the disclosure reports of the county attorney and such reports shall be available for public

inspection at reasonable hours. (Ga. L. 1984, p. 5050, Sec. 20; Ga. L. 1997, p. 4136, Sec. 20) (Amended November 2, 2001)

# **§1-122** County Attorney; Powers; Duties; Requests for Opinions; Conflicts.

- 1. The county attorney shall:
  - a. Act as the legal adviser, attorney, and counsel to the Board of Commissioners and all of its officers in matters relating to their official duties;
  - b. Prepare or supervise the preparation of all contracts, bonds, and other instruments in writing in which the county government is concerned and endorse on each instrument said officer's approval of the form and correctness thereof; and
  - c. Perform such other duties as may be required by law, ordinance, or resolution of the Board of Commissioners. (1984 Ga. Laws 5050)
- 2. All requests for legal opinions from the county attorney shall be made through the Chairman of the Board of Commissioners or through the county manager. (Amended March 28, 1986)
- 3. The county attorney may not represent any county official or employee if the representation of the county official or employee conflicts with the interests of the county government. In such cases, the Board of Commissioner shall employ separate counsel to represent the county official or employee if the county government is obligated to provide representation for such county official or employee. (1984 Ga. Laws 5050)
- \$1-123 Assistant County Attorneys. The Board of Commissioners shall establish rules and procedures for the appointment of assistant county attorneys. Assistant county attorneys shall be subject to the same disclosure requirements as the county attorney as specified in subsection (b) of Section 1-121 of this Act. (1984 Ga. Laws 5050)

## **§1-124** Same; Private Practice Before Board.

1. No person who serves as county attorney or assistant county attorney may represent any client before the Board of Commissioners. No person who is a member of the same law firm as the county attorney or a member of the same law firm as an assistant county attorney may represent any client before the Board of Commissioners.

- 2. No person who serves as county attorney or assistant county attorney and no person who is a member of the same law firm as the county attorney or an assistant county attorney may represent the Chatham County Hospital Authority, the Board of Education of Chatham County, or any municipality located within Chatham County. (1984 Ga. Laws 5050)
- \$1-125 Competitive Bidding. The Board of Commissioners shall require competitive bidding before making a purchase or contract, with the exception of professional services contracts, purchases for which only a sole source exists, and emergency purchases under such rules and regulations as it may establish, but the Board may, by ordinance, exempt other purchases from competitive bidding subject to such regulations as it may deem proper. Should the Board of Commissioners desire to do so it may take bids for professional services. (Amended March 28, 1986)
- S1-126 Powers and Duties of the Board of Commissioners. The Board of Commissioners shall have the power to fix and establish, by appropriate resolution or ordinance entered on its minutes, policies, rules, and regulations governing all matters over which the Board of Commissioners has authority as the governing authority of Chatham County. Without limiting the generality of the foregoing, the following powers are vested in the Board of Commissioners:
- 1. To levy taxes;
- 2. To fix the rates of all other charges;
- 3. To make appropriations;
- 4. To authorize the incurring of indebtedness;
- 5. To authorize work to be done where the cost is to be assessed against benefitted property and to fix the basis for such assessment;
- 6. To establish, alter, or abolish public roads, private ways, bridges, and ferries, according to law;
- 7. To establish, abolish, or change election precincts and militia districts according to law;
- 8. To allow the insolvent lists for the county;
- 9. To authorize the acceptance for the county of the provisions of any optional statute where the statute permits its acceptance by the governing authority of a county;

- 10. To regulate land use by the adoption of a comprehensive development plan and by the adoption of other planning and zoning ordinances which relate reasonably to the public health, safety, morality, and general welfare of the county and its citizens;
- 11. To create and change the boundaries of special taxing districts authorized by law;
- 12. To fix the bonds of county officers where the same are not fixed by statute;
- 13. To direct and control all the property of the county according to law;
- 14. To levy a general tax for general purposes and special taxes for particular county purposes;
- 15. To examine and audit the accounts of all officers, including all county officers, having the care, management, keeping, collecting, or disbursement of money belonging to the county or collected for the county's use and benefit and in bringing them to a settlement;
- 16. To examine, settle, and allow all claims against the county;
- 17. To regulate peddling and fix the cost therefore and to fix the cost for licenses for the sale of spirituous liquors and alcoholic beverages and to fix the cost for the exhibition of shows in the county;
- 18. To enact any ordinances or resolutions the county may be given authority to enact;
- 19. To determine the priority of capital improvement;
- 20. To call elections for the voting of bonds;
- 21. To exercise all of the power and authority vested by law in the judge of the probate court when sitting for county purposes;
- 22. To fix, levy, and assess license fees, charges, or taxes on all persons, firms, and corporations engaging in or offering to engage in any trade, business, calling, avocation, or profession in the unincorporated area of Chatham County, except businesses which are subject to regulation by the Public Service Commission, and to classify all such persons, firms and corporations according to the nature, manner, and size of business conducted by such persons, firms, and corporations and to fix, levy, and assess different license

fees, charges, or taxes against different classes of trades, businesses, callings, avocations, or professions;

- 23. To adopt ordinances and resolutions to govern and regulate all trades, businesses, callings, avocations, or professions, not contrary to regulations prescribed by general law, for the purpose of protecting and preserving the health, safety, welfare, and morals of the citizens of said county, and to prescribe penalties for the violation of any such ordinances and resolutions, including the operation of such businesses without the obtaining of a license or when such license is revoked or suspended;
- 24. To prevent animals from running at large in the county; to regulate the manner and numbers in which animals may be kept; to take up and impound animals and to punish all owners or other persons keeping animals for failure or refusal to obey any ordinance controlling or regulating the keeping of animals and to fix penalties and charges to be paid for the violation of any such ordinance; to provide for the sale or disposition of unclaimed animals impounded; to levy and collect a tax upon dogs kept in said county and to provide for registration of dogs; and to do any and all things necessary to carry out the purposes of this paragraph for the public interest;
- 25. To prescribe penalties and punishment for the violation of zoning ordinances, building codes, including electrical, plumbing, heating, and air-conditioning regulations, and all other lawful ordinances adopted by the Board of Commissioners pursuant to this or any other law in force in said county;
- 26. To provide ordinances and resolutions for the preservation and protection of county property and equipment and the administration and use of county facilities, such as parks, playgrounds, and swimming pools, by the public, and to prescribe penalties and punishment for violations thereof;
- 27. To prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting, and to prescribe penalties and punishment for violation thereof;
- 28. To prohibit or regulate and control the erection and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads within the unincorporated area of said county, and to prescribe penalties and punishment for violation of such ordinances;

- 29. To adopt ordinances and regulations for the prevention of idleness, loitering, vagrancy, disorderly conduct, public drunkenness, and disturbing the peace in the unincorporated area of said county and to prohibit the playing of lotteries therein, and to prohibit or regulate such other conduct and activities within said area of Chatham County which, while not constituting offenses against the general laws of this state, are deemed by the Board of Commissioners to be detrimental and offensive to the peace, good order, and dignity of Chatham County and to the welfare and morals of the citizens thereof; and
- 30. To exercise all powers now or hereafter vested in county governing authorities by the Constitution and general laws of this state. (Amended March 28, 1986)

## §1-127 <u>Penalties</u>.

- 1. The board of commissioners is authorized to adopt ordinances prescribing penalties and punishment for violation of any and all ordinances or resolutions adopted by the board to carry out any of the provisions of this Act or of any other law and to prescribe maximum penalties and punishment for violation of same, except that the same shall in no event exceed a fine of \$500.00, imprisonment in the county jail for 30 days, or labor on the work gang for 60 days for any single offense, or any combination thereof. (Amended November 2, 2001)
- 2. The board of commissioners may authorize any employee of the county to enforce any county code, ordinance, regulation, rule, or other order, including such related ordinances, codes, and regulations as drainage regulations, soil erosion and sedimentation control regulations, subdivision and zoning regulations, water and sewer regulations, and any other land development or construction regulations of the county. Such employee may be authorized to issue citations to any person who shall violate any such county code, ordinance, regulation, or order which is in effect in the county. Such citation shall command the appearance of such person at a designated regular session of the Magistrate Court of Chatham County. At such time and place, the magistrate court shall act as a court of inquiry with all the powers and authorities specified in Article 2 of Chapter 7 of Title 17 of the O.C.G.A. In the event that any such person shall fail to appear in response to a citation, a warrant shall be issued for the arrest of the person for violation of such county code, ordinance, regulation, rule, or order without the necessity of any further action. (Ga. L. 1984, p. 5050, Sec. 26; Ga. L. 1992, p. 5411, Sec. 26) (Amended November 2, 2001)

### \$1-128 Repeal of Specific Laws; Limitations Relative Thereto.

- 1. Except as otherwise provided by subsection (b) of this section, the following laws are repealed in their entirety:
  - a. An Act entitled "An Act to create and organize Commissioners of Chatham County, who shall be ex officio judges, to define their jurisdiction and duties, and for other purposes," approved February 21, 1973 (G.L. 1873, p. 235), as amended, whether by direct amendment to the original Act or indirectly by implication by other local Acts of the General Assembly;
  - b. An Act providing for the compensation of the commissioners of Chatham County, approved July 26, 1904 (Ga. Law 1904, p. 251);
  - c. An Act entitled "An Act to amend an Act which created and organized the Commissioners of Chatham County, who shall be ex-officio judges, to define their jurisdiction and duties and for other purposes, approved February 21, 1973 and the several acts amendatory thereof and relating and supplementary thereto and for other purposes," approved January 10, 1945 (Ga. Law 1945, p. 517);
  - d. An Act entitled "An Act to amend an Act approved 21st February 1873, entitled 'An Act to create and organize Commissioners of Chatham County, who shall be ex-officio judges, to define their jurisdiction and duties, and for other purposes', and the several Acts amendatory thereof and supplementary thereto by increasing the number of Commissioners from five (5) to seven (7) and by prescribing additional qualifications; and for other purposes," approved February 9, 1949 (Ga. Law 1949, p. 398);
  - e. An Act entitled "An Act to amend an Act which created and organized the Commissioners of Chatham County who shall be ex-officio judges; to define their jurisdiction and duties; and for other purposes, approved February 21, 1873, and the several Acts amendatory thereof and relative and supplementary thereto; and for other purposes," approved February 17, 1949 (Ga. Law 1949, p. 664).
- 2. The provisions of any laws repealed by subsection 1 of this section which authorize the Board of Commissioners or other governing authority of Chatham County, by whatever name designated, to exercise powers or control over county matters may continue to be exercised by the Board of Commissioners of Chatham County provided for by this Act and, for such purposes, any such provisions of such laws are continued in full force and effect, except to the extent that the exercise

of such powers or control over county matters conflict with the provisions of this Act, and in that event, the provisions of this Act shall control. (1984 Ga. Laws 5050)

- \$1-129 Severability. In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional. (1984 Ga. Laws 5050)
- \$1-130 Effective Dates. For the purpose of nominating and electing the members of the Board of Commissioners of Chatham County provided for by this Act at the 1984 primary and general elections, This Act shall become effective upon its approval by the Governor or upon its otherwise becoming law. This Act shall be effective for all purposes on January 1, 1985. (1984 G. Laws 5050)
- **§1-131** Conflicting Laws Repealed. All laws and parts of laws in conflict with this Act are repealed. (1984 Ga. Laws 5050).