

PART I - SPECIAL ACTS OF THE GENERAL ASSEMBLY

Sec. 1. - Membership of board of commissioners.

On and after January 1, 1989, the board of commissioners of Barrow County, sometimes referred to in this act as "the board," shall be composed of seven members, one of whom shall be the chairperson, and all of whom shall be selected as provided in this act.

(1988 Ga. Laws, p. 3585, § 1)

Sec. 2. - Powers and duties of board of commissioners.

The board of commissioners of Barrow County shall have such control of the county affairs as is now conferred by law, and all the powers, rights, duties, liabilities, responsibilities and prohibitions which were previously conferred by law upon the board of commissioners of Barrow County, and which are not in conflict with this act, are hereby expressly preserved and shall devolve upon and shall be exercised by the board of commissioners of Barrow County herein created. Said powers, rights, duties, liabilities, responsibilities and prohibitions shall be in addition to and supplemental of all such authorities and liabilities as may hereinafter be conferred upon said board.

Sec. 3. - Election of commissioners; eligibility for office.

- (a) No member of the board shall be ineligible for public office pursuant to Official Code of Georgia Annotated. Each of the persons elected or appointed from commissioner districts shall have been a resident of that person's respective commissioner district for at least one year prior to their election or appointment. The chairperson of the board shall be elected by the qualified electors of the entire county. Each of the other members shall be elected by the qualified electors residing only in the respective commissioner district from which that person seeks election as a member. Any person wishing to offer as a candidate for chairperson shall offer as a candidate for that office. Any person offering as a candidate for member of the board other than chairperson shall designate the commissioner district for which that person is offering. The chairperson and all other members of the board shall be nominated and elected in accordance with the provisions of O.C.G.A. tit. 21, ch. 2.
- (b) A person appointed or elected to fill a vacancy on the board pursuant to section 8 of this act shall meet, as of the time such person takes office, the residency and other requirements established for that office pursuant to subsection (a) of this section and, if that person is elected to fill that vacancy, shall be elected by those electors authorized to vote for that office under that subsection (a).

(1988 Ga. Laws, p. 3585, § 2; Res. of 9-23-2003)

Sec. 4. - Commissioner districts.

- (a) For the purposes of electing the members of the board other than the chairperson, Barrow County shall be divided into six commissioner districts. The six commissioner districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as Plan: barrowccsb-2011 Plan Type: Local User: admin.
- (b) When used in such attachment, the term 'VTD' means and describes the same geographical boundaries

as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a VTD heading means and describes individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Barrow County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of Barrow 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 2010 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 2010 for the State of Georgia.

(1988 Ga. Laws, p. 3585, § 3; 1999 Ga. Laws, p. 3909, § 1; 2002 Ga. Laws, Act No. 489 (H.B. 1011; Act of 9-7-2011, § 1)

Editor's note— The commissioner districts shall be shown on a map thereof on file in the office of the county clerk.

Sec. 5. - Terms of commissioners.

- (a) The members of the board serving in office on January 1, 2012, and any person selected to fill a vacancy in any such office shall continue to serve until the expiration of the terms for which they were elected and until their successors are elected and qualified.
- (b) (1) Larry Joe Wilburn, the member of the board elected at the November, 2008, general election, shall be designated to be serving from and representing Commissioner District 1, but as newly described under this Act.
- (2) Eva S. Elder, the member of the board elected at the November, 2008, general election, shall be designated to be serving from and representing Commissioner District 2, but as newly described under this Act.
- (3) Steve Worley, the member of the board elected at the November, 2008, general election, shall be designated to be serving from and representing Commissioner District 3, but as newly described under this Act.
- (4) Isaiah Berry, the member of the board elected at the November, 2010, general election, shall be designated to be serving from and representing Commissioner District 4, but as newly described under this Act.
- (5) Billy Parks, the member of the board elected at the November, 2010, general election, shall be designated to be serving from and representing Commissioner District 5, but as newly described under this Act.
- (6) Ben Hendrix, the member of the board elected at the November, 2010, general election, shall be designated to be serving from and representing Commissioner District 6, but as newly described under this Act.

(c) (1) All members of the board shall be elected from the commissioner districts described in Section 4 of this Act.

- (2) The members of the board representing Commissioner Districts 4, 5, and 6 shall be elected at the general election in 2014 and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.
- (3) The chairperson and members of the board representing Commissioner Districts 1, 2, and 3 shall be elected at the general election in 2012 and quadrennially thereafter and shall take office on the first day of January immediately following their election for terms of four years and until their successors are elected and qualified.

(1988 Ga. Laws, p. 3585, § 4; 1999 Ga. Laws, p. 3909, § 2; 2002 Ga. Laws, Act 489 (H.B. 1011; Act of 9-7-2011, § 2)

Sec. 6. - Commissioners' oath of office, bond.

Before entering upon the discharge of their duties, the commissioners shall subscribe an oath before the judge of the probate court of Barrow County for the true and faithful performance of their duties and that they are not the holders of any public funds unaccounted for. The commissioners shall each give a satisfactory surety bond, approved by and payable to the judge of the probate court of Barrow County and filed in the office of the judge of the probate court, in the sum of twenty-five thousand dollars (\$25,000.00), conditioned upon the faithful performance of the duties of their office. The cost of the bonds shall be paid from the funds of Barrow County.

Sec. 7. - Chairperson of board of commissioners.

- (a) The chairperson shall preside over the meetings of the board of commissioners. The powers and duties of the chairperson shall include, but shall not be limited to, the powers and duties to:
 - (1) Call extra sessions of the board as provided in Section 13 of this Act;
 - (2) Preside at meetings of the board;
 - (3) Make motions and vote on any measure before the board;
 - (4) Represent the county government at ceremonial functions; and
 - (5) Perform such other duties as shall be delegated to the chairperson by the board of commissioners or as otherwise provided by law.
- (b) The chairperson shall not have power to veto any resolution, ordinance, order, or other official action by the board.
- (c) A chairperson pro tempore, to be selected by the board, shall preside at board meetings in the absence of the chairperson, shall have no other powers of the chairperson, but shall have the same right to vote while so residing as any other member.

(1988 Ga. Laws, p. 3585, § 5; Res. of 9-23-2003; Act of 9-7-2011, § 1, eff. 1-1-2013)

Sec. 8. - Vacancies on board of commissioners.

- (a) In the event of a vacancy in the membership of the board, whether that vacancy is in the office of chairperson or any other member, and [if] that vacancy occurs for any reason other than expiration of term, that vacancy shall be filled as provided in this section:
 - (1) If the unexpired term is 12 months or less, the remaining members of the board, as soon as

reasonably possible, shall appoint a qualified person to fill the vacancy for the unexpired term and until a successor is elected and qualified;

(2) If the vacancy occurs within the first two years of the term of the vacated office and a November general state-wide election will be held within 180 days but not less than 35 days after the occurrence of that vacancy, then the remaining members of the board shall appoint, within 15 days after the vacancy occurs, a successor to fill that vacancy until it is filled for the remaining unexpired term by a person who shall be elected at a special election held upon the same date as that November general election. The election superintendent of Barrow County shall conduct that special election on the same date as that November general election and shall issue the call therefor not less than 30 days nor more than 45 days prior to that date. The person elected at such special election to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified; or

(3) If the vacancy occurs at a time other than as provided for in paragraph (1) or (2) of this subsection, then within 15 days after the occurrence of said vacancy, the election superintendent of Barrow County shall issue the call for a special election for the purpose of electing a qualified person to fill the vacancy for the unexpired term. That superintendent shall set the date of that special election for a day not less than 30 nor more than 45 days after the date of the issuance of the call. The person elected to fill that vacancy shall take office within ten days after the results of that election are certified and shall serve out the remaining unexpired term and until a successor is elected and qualified.

(b) The provisions of O.C.G.A. tit. 21, ch. 2 shall apply to special elections to fill vacancies provided for in this section.

(1988 Ga. Laws, p. 3585, § 6; Res. of 3-15-2004)

Sec. 9. - Approval of expenditures; signing of checks.

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

(Ord. of 2-10-1998, § 1; Ord. of 4-9-2013, § 1)

Sec. 10. - Commissioners not to hold subordinate positions of board.

No member of the board shall hold any subordinate position of the board.

(1978 Ga. Laws, p. 4232, § 1)

Sec. 11. - Compensation of commissioners; clerk.

(a) [*Compensation of commissioners.*]

(1) The chairperson of the board shall receive a base salary in the amount of \$25,000.00 per annum. Such compensation shall be paid in equal monthly installments from the funds of Barrow County.

The chairperson shall be on a part-time basis and shall devote the time necessary to fulfill the duties of his or her office.

- (2) The members of the board other than the chairperson shall receive a base salary of \$6,000.00 per annum, to be paid in equal monthly installments from the funds of Barrow County, and shall devote the time necessary in assisting the chairperson.
- (3) On and after January 1, 1999, whenever the state employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the salaries of the chairperson and other members of the board provided for in paragraphs (1) and (2) of this subsection together with any prior cost-of-living increases awarded under this paragraph shall be increased by the same percentage or the same amount applicable to such state employees. If the cost-of-living increase or general performance based increase is in different percentages or different amounts as to certain categories of employees, the amount fixed in paragraph (1) or (2) of this subsection plus prior cost-of-living increases shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to state employees. The periodic changes in the amounts fixed as provided in this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amount fixed as provided in this paragraph shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.
- (4) The chairperson and each other member of the board shall receive an expense allowance of \$25.00 per day for each day spent in the execution of their official duties. The expense allowance shall be payable for not more than six days in each calendar month and shall not be payable with respect to the one day in each month upon which a session of the board is required to be held pursuant to Section 13 of this Act. The allowance authorized by this paragraph may be payable monthly upon presentation of a written statement by the member seeking the allowance of the number of days for which the allowance is claimed and the official duties performed by the member on each such day. The statements required pursuant to this paragraph shall be kept on file with the board for not less than four years and shall be available for public inspection at all reasonable times.
- (5) The chairperson and members of the board of commissioners shall be reimbursed from the funds of Barrow County for the necessary and actual expenses in the execution of their official duties and not reimbursed pursuant to paragraph (4) of this subsection.

(b) [*Clerk.*] The board shall appoint a clerk whose duty shall be to keep a full and accurate record of all the actions and doings of the board of said county, which records shall be opened for the inspection of the public at all times during office hours and when the board is not in session. The clerk shall perform such other duties and keep such records as required by law or may be required of him or her by the board, and for the clerk's services, the clerk shall receive an amount of compensation to be determined by the board, payable in accordance with current policy, and with the further provision that the clerk shall not be a member of the board and shall be on a full-time basis.

(1981 Ga. Laws, p. 3710, § 1; 1984 Ga. Laws, p. 4702, § 1; 1990 Ga. Laws, p. 1099; Res. of 9-23-2003; Act of 9-7-2011, § 2, eff. 1-1-2013; Ord. of 4-9-2013, § 2)

Sec. 11A. - County manager.

- (a) Pursuant to Code Section 36-5-22 of the Official Code of Georgia Annotated, there is created the office of County Manager for Barrow County, who shall have the powers and duties conferred as provided by this Act. The county manager shall be appointed by the board of commissioners and shall serve at the direction, supervision, and pleasure of the board of commissioners. The position of county manager shall not be covered by the Barrow County Civil Service System. Any person appointed as county manager shall possess such qualifications as determined by the board of commissioners and shall receive such compensation, expenses, and benefits as fixed by the board. Except as provided in this section, no member of the board shall be appointed county manager or acting county manager during the term of office for which such member was elected and for a period of one year thereafter. In the event of the death, removal, dismissal, or termination of the county manager and pending the selection of a replacement for said county manager, the chairperson may, if approved in accordance with subsection (d) of this section, assume the powers and carry out the duties of the county manager.
- (b) The county manager shall have the following powers and duties, which shall be further detailed in a job description to be approved by the board consistent with this section:
 - (1) The county manager shall be a nonvoting participant in all board meetings of the board of commissioners;
 - (2) Except as to those powers specifically reserved and granted to the chairperson and the board of commissioners by this Act, the county manager shall have the power to supervise, direct, and control the day-to-day activities and business operations of the county government. The county manager shall carry out, execute, and enforce the ordinances, policies, rules, and regulations of the board when such ordinances, policies, rules, and regulations become effective. Members of the board shall deal solely through the county manager in all matters concerning the operation, supervision, and administration of the various departments, offices, and agencies of the county government. No member of the board shall directly or indirectly order, instruct, or otherwise attempt to control the actions of county personnel subject to the administrative and supervisory control of the county manager. The county manager shall have the power to hire, supervise, and fire all employees under the jurisdiction of the board of commissioners, with the exception that the county manager shall recommend the hiring and firing of any department director to the board for an official action by the board.
- (c) The county manager may be removed by official action of the board of commissioners.
- (d) The board of commissioners may designate a qualified individual to act as temporary county manager in the extended absence (more than 30 days) of the county manager or if the county manager is removed pursuant to this section.

(Act of 9-7-2011, § 3, eff. 1-1-2013)

Sec. 12. - Purchasing.

The board shall be the purchasing agent of Barrow County and shall purchase any and all things for the use of the county. Purchasing shall be done in accordance with a purchasing policy adopted by the board of commissioners.

(1990 Ga. Laws, p. 1099; Ord. of 2-10-1998, § 2)

Sec. 13. - Meetings of board of commissioners; quorum.

The board shall hold at least one session on the second Tuesday in each month at a site duly designated by the board of commissioners. At the request of a majority of the members of the board, the chairperson shall, at a time agreeable to most of the members, call an extra session. The commissioners shall have the right to adjourn from day to day until they finish their business. A quorum shall consist of four members of the board. An affirmative vote of four members of the board shall be necessary to adopt any resolution or ordinance or pass any order on any subject matter.

(1988 Ga. Laws, p. 3585, § 7; Ord. of 2-10-1998, § 3; Res. of 9-23-2003; Ord. of 9-7-2011, § 4)

Sec. 14. - Road construction and maintenance.

The board shall not neglect any public road in the county, nor refuse to keep up a road that has been built and accepted by the county. The board shall not build more roads in one section of the county than in another, except farm to market roads. Roadwork shall be fairly and equitably divided between the different road districts according to the needs in said districts.

(Res. of 9-23-2003)

Sec. 15. - County attorney.

The board shall have the authority to employ a county attorney who shall receive an annual retainer in an amount determined by the board, payable in equal monthly installments from the funds of Barrow County. The county attorney shall be entitled to such other reasonable compensation for services rendered to Barrow County as may be approved by the board.

(Ord. of 9-23-2003)

Sec. 16. - Bond of clerk.

The clerk of the board shall give a surety bond in the sum of \$25,000.00, to be approved by the judge of the probate court of the county, and payable to the judge of the probate court of the county, for the faithful performance of any and all duties of said office, said bond to be paid for by Barrow County. The property of said clerk, as well as the security on this bond, shall be bound from the time of execution thereof for the payment of any and all liability arising from the breach of said bond.

Sec. 17. - Publication of financial statements.

The board shall cause to be published in the official county organ, under oath, a financial statement and an audit report prepared by a certified public accountant covering the financial affairs of the county for the immediately preceding fiscal year. The publication shall occur not later than May 1 in any year.

Sec. 18. - Fiscal year.

Beginning July 1, 2017, the fiscal year of Barrow County shall begin on July 1 in each year and shall end on June 30 of the following calendar year.

(Res. of 1-26-2016, § 1)

Sec. 19. - 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 hereby 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.

(1978 Ga. Laws, p. 4232, § 4)

Sec. 20. - Payment of salary of county employees.

An Act creating Barrow County, approved July 7, 1914 (1914 Ga. Laws, p. 27), and the several acts pursuant thereto, relating to employees of Barrow County, are hereby amended by providing that after the effective date of this act any provision of said laws which requires county employees, other than a member of the board of commissioners, the county attorney, or a constitutional officer, to be paid in equal monthly installments shall be construed to authorize payment of the salary of such employees in biweekly, semi-monthly, or other convenient periods as determined by the board of commissioners.

(1979 Ga. Laws, p. 4317, § 1)

SPECIAL ACTS COMPARATIVE TABLE - GEORGIA LAWS

This table shows the location of the sections of the Georgia Laws cited in the Special Acts.

Ga. Laws Year	Page	Section	Section this Special Acts
1978	4232	1	10
		4	<u>19</u>
1979	4317	1	<u>20</u>
1981	3710	1	<u>11</u>
1984	4702	1	<u>11</u>
1988	3585	1	1

		2—4	3—5
		5, 6	<u>7, 8</u>
		7	<u>13</u>
1990	1099		<u>11, 12</u>
1999	3909	1, 2	4, 5
2002		1	4, 5

Editor's note— The page number for 2002 Georgia Laws which recreated and established a Board of Commissioners of Barrow County is not currently available. Said Act is Act No. 489(H.B. 1011) and was approved by the Governor on April 23, 2002.

SPECIAL ACTS COMPARATIVE TABLE - ORDINANCES/RESOLUTIONS

This table shows the location of the sections of the Special Acts and any amendments thereto.

Date	Section	Section this Special Acts
2-10-1998	1	<u>9</u>
	2	12
	3	<u>13</u>
9-23-2003		1—20
3-15-2004		<u>8</u>
<u>9- 7-2011</u>	1	4
	2	5
<u>9- 7-2011</u>	1	7

	2	<u>11(a)</u> (1)
	3 Added	<u>11A</u>
	4	<u>13</u>
4- 9-2013	1	<u>9</u>
	2	<u>11(b)</u>
1-26-2016	1	18