

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a board of commissioners for Rockdale County, approved
2 March 4, 1977 (Ga. L. 1977, p. 2817), as amended, so as to provide for a county manager;
3 to revise provisions related to the powers and duties of the board of commissioners,
4 chairperson, and county manager; to provide for a referendum, effective dates, and automatic
5 repeal; to provide for mandatory execution of election and judicial remedies regarding failure
6 to comply; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating a board of commissioners for Rockdale County, approved March 4, 1977
10 (Ga. L. 1977, p. 2817), as amended, is amended by revising Section 9 as follows:

11
12 "SECTION 9.

13 County manager.

14 (a) There shall be an office of county manager to be appointed by the board of
15 commissioners. Except as otherwise provided in this Act, the qualifications, compensation,

16 and other matters pertaining to the office of county manager shall be provided for by
17 ordinance or resolution of the commission.

18 (b) The board of commissioners shall select a person to appoint as the county manager
19 based solely upon the appointee's executive and administrative qualifications, with specific
20 reference to actual experience in or knowledge of accepted practices with respect to the
21 duties of the office.

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

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

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

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

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

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

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

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

40 (8) Confer with and advise all other elected or appointed officers or officials of the
41 county who are not under the control of the commission but who receive financial support
42 therefrom;

- 43 (9) Devote his or her entire time to the duties and affairs of the office of county manager
44 and hold no other office or employment for remuneration while serving as county
45 manager;
- 46 (10) Make purchases for the county without seeking approval from the commission and
47 without obtaining bids in amounts not to exceed \$50,000.00, except:
- 48 (A) As provided by general law relating to the letting of public works contracts;
 - 49 (B) That no employment, consulting, or severance contract or agreement shall be
50 entered into and no payments shall be made without the approval of the commission;
 - 51 and
 - 52 (C) Any purchase made for the county in excess of \$10,000.00 shall be reported to the
53 commissioner by the comptroller; and
- 54 (11) Perform such other duties as may be required by the commission."

55 **SECTION 2.**

56 Said Act is further amended by revising subsection (b) of Section 10 as follows:

57 "(b) The policies, rules, and regulations so adopted by the board of commissioners shall
58 be carried out, executed, and enforced by the county manager as chief administrative
59 officer of the county, and said board may exercise administrative powers, but only where
60 such are necessarily and properly incident to its functions as a policymaking or rulemaking
61 body or which are necessary to compel enforcement of its adopted resolutions or
62 ordinances. Any action taken by the county manager which is in conflict with such
63 adopted resolutions or ordinances or which deals with matters exclusively reserved to the
64 jurisdiction of said board shall be null, void, and of no effect."

65 **SECTION 3.**

66 Said Act is further amended by revising Sections 13 and 14 as follows:

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"SECTION 13.

Appointment, removal and compensation of county officials, employees, attorneys, the executive assistant, and employees of elected officials.

(a) Unless otherwise provided by subsection (b) of this section or other provisions of this Act, all county employees shall be employed and dismissed and have their compensation set by the county manager or a designee thereof subject to county budgetary provisions and any applicable civil service, merit system or personnel laws or ordinances.

(b) All nonelected county officials, department heads, chiefs, directors, superintendents, or executives shall be appointed and removed by the county manager with the consent of the board of commissioners. When a vacancy exists in any such office, the county manager shall, within 90 days, propose an appointment to which the board consents; otherwise, said board may fill the vacancy by majority vote.

(c) The board of commissioners shall have the exclusive authority to appoint, remove, and fix the compensation of the executive assistant, the finance director, and the county attorney employed at county expense.

(d) Elected county officials shall have the exclusive authority to appoint, remove, and fix the compensation of the personnel within their respective offices subject to county budgetary provisions and any applicable civil service or merit system, state laws, or county personnel ordinances; provided that, in the case of county personnel ordinances, the particular elected county official or a predecessor in that office must authorize in writing the inclusion of the employees of that office under the county personnel ordinance before said ordinance shall include such employees.

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SECTION 14.

Statutory positions; appointment; removal; compensation.

The appointment and removal of, and the compensation to be paid to, persons filling offices and positions created by state statute, where not otherwise prescribed by such statute, shall be made and fixed by the county manager, subject to the approval of the compensation therefor by the commission, within budgetary provisions."

SECTION 4.

The election superintendent of Rockdale County shall call and conduct an election as provided for in this section for the purpose of submitting this Act to the electors of Rockdale County for approval or rejection. The election superintendent shall conduct that election on the Tuesday after the first Monday in November, 2024, and shall issue the call and conduct such election as provided by general law. The election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Rockdale County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved to create the office of county manager for
() NO Rockdale County and to provide that the county manager shall be responsible for the administration of the county's government?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 through 3 of this Act shall become effective on January 1, 2025. If the Act is not so approved, or if the election is not conducted as provided in this section, Sections 1 through 3 of this Act shall not become effective, and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Rockdale County. It shall

114 be the election superintendent's duty to certify the result thereof to the Secretary of State.
115 The provisions of this section shall be mandatory upon the election superintendent and are
116 not intended as directory. If the election superintendent fails or refuses to comply with this
117 section, any elector of Rockdale County may apply for a writ of mandamus to compel the
118 election superintendent to perform his or her duties under this section. If the court finds that
119 the election superintendent has not complied with this section, the court shall fashion
120 appropriate relief requiring the election superintendent to call and conduct such election on
121 the date required by this section or on the next date authorized for special elections provided
122 for in Code Section 21-2-540 of the O.C.G.A.

123 **SECTION 5.**

124 Except as otherwise provided in Section 4 of this Act, this Act shall become effective upon
125 its approval by the Governor or upon its becoming law without such approval.

126 **SECTION 6.**

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