

## AN ACT

To provide a new charter for Jasper County; to provide for boundaries and duties of the County; to provide for the governing authority of such County and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a Chairman, vice-Chairman, and County Manager and certain powers and duties, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a County Attorney, and other personnel and matters relating thereto; to provide rules and regulations; to provide for Superior, Probate, and Magistrate courts and Judges thereof and other matters relative to those court systems; to provide the various jurisdiction of all courts, powers, duties, and procedures; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide law enforcement protection; to provide for fire protection, to provide for solid waste management; to provide roads and bridge facilities to provide for county contracts and purchasing, to provide for the conveyance of property and interests thereof; to provide bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a former specific Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

## ARTICLE I

### COUNTY COMMISSIONERS

#### SECTION 1. CREATION AND COMPOSITION

There is hereby created a Board of County Commissioners of Jasper County, Georgia. The Board shall consist of five members who shall be qualified voters of the county and legally qualified to hold public office, one of whom shall be selected by the majority of the Board annually to serve as Chairman of the Board of Commissioners.

#### SECTION 2. ELECTION OF MEMBERS/TERMS

- (a) One commissioner shall be elected from each commissioner district by the electors residing solely within each respective district.
- (b) In all elections conducted pursuant to this Act, each candidate shall designate, at the time of qualifying, the district from which he offers as a candidate. To be elected a member of the board, a candidate must receive the highest number of votes cast for the seat he is seeking; and at the same time, a candidate must receive the majority of the total votes cast for the election of the commissioner to that seat. In the event no candidate for a particular seat receives the majority of the votes for the seat he is seeking, a run-off election shall be conducted for that particular seat in accordance with the provisions of O.C.G.A., Title 21, Chapter 2 of the Georgia Election Code as now or hereafter amended.
- (c) The term of board of commissioner of said County of Jasper shall be four years, beginning January 1 of each year and shall be elected at the general election prior to the expiration date of their term of office.

#### SECTION 3. COMPOSITION; ELECTION DISTRICTS, MEMBERS QUALIFICATIONS; VACANCIES; ELECTION OF CHAIRPERSON; QUORUM; MEETINGS; COMPENSATION

- (a) The Board of Commissioners of Jasper county shall consist of five members to be elected from single members districts as provided in this section.
- (b) For the purpose of electing the members of the Board, Jasper County is divided into five single member districts as follows:

**Commissioner District 1: Tract: 8903**

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**Commissioner District 2: Tract: 9901**

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**Commissioner District 5: Tract: 9901**

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(c) One member shall be elected to the board from each of the five commissioner district. Only the qualified electors residing in the commissioner district shall vote for a candidate for election to the board from such commissioner district and the election shall be solely by the vote of the electors who reside within the respective commissioner district.

(d) Each candidate for election to the board from a commissioner district shall be a resident of the commission district for which such person seeks election. All members of the board shall meet the qualifications for office set forth in O.C.G.A. { 45-2-1.

(e) In the event a vacancy occurs on the Board of Commissioners of Jasper County for any reason other than expiration of a term of office, the vacancy shall be filled in accordance with the provisions of O.C.G.A { 21-2-540 et seq. And O.C.G.A. { 36-5-21 and the residency requirements set forth in this section. In the event a member moves his or her residence from the commissioner district he or she represents, a vacancy shall exist from such district and shall be filled in the same manner as other vacancies are filled.

(f) At the first regular meeting of the board of commissioners in January of each year, the members shall elect, by a majority vote, one of their members as chairperson for the board.

(g) Three of said commissioners shall constitute a quorum to conduct and transact business as a board.

(h) The Commissioners shall hold regular meetings at the courthouse of the county in the Commissioner's meeting room on the first and third Mondays in each month and may reschedule said dates for observance of Federal and State holidays, and may also adjourn from day to day, and may hold called sessions of the board whenever, in the opinion of the majority of the board, the public necessity requires.

(i) Each person elected and qualified to hold public office as a member of the board of commissioners elected from a district shall be compensated \$ 300.00 per month and allowances as is now or shall hereafter be allotted for each member of the board.

#### **SECTION 4. DUTIES, RIGHTS , AND COMPENSATION OF CHAIRMAN**

(a) The Chairman of the Board of Commissioners shall reside at all meeting and sign all orders of the Board of Commissioners. The chairman shall the right to vote on all questions before the Board, and shall have the right to make motions and perform all duties imposed under this Act upon said Board of Commissioners.

(b) The Chairman of the board of Commissioners shall be compensated in the amount of \$ 400.00 per month. In addition to the compensation provided in this section, the

Chairman shall be reimbursed for actual and reasonable expenses incurred in conducting the business of the county. Such expense shall be reimbursed as incurred following the submission of supporting documentation.

## **SECTION 5. POWERS AND DUTIES**

The commission shall have exclusive jurisdiction and control over the following matters:

- (a) Directing and controlling all of the property of the county in the manner provided by law;
- (b) levying taxes according to law;
- (c) establishing, abolishing, changing election precincts or militia districts;
- (d) settling all claims and accounts of officers having the care, management, or disbursement of funds belonging to, or appropriated for the use and benefit of the county and in bringing them to settlement;
- (e) providing for the health, safety, and welfare of the county citizenry as provided by law;
- (f) generally to have and exercise all the powers heretofore which are not vested in the County Administrator pursuant to Section 7 of this Act; and,
- (g) exercise such other powers as are granted by law or as may be indispensable or incidental to their jurisdiction over county matters or county finances.

## **SECTION 6. COUNTY ADMINISTRATOR; CREATION OF POSITION ; QUALIFICATIONS; AT-WILL APPOINTMENT; VACANCY; DUTIES, POWERS, AND AUTHORITY; BOND; POLITICAL RESTRICTIONS**

- (a) There is created the position of County Administrator of Jasper County. The County Administrator shall be the chief administrative officer and head of the administrative branch of county government. The County Administrator serves at the pleasure of the board. The Board of Commissioners of Jasper County shall select and appoint a County Administrator, who shall receive such compensation as may be prescribed by the board of commissioners. The County Administrator must devote all of such officer's working time and attention to the affairs of the county and shall be responsible to the board of commissioners for the efficient administration of all of the affairs of the county over which such office has jurisdiction.
- (b) No person shall be chosen as County Administrator before such person shall have attained such person's twenty-first birthday. Such person shall be of good character and

of proven executive ability and experience. The County Administrator shall be chosen by the board of commissioners solely on the basis of such person's actual experience in or such person's knowledge of accepted government management practices with respect to the duties of such person's office as provided for in this section. At the time of such person's appointment, such person need not be a resident within the county or state, but during such person's tenure of office, such person shall reside within Jasper County. No person elected to the membership on the board of commissioners shall, subsequent to such election, be eligible for appointment as County Administrator until one year has elapsed following the expiration of the commissioner term for which such person was elected.

(c) The County Administrator shall be appointed as an at-will employee with Jasper County in accordance with state law and shall serve at the pleasure of the board.

(d) The board of commissioners may designate a person or contract for interim professional government management services to perform the functions and duties of the County Administrator during the absence, disability, suspension, termination, or vacancy of the County Administrator. Vacancies in the office of County Administrator shall be filled by the board of commissioners as early as practical and, until the vacancy is filled. The board of commissioners shall have full power to make any temporary appointment or to temporarily perform the functions and duties of such office.

(e) The County Administrator shall have the following duties, powers, and authority:

(1) To supervise the administration of the affairs of the county and to see that the ordinances, resolutions, regulations, and policies of the board of commissioners and the laws of Georgia are faithfully executed and enforced.

(2) To be custodian of the official county seal and county records, maintain board of commissioner meeting minutes and records as required by law;

(3) To discipline, suspend or remove all employees under the jurisdiction of the board of commissioners in accordance with the county's personnel policies;

(4) To exercise administrative authority and supervision over all department and personnel under the jurisdiction of the board of commissioners;

(5) To require reports from department heads and other employees entrusted with administrative duties or exercising discretion;

(6) To attend all meetings of the board of commissioners with the right to take part in the discussions but having no vote;

- (7) To recommend to the board of commissioners for adoption such measures as the County Administrator may deem necessary or expedient;
- (8) To supervise the performance of all contracts made by any person, company, or corporation for work done for Jasper County;
- (9) To serve as the purchasing agent of materials and supplies for the county under the county's purchasing policies and procedures;
- (10) To act as budget officer and submit to the board of commissioners for their approval, a proposed operating budget for the next fiscal year showing budget revenues and expenditures during the preceding fiscal year, appropriations and estimated revenue and recommended expenditures for the next fiscal year, recommended salaries; proposed capital expenditures, existing debt schedules; recommended tax levy, and such other information and data as may be considered necessary by the board of commissioners;
- (11) To keep the board of commissioners fully abreast at all times as to the financial condition and needs of the county;
- (12) To prepare and present a monthly financial report to the board of commissioners each month showing operational expenses for each county department for the preceding month and year to date;
- (13) To serve as the personnel director in the supervision and administration of the county's personnel policies and procedures;
- (14) To delegate administrative duties to subordinates in the county government whose work the County Administrator shall supervise and direct
- (15) To perform such other duties as may be described in this Act or other duties as may from time to time be directed by the board of commissioners.
- (f) The County Administrator, before entering upon the discharge of the duties of County Administrator shall execute a bond with a solvent surety company authorized to do business in the State of Georgia in an amount not less than \$25,000, payable to the County with such bond premium being paid by Jasper County.
- (g) The County Administrator shall not engage in or be concerned with local partisan politics or any local campaign. The County Administrator shall not be eligible for election as a member of the Board of Commissioners of Jasper County for a period of one year after termination of service as County Administrator.

## **SECTION 8. ADVISORY FUNCTION OF COUNTY ATTORNEY; COMPENSATION**

The board shall have the authority to employ a competent attorney at law licensed to practice law in the State of Georgia and to represent the county in any litigation which may arise in which said county is a party. Said attorney shall be designated by the majority of the board as County Attorney and re-appointed annually at the first regular meeting of the board of commissioners. Whenever it is deemed necessary the board may employ additional legal counsel to assist the County Attorney .

## **SECTION 9. LIFE INSURANCE AND MEDICAL COVERAGE FOR EMPLOYEES**

The board shall have the authority to expend Jasper County funds for the purpose of providing life insurance and medical benefits for its officers and employees.

## **SECTION 10. FISCAL YEAR; ANNUAL BUDGET**

(a) The fiscal year for Jasper County shall be January 1 through December 31 of each calendar year.

(b) In accordance with Section 7 (e) (10), the County Administrator shall compile and submit to the Board of Commissioners a proposed annual budget for Jasper County for the next fiscal year. The County Administrator shall submit said annual budget to include all the required fund accounting requirements of GASB 34 and the State of Georgia.

(c) After receiving the proposed annual budgets for all county fund accounts submitted by the County Administrator, the board of commissioners shall in its absolute discretion adopt the total annual budget for Jasper County to provide for all the financial affairs of the county for the next fiscal year. Such budget to be adopted for the ensuing fiscal year by no later than December 31<sup>st</sup> in each calendar year. No expenditure shall be paid out of any county funds unless a provision has first been made in the budget for said expenditure. The Board of County Commissioners shall have the power and authority at any regular meeting to revise the annual budget provided that any changes made in the budget shall include a public hearing process on the proposed increase or decrease with the opportunity for the citizenry to be properly informed.

## **SECTION 11. BIDDING PROCEDURES FOR AMOUNTS OVER \$5,000**

In all transactions of said Board involving the funds of the county where the amount of goods, merchandise, materials or equipment to be bought or sold amounts to more than \$5,000, the Board shall, before selling or buying the same, advertise for bids at least once in the legal organ of the County, and posted on the county courthouse bulletin board at least ten days prior to contract are to be awarded. When bids are opened, the contracts shall be awarded to the best and lowest bidder, but the board will have the right to reject any and all bids and re-advertise for further bidders. The Board shall also

have the right to decide to accept a bid received other than the bid containing the lowest price or value if it is determined that another bid received should be accepted as being in the best interest of Jasper County. Before any contract is awarded, there must have been at least two bids of record for the Board's consideration. The Board shall, in its discretion, be authorized to conclude that, due to the nature of a particular item's being bid upon, it is not feasible to expect more than one bid and award a contract accordingly. The Board shall have the authority in making such expenditures of county funds in keeping county-owned equipment, vehicles, machinery, properly repair, and in furnishing county officials with essential office equipment without the necessity of securing bids.

## **SECTION 12. ANNUAL FIXED ASSET RECORD OF COUNTY PROPERTY**

The County Administrator shall keep a annual, updated fixed assets inventory record of all County properties and equipment valued at \$5,000 or more, including individual valuation of the same, a legal description of all property and specific locations of said equipment, whose custody the property or equipment is, a description of the condition thereof, and a copy provided to the grand jury. The Board shall keep such records as are necessary to show at all times the financial condition of the county.

## **ARTICLE II**

### **AUTHORITIES AND BOARDS**

#### **DIVISION 1. DEVELOPMENT AUTHORITY**

##### **SECTION 1. CREATION**

There is hereby created a body corporate and politic in Jasper County to be known as the Jasper County Development Authority which shall be instrumentality of Jasper County and a public corporation and which this amendment is hereafter referred to as the " Authority".

##### **SECTION 2. MEMBERS; TERMS; VACANCIES; QUORUM**

The Authority shall consist of five members who shall be appointed by the Board of Commissioners and serve for the term of five years. Vacancies shall be filled for the expired term by the Board of Commissioners. A majority of the members shall constitute a quorum and said majority may act for the Authority on any matter.

##### **SECTION 3. TAX EXEMPT STATUS**

The property, obligations and the interest of the Authority shall have the same immunity from taxation as the property, obligations, and interests of Jasper County. However, the

exemptions from taxation shall not include exemption from any sale and use taxes on property acquired by the Authority for Authority use.

**SECTION 4. POWERS**

The powers of the Authority shall include but not limited to:

- (a) to receive and administer gifts, grants, donations, and trusts;
- (b) to borrow money, issue notes, bonds, and revenue certificates;
- (c) to execute trust agreements or indentures;
- (d) to sell, convey, mortgage, pledge and assign any of its funds, property, and income as security thereof;
- (e) to contract with political subdivisions in Georgia , persons, and corporations;
- (f) to take appropriate legal action;
- (g) to have and exercise the standard powers of a corporation including appointing and hiring officers, agents and employees; provide for their compensation, and establishing management by-laws for the Authority;
- (h) to encourage and promote the expansion of job generating economic development activities in Jasper County;

**SECTION 5. DEBTS**

The Authority shall not be authorized to create in any manner any debt, liability or obligation against the State of Georgia or Jasper County.

**SECTION 6. COMPENSATION**

The members of the Authority shall receive no compensation for their services to the Authority.

**SECTION 7. REMOVAL**

All members of the Authority serve at the will and pleasure of the board of commissioners and may be removed at any time for cause by the Board.

**SECTION 8. USE OF FUNDS**

No monies derived by the Authority from any source other than donations and contributions shall at any time be used for entertainment and promotional expenses.

**SECTION 9. PROPERTY**

Should the Authority for any reason be dissolved, title of all property of any kind shall revert to Jasper County subject to any mortgages, liens, or leases in respect to said property.

**DIVISION 2. WATER/SEWER AUTHORITY**

**SECTION 1. CREATION**

There is created a body corporate and politic, to be known as the Jasper County Water and Sewer Authority, which shall be deemed to be a public corporation and by that name said body may contract and be contracted with, sues and be sued, implead and be impleaded, and complain and defend in all courts of law, except the Authority under any trust indenture shall in no event be liable for any torts committed by its officers, agents, or employees.

**SECTION 2. MEMBERS; TERMS, VACANCIES; QUORUM; ELECTION OF OFFICERS**

The Authority shall consist of nine members appointed by the Jasper County Board of Commissioners, each of whom shall reside in Jasper County. Three members shall be appointed for a three year terms, three members for a two year term, and three members for a one year term. Vacancies shall be filled by the Board of Commissioners for any unexpired term. A majority of the members shall constitute a quorum and act for the Authority in all matters. The Authority shall elect one of its members as Chairman and one as Vice-Chairman. It shall also elect a Secretary and Treasurer who does not have to be a member of he Authority, and if not a member, shall have no voting rights .

**SECTION 3. EXEMPTION FROM TAXATION**

The properties of the Authority, both real and personal, are declared to be public properties used for the benefit and welfare of the people of Jasper County and not for purposes of private or corporate benefit and income. Such properties and the Authority shall be exempt from all taxes and assessments of any local government unit or political subdivision.

#### **SECTION 4. POWER**

The Authority shall have the following power:

- (a) To have a seal and alter the same at its pleasure;
- (b) To acquire by purchase, lease, gift, or otherwise and to hold, lease, and dispose of real and personal property of any kind for its corporate purposes;
- (c) To acquire in its own name by purchase or condemnation in accordance with the provisions of all applicable laws for public use therein; however, the power of eminent domain shall not be exercised by the Authority outside the limits of Jasper County.
- (d) To enter into an agreement with the governing authority of Jasper County and municipalities therein, with respect to acquiring and/or providing water and sewage services;
- (e) To appoint, select, and employ such officers, agents, and employees necessary to carry out the purposes of the Authority;
- (f) To prepare and execute all agreements, contracts, and leases necessary for constructing and providing water and sewer services to all persons, firms, and government entities;
- (g) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate and manage all water and sewer projects, as defined in (c) of this section, the cost of any project to be paid whole or in part from bond proceeds, service charges, and any Federal or State grant and loan program;
- (h) To borrow money for Authority purposes and to issue negotiable revenue bonds solely pledged for said purposes;
- (i) To establish rules and regulations for the management, maintenance, and operation of the water and sewer systems under the provisions of his Act;
- (j) To acquire the appropriate insurance coverages for its properties and members;
- (k) To purchase, install, construct, repair, and replace fire hydrants on public property; and,
- (l) To prescribe, fix, and collect fees or charges and to revise from time to time such rates, fees, and charges for services and facilities to operate all water and sewer facilities and services;

(m) To do all things necessary and convenient to carry out the powers expressly given in this Act.

#### **SECTION 5. COMPENSATION**

The members of the Authority shall serve without compensation.

#### **SECTION 6. REMOVAL**

All members of the Authority serve at the will and pleasure of the Board of Commissioners and may be removed for just cause.

#### **SECTION 7. PLEDGE OF CREDIT**

All revenue bonds issued under the provisions of his Act shall not be deemed to constitute any debt of Jasper County or a pledge of faith and credit of the county, but said bonds shall be payable solely from the fund provided for in this Act.

### **ARTICLE III. GENERAL PROVISIONS**

#### **SECTION 1. PRIOR LOCAL LEGISLATION**

All Ordinances, Resolutions, Policies, Rules, and Regulations now in force in Jasper County not inconsistent with this Charter are declared valid and of full effect and force until amended or repealed by the Board of County Commissioners.

#### **SECTION 2. PENDING MATTERS**

Except as provided otherwise in this Charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by the appropriate county official as may be directed by the Board of County Commissioners.

#### **SECTION 3. SPECIFIC REPEALER**

The 1923 Act providing a Charter for Jasper County as amended , is hereby repealed.

#### **SECTION 5. EFFECTIVE DATE**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

#### **SECTION 6. GENERAL REPEALER**

All laws and parts of laws not in conflict with this Act are hereby repealed.