# BARROW COUNTY CHARTER Effective 2013 (COMBINED) BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA

#### SECTION 1.

On and after January 1, 1989, the Board of Commissioners of Barrow County, sometimes referred to 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.

### **SECTION 2.**

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.

#### **SECTION 3.**

(a) No member of the board shall be ineligible for public office pursuant to Code Section 45-2-1 of the 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. In the event the Chairperson ceases to be a resident of Barrow County during that person's term of office or in the event any member ceases to be a resident of the respective commissioner district from which that member was elected or appointed during that member's term of office, a vacancy shall thereby be created and shall be filled in the manner provided in Section 8 of this Act.

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 Chapter 2 of Title 21 of the O.C.G.A.

(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).

# **SECTION 4.**

- (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 Type: Local User: admin.
- (b) When used in such attachment, the terms "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 commission 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.

Plan: barrowccsb-2011 Plan Type: Local User: admin

District 001
Barrow County
VTD: 01301 - 01
1023 1026 1027 1028 1029 1030 1031 1032 1033
VTD: 01305 - 05
VTD: 01307 - 07
VTD: 01308 - 08
2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2040

District 002
Barrow County
VTD: 01301 - 01
1003 1004 1005 1006 1007 1008 1009 1015 1016 1017 1018 1019
1020 1021 1022 1024 1015 1034 1035 1036 1037 1038 1039 2000
2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
2013 2014 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021

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3022 3023 3024 3025 3026 3027 3028 3029 3030 3031 3032 3033
  3035 4014
  1010 1016 1017 1018 1019 1029 1022 1023
 VTD: 01308 – 08
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  1012 1013 1014 1021 1022 1023 1024 1025 1026 1027 1028 1029
  1034 1040 1041 1042 1049 2000 2001 2002 2003 2004 2005 2006
  2007 2008 2009 2010 2011 2012 2013 2014 2035
VTD: 01309 - 09
  1000 1001 1002 1003 1004 1005 1006 1016 1017 1018 1019 1020
  1022 1023 1024 1025 1026 1027 1028 1029 1030 1032 1033
  1041 1042 1043 1044 1050 1051 1052 1054
  1015 1016 1017 1018 1019 1020 1030 1031 1032 1033 1035 1036
  1037 1038 1039 1043 1044 1045 1046 1047 1048 2015 2016 2017
  2018 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029
  2030 2031 2032 2033 2034 2036 2037 2038 2039 2040 2041 2042
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VTD: 01316 - 16
  1031
  2041
  1034 1035 1036 1037 1038 1039 1045 1046 1047 1048 1049 1053
  1000 1001 1002 1010 1011 1012 1013 4006 4008 4009 4011 4014
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  1003
District 003
Barrow County
VTD: 01301 - 01
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VTD: 01309 – 09
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VTD: 01310 – 10
  1004 1005 1006 1010 1011 1012 1013 1016 1017 1018 1023 1032
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  2019 2020 2021 2032 2033 2034 2036 2037 2038 2039 2040 2042
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VTD: 01311 – 11
 1057 1058 1059 1060
VTD: 01313 – 13
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VTD: 01313 – 13
 1007 1014 1015 2004 2007 2008 2009 2010 2011 2012 2013 2014
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VTD: 01316 – 16
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 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038
 1039 1041
District 004
Barrow County
VTD: 01303 -03
  1027
 2000 2001 2002 2007 2008 2013 2014 2015 2017 2018 2023 2024
  2025 2048 2049 2052 2053 2054 2055 2056 2057
VTD: 01303 -04
  1021 1022 1023 1035 1036 1037 1038 1039
  1000 1001 1002 1003 1004 1005 1006 1007 1015 1016 1017 1018
  1019 1020 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
  2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
  2024 2025 2027
  1000 1001 1002 1003 1004 1013
VTD: 01310 -10
  1017
VTD: 0133 - 11
  1008 1009 1010 1011 1012 1013 1014 1021 1022 1023 2026
  1005 1006 1007 1008 1009 1010 1011 1012 1014 1015 1016 1018
  1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029 1030
  1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042
  1043 1044 1045 1046 1047 1048 1049 1050 1051 1052 1053 1054
  1055 1056
VTD: 01314 - 14
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  2011 2012 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046
  2047 2050 2051
  2000 2001
VTD: 01315 - 15
  1000
District 005
Barrow County
VTD: 01302 - 02
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  1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
  1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
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VTD: 01303 -03
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 1006 1007 1008 1009 1010 1011 1015 1016 1017 1018 1019 1020
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 2003 2004 2005 2009 2010 2016 2019
VTD: 01304 - 04
 1000 1024
VTD: 01312 - 12
VTD: 01314 - 14
  2020 2021
VTD: 01315 -15
 1098 1099 1100 1101 1102
 1000 1001 1002 1003 1004 1005
District 006
Barrow County
VTD: 01302 -2
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VTD: 01306 -06
VTD: 01310 - 10
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 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
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 2012 2013 2014 2015 2016 2018 2019 3049 3050 3051 3055 3058
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VTD: 01313 - 13
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 2021 2022 2023 2024 2025 2026 2027 2028 2009 2030 2031 2032
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VTD: 01314 -14
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VTD: 01315 - 15
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#### **SECTION 5.**

- (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.

#### **SECTION 6.**

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.

#### **SECTION 7.**

- (a) The Chairperson of the Board 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 presiding as any other member.

# **SECTION 8.**

- (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 that vacancy occurs for any reasons other than expiration of term, that vacancy shall be filled as provided in this section:
  - (1) If the unexpired term is six (6) months or less, the remaining members of the board, within 30 days after the occurrence of the vacancy, 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 statewide 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 the 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 therefore 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 Chapter 2 of Title 21 of the O.C.G.A. shall apply to special elections to fill vacancies provided for in this section.

#### **SECTION 9.**

The Board shall not pay out any money for any purpose except on the submission of an itemized account and approval by a majority vote of the Board. After approval of an account, a check in payment therefore shall be issued and signed within thirty days of such approval; and all checks or vouchers shall be signed by the chairperson and countersigned by the clerk or any other person so designated by the Board of Commissioners, except that after an account has been approved by the board for payment the other three members are hereby authorized to sign a check or voucher for payment of such account in lieu of the chairperson in the event of the chairpersons inability or refusal to so sign.

#### **SECTION 10.**

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

## **SECTION 11.**

(a) (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 that state employees in the classified service of the state merit employees in the classified services 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 may 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 shall 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 of 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) The board shall elect 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. They shall perform such other duties and keep such records as required by law or may be required of them by the board, and for their

services, the Clerk shall receive an amount of compensation to be determined by the Board, payable monthly, and with the further provision that the Clerk shall not be a member of the board and shall give their entire time to the work of this office.

## **SECTION 11A.**

- (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.

#### **SECTION 12.**

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.

#### **SECTION 13.**

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.

## **SECTION 14.**

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.

#### **SECTION 15.**

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 approve by the Board.

### **SECTION 16.**

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 tie of execution thereof for the payment of any and all liability arising from the breach of said bond.

#### **SECTION 17.**

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.

(a) Beginning October 1, 1978, the fiscal year of Barrow County shall begin on October 1 in each year and shall end on September 30 of the following calendar year.

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

THIS COMBINED CHARTER IS FOR REFERENCE ONLY. ALL OFFICIAL QUESTIONS SHOULD BE CHECKED IN THE GEORGIA CODE BOOK BEFORE RELYING ON THIS INFORMATION OR QUICK REFERENCE CHARTER.

# **AMENDMENTS**

SECTION 3	9/23/03
<b>SECTION 4</b>	5/1/03, 9/7/11
<b>SECTION 5</b>	5/1/03, 9/7/11
SECTION 7	2/10/87 9/23/03
SECTION 7(a)	9/7/11-Effective 2013
SECTION 8	1/1/89
SECTION 9	2/10/98
SECTION 10	3/24/78
SECTION 11	3/2/5/86, 4/2/98, 9/23/03
<b>SECTION 11 (a) (1)</b>	9/7/11-Effective 2013
SECTION 11A	9/7/11 -Effective 2013
<b>SECTION 12</b>	2/10/98
SECTION 13	2/10/98, 9/23/03
SECTION 13	9/7/11-Effective 2013
<b>SECTION 14</b>	9/23/03
SECTION 15	9/23/03
SECTION 17	3/24/78