

CHAPTER 1

ORGANIZATION AND POWERS OF BRYAN COUNTY GOVERNMENT

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Adopted: December 19, 1996

Signed: _____
Donna M. Waters

ARTICLE I

ORGANIZATION AND POWERS OF BRYAN COUNTY GOVERNMENT

- 1-101** 1. Conduct of Meetings. All meetings of the board of commissioners shall be held in accordance with the provisions of 50-14-1 et seq. of the Official Code of Georgia Annotated. The public shall at all times be afforded access to all meetings other than executive sessions.
2. Quorum. A quorum must be present for conducting meetings of the board. A quorum is a majority of all of the members of the board then in office. It is the duty of the chairman to enforce this rule. Any commissioner may raise a point of order directed to the chairman if he believes that a quorum is not present. If, during the course of a meeting, a commissioner leaves and a quorum no longer exists, the meeting cannot continue. If a quorum is not attained within thirty minutes, the meeting will be rescheduled by the chairman with the approval of the commissioners present.
3. Voting: Majority. Passage of a motion shall require the affirmative vote of a majority of commissioners present and voting at a meeting at which a quorum is present. Unless otherwise specified in these procedures, a majority shall mean at least one-half of the commissioners present excluding abstentions. Where a two-third majority is specified, a majority vote shall mean at least two-thirds of the commissioners present excluding abstentions. In the event of a tie vote, the chairman shall vote to break the tie.
4. Abstentions. A commissioner shall vote on all motions unless he has a conflict of interest which would prevent him from making a decision in a fair and legal manner. If a conflict of interest does exist, the commissioner shall explain for the record his decision to abstain on any vote.
5. Chairman. The chairman of the board of commissioners is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the chairman must enforce the rules of procedure that are adopted by the board of commissioners. The chairman shall be impartial and conduct the meetings in a fair manner. The chairman may not introduce motions or second a motion except that the chairman may introduce or second a motion to go into executive session as authorized by Sub-Paragraph 18 of this ordinance. The chairman shall not vote except to break a tie.
6. Vice-Chairman. The board shall select a vice-chairman from the board members at the beginning of each calendar year. The vice-chairman shall fulfill the duties of the chairman if the chairman is not in attendance. If the chairman and the vice-chairman are absent and a quorum is present, the remaining commissioners shall select a commissioner to serve as

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temporary chairman of the meeting until either the chairman or vice-chairman is present at the meeting.

7. Agenda. The county administrator, with the advice of the chairman and the commissioners, shall prepare an agenda of subjects to be acted on for each meeting. An agenda work session shall be held by the county administrator to finalize the agenda. The chairman and all commissioners may participate in the work session. Whenever a quorum of the board is present for an agenda work session, the meeting shall be open to the public and all notice and record-keeping requirements applicable to an open meeting must be met. The agenda shall be made available to the commissioners at least one business day before every board meeting. Members of the public may request that a particular subject be placed on the agenda for the following meeting. To be considered, this request must be submitted in writing to the county administrator and received at least five business days before the meeting. The order of the agenda may be changed during a meeting by a majority vote of the board. A new subject that requires attention may be added to the agenda during a meeting by a two-thirds vote of the board. A copy of the agenda and a list of those members present shall be made available to the public for inspection within two business days of the adjournment of any meeting.

8. Consent Agenda. A consent agenda may be prepared by the county administrator for the board to unanimously adopt motions on routine items. Any items of business that are expected to receive unanimous approval and where no debate is expected may be placed on a consent agenda. At the appropriate time of the meeting, the chairman shall read all of the items on the consent agenda. If a commissioner objects to an item being on the consent agenda, the chairman shall move that particular item to the regular agenda. Following the reading of the consent agenda, the chairman will ask for unanimous approval of the items on the consent agenda. If there are no objections, all the items on the consent agenda will be adopted by unanimous consent.

9. Minutes. The clerk of the board shall promptly record the minutes for each board meeting. The minutes serve as the official written record of the board meeting and shall be open for public inspection once approved as official by the board but in no case later than immediately following the next regular meeting of the board. The minutes shall specify the names of commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the commissioner who proposed each motion, the commissioner who seconded each motion, and a record of all votes. In the case of a roll-call vote, the name of each commissioner voting for or against a proposal shall be recorded. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the

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board. The board must approve the minutes before they can be considered as an official record of the board. A copy of the minutes from the previous regularly scheduled meeting shall be distributed to the commissioners at least one business day before the following regularly scheduled meeting. The minutes of the previous meeting shall be corrected and approved by the board at the beginning of each regularly scheduled meeting. A majority vote is required for approval. Conflicts about the content of the minutes shall be decided by majority vote. Upon being approved, the minutes shall be signed by the chairman and attested to by the clerk of the board of commissioners.

10. Order of Business. All regular board meetings should follow an established order of business. The order is as follows:

- I. Call to Order
 - Invocation
 - Pledge of Allegiance
- II. Recognition of Guests
- III. Approval of Minutes
- IV. Approval of Consent Agenda
- V. Scheduled Appointments
- VI. Department Head Reports
- VII. Business Issues
- VIII. Public Comments
- IX. Adjournment

11. Decorum. All commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the chairman and not to individual commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A commissioner may not speak at a meeting until he has been recognized by the chairman. All comments made by a commissioner shall address the motion that is being discussed. The chairman shall enforce these rules of decorum. If a commissioner believes that a rule has been broken, he can raise a point of order. A second is not required. The chairman can rule on the question or he can allow the board to debate the issue and decide the issue by majority vote.

12. Public Participation. Public participation in meetings of the board of commissioners shall be permitted in accordance with the provisions of this section.

A. Public Comments. The final agenda item of the meeting shall be reserved for comments from the public. All members of the public who wish to address the board must submit their name and the topic of their comments to the county administrator

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at least five business days before the board meeting. These individuals will be allotted five minutes to make their comments and their comments must be limited to their chosen topic. These limits can be waived by a majority vote of the board.

B. Public Participation on Agenda Items. By a majority vote, the board may allow public comment on an agenda item at the time the item is being considered by the board. These comments must be limited to the subject that is being debated. Members of the public may speak for five minutes and may only speak once. These limits can be waived by a majority vote of the board. Anyone wishing to speak at any board meeting must be recognized by the chairman before addressing the board.

C. Decorum. Members of the public shall not make inappropriate or offensive comments at a board meeting and are expected to comply with the rules of decorum that are established for commissioners. Individuals who violate any rules of the board may be ruled out of order by the chairman or on a point of order made by a commissioner. A majority vote of the board will rule on the point of order. An individual who violates the rules of decorum may be removed from the meeting at the direction of the chairman.

D. Public Hearings. The board may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the board. Hearings may be held immediately prior to or following a meeting of the board or at such other places and times as the board may determine. No official action shall be taken at any such public hearing.

13. Parliamentarian and parliamentary procedures. The county attorney shall act as the parliamentarian for board meetings. Parliamentary procedural rules, where not otherwise declared by state law or county ordinance, shall be as set out in *Robert's Rules or Order*, which the County adopts for its parliamentary rules. (Revised-5/1/07)

14. Amendments to Rules. Any amendments to the rules of order must be submitted by a commissioner in writing to the county administrator five business days before a regular meeting of the board. The proposed amendment shall be included in the agenda for that meeting and distributed to all board members. All amendments require a two-thirds vote of the board to be adopted.

15. Regular Meetings. Regular meetings of the board of commissioners shall be held at 1:30 p.m. on the first Tuesday of each month. All regular meetings shall be held in the county site in the Commissioner Meeting Room of the Bryan County Courthouse. A notice

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containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the board.

16. Special Meetings and Rescheduled Regular Meetings. A regular meeting may be canceled, rescheduled or moved to a new location within the county site by the chairman for any reason. Other special meetings may be scheduled by the chairman or at the request of two commissioners. Whenever a rescheduled regular meeting or any other special meeting is to be held at a time or place other than the regularly scheduled time or place, written notice of the change shall be posted for at least 24 hours at the place of the regular meetings. In addition, written or oral notice shall be given by the clerk at least 24 hours in advance of the meeting to either the legal organ of the county or a newspaper having a general circulation at least equal to that of the legal organ and to each member of the county governing authority.

17. Emergency Meetings. When emergency circumstances occur, the board may hold a meeting with less than 24 hours notice to the public. When such meetings are to be held, the clerk shall provide notice to the legal organ of the county or a newspaper with a general circulation at least equal to that of the legal organ and to each member of the county governing authority as soon as possible. The notice shall include the subjects expected to be considered at the meeting. In addition, the minutes shall reflect the reason for the emergency meeting and the nature of the notice given to the media.

18. Executive Sessions. Executive sessions of the board may be held for the purpose of conducting business excepted from public access requirements as authorized by 50-14-2 and 50-14-3 of the Official Code of Georgia Annotated. Where a meeting of the board is devoted in part to matters within the authorized exceptions to public access requirements, any portion of the meeting not subject to any such exceptions shall be open to the public. No executive session shall be held except pursuant to a majority affirmative vote of the board of commissioners taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for the executive session and the specific reasons for the executive session. Minutes of the executive session may be maintained by the clerk of the board of commissioners at the direction of the chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosures of such portions of minutes identifying real estate to be acquired by the board may only be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings have been initiated.

19. Suspending the Rules of Order. Rules of order may be suspended in the case of an emergency. A motion to suspend the rules requires a second, is debatable and requires a

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two-thirds vote of the board. Rules governing quorum (Sub-Paragraph 2), voting methods and requirements (Sub-Paragraph 3 and 4), the notification to commissioners of meetings (Sub-Paragraph 16 and 17) and rules necessary for compliance with state law cannot be suspended.

20. Committees. The chairman, with the concurrence of the board, may create committees of members of the board to study any issue before the board. Any such committees may make recommendations to the board of commissioners but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to board members, committees may include other county officials, staff or citizens at large. Whenever a committee is created, its duties, any limitation on the scope of its duties, and the times, places and periods of time for which the committee may operate shall be determined by the chairman with the concurrence of the board. The chairman shall serve as an ex officio member of all committees.

21. Visual and Sound Recordings. Visual, sound, and visual and sound recordings shall be permitted for all public meetings.

1-102 County Clerk. The duties of said clerk shall be to keep a permanent minute book and properly record all acts, motions and official duties of said board, including an accurate account of all moneys expended for any and all purposes. The Clerk may be removed from office by a majority vote of said board at any time said board deems such removal wise and proper for the best interests of the County. If permanently removed from duty the county clerk shall be paid forthwith the salary and accumulated annual leave due and the county clerk's salary for the next three calendar months following adoption of a resolution for removal. If the county clerk is removed from malfeasance, misfeasance, or nonfeasance in office, the salary of the county clerk shall not be paid. In the event of a vacancy in the office of the clerk of said board, his or her successor shall be elected by a majority vote of the membership of said board. The clerk's salary shall be fixed by said board and whose term of office shall expire at the pleasure of said board.

1-103 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.

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2. No ordinance or resolution shall be adopted until it has been read or presented in written form at a regularly scheduled or special meeting of the board of commissioners. 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 the "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 there to shall be entered upon the journal of the proceedings of the board.

3. The board of commissioners may adopt any standard code of technical regulations by reference thereto in an adopting ordinance or resolution.

4. Introduction and adoption of ordinances, resolutions, and other matters.

- a. Except for emergency ordinances under subsection b. of this section, no ordinance shall be adopted until it has been read or presented in written form at two meetings of the Board of Commissioners held not less than one week apart.
- b. To meet a public emergency threatening life, health, property, or public peace, the Board of Commissioners 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 the 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 a majority of the members of the Board of Commissioners present at such meeting 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 30th day following the date in which it was adopted but, if the emergency still exists, the automatic repeal of the ordinance or resolution shall not prevent its re-enactment 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. (Amended July 7, 1998)

1-104 Signing, Authentication, and Recording. Every ordinance or resolution adopted by the board of commissioners shall be submitted to the county clerk as promptly as practicable

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following its adoption. The county clerk shall authenticate by signature and record in full all ordinances and resolutions adopted by the board in a properly indexed book kept for such purposes, which shall be a public record and open to the 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 may require.

1-105 Chairman; Powers and Duties. 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;
2. Preside at meetings of the board of commissioners and to serve in all respects as a member of the board;
3. 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;
4. Be recognized as the official head of the board of commissioners by the courts for the purpose of receiving service or civil process, by the governor for the purpose of the military law, and for all ceremonial purposes;
5. Call special meetings of the board of commissioners as provided herein;
6. 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;
7. Conduct all meetings of the board of commissioners in accordance with Paragraph 1-101;
8. Perform such additional duties as may be required by law or ordinances or resolutions of the board of commissioners.

1-106 County Administrator; Appointment, Qualifications,

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1. There shall be a county administrator who shall be elected by a majority vote of the total membership of the board of commissioners. The county administrator shall be chosen solely on the basis of executive and administrative qualifications and need not be a resident of Bryan County or of the state at the time of selection. The county administrator shall be nominated and selected as provided in this subsection. The county administrator shall not engage in any other business or occupation.

2. The county administrator may be permanently removed or suspended from duty by a two-thirds vote of the total membership of the board of commissioners. If permanently removed from duty the county administrator shall be paid forthwith the salary and accumulated annual leave due and the county administrator's salary for the next three calendar months following adoption of a resolution for removal. If the county administrator is removed from malfeasance, misfeasance, or nonfeasance in the office, the salary of the county administrator for the next three months shall not be paid.

3. The county administrator shall receive such compensation as shall be fixed by the board of commissioners.

4. The county administrator shall be responsible to the board of commissioners for the proper and efficient administration of the affairs of the county government and shall have the following powers and duties;

(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 employees as authorized by the Board.

(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 administrator or by officers subject to said officer's supervision and control, are faithfully executed and enforced;

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(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 administrator may not vote on any question before the board of commissioners;

(7) 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 and provide a balanced budget for the board of commissioners review.

(8) 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 the end of each fiscal year and at such times as the board of commissioners may direct;

(9) 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;

(10) To keep the board of commissioners 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;

(11) 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;

(12) To exercise and perform such other or additional duties and assignments as may be required by the board of commissioners.

1-107 County Attorney; Appointment, Removal, and Qualifications: There shall be a county attorney who shall be selected by the board of commissioners and elected by a majority vote of the total membership of the board. The county attorney may be removed by the same majority vote of the total membership of the board. 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.

1-108 County Attorney; Compensation and Disclosure. The county attorney shall receive such compensation as shall be fixed by the Board of Commissioners.

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1-109 County Attorney; Powers; Duties; Requests for Opinions; and conflicts

1. The county attorney shall:

(1) Provide legal advice, to and represent Bryan County. In doing so, the county attorney's duties include advising and representing the governing authority, sheriff, tax commissioner, clerk of superior court, probate court judge, officials and employees of the county.

(2) Advise the governing authority and other county officers and employees on their power and duties under the law, the prepared ordinances and legal documents, and to represent the county and its officers in legal proceedings;

(3) 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;

(4) Perform such other duties as may be required by law, ordinance, or resolution of the Board of Commissioner.

2. Legal opinions may be requested by any member of the Board of Commissioners but other requests for legal opinions shall be made through the Chairman of the Board of Commissioners or through the county administrator.

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 Commissioners shall determine if the county government is obligated to provide representation for such county official or employee.

(1) The county attorney should clearly communicate with the governing authority and any affected county officers concerning the nature of representation;

4. The county attorney should communicate with the governing authority and any affected county officers particularly regarding settlements and discussions of proposed terms of settlements.

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5. The county attorney should counsel the governing authority and affected county officers and employees on the value of cooperation as a means towards the productive resolution of disputes.

1-110 Commissioners Authority Relative to Employees - Except for the purpose of inquiry and information, individual Commissioners shall deal with county employees solely through the County Administrator and shall not give orders or directions to any such employees, either publicly or privately, directly or indirectly. The above restriction shall not apply to the Chairman of the Commission, or in his absence, the Vice Chairman of the Commission, either of who shall have the right to deal with or give orders or directions to county employees on the behalf of the entire Commission, provided that such dealings, orders or directions are within the lawful power of the Commission as set forth in the ordinances of the County of Bryan, and Georgia Law.

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