

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to SB 423:

A BILL TO BE ENTITLED
AN ACT

1 To reestablish the Board of Commissioners of Newton County; to supersede the laws
2 pertaining to the governing authority of Newton County; to provide for a board of
3 commissioners, commissioner districts, a chair of the board, a county manager, a clerk to the
4 board, and ethics provisions; to provide for meetings, agendas, and the conduct of meetings;
5 to provide for budgeting, audits, financial condition, and approval of expenditures; to provide
6 for the repeal of existing enabling legislation and other conflicting laws; to provide for
7 related matters; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 The laws pertaining to the governing authority of Newton County shall be superseded by this
11 Act to reestablish the Board of Commissioners of Newton County as follows:

12 **"ARTICLE 1**

13 **BOARD OF COMMISSIONERS**

14 **SECTION 1-101.**

15 **Creation of board of commissioners.**

16 (a) There is created in and for the County of Newton a chair and board of commissioners
17 to be elected and organized as provided for in this Act. The chair and board of
18 commissioners shall exercise the powers, duties, and responsibilities vested in and upon
19 said officers by the provisions of this Act. The term 'board' or the term 'commission,'
20 whenever used in this Act, shall mean the board of commissioners of Newton County,
21 including the chair and all members.

22 (b) The board of commissioners of Newton County in existence immediately prior to the
23 effective date of this Act is continued in existence, but on and after the effective date of this
24 Act shall be constituted as provided in this Act. The board of commissioners of Newton

25 County so continued and constituted shall continue to have the powers, duties, rights,
 26 obligations, and liabilities of that board as existed immediately prior to the effective date
 27 of this Act.

28 (c) Those members of the board who are serving as such immediately prior to the effective
 29 date of this Act and any person selected to fill a vacancy in any such office shall continue
 30 to serve as such members until the regular expiration of their respective terms of office and
 31 upon the election and qualification of their respective successors.

32 (d) On and after the effective date of this Act, the board of commissioners of Newton
 33 County shall consist of five members, all of whom shall be elected from commissioner
 34 districts described in Section 1-102 of this Act.

35 **SECTION 1-102.**

36 Commissioner districts.

37 (a) For purposes of electing members of the board of commissioners, Newton County is
 38 divided into five commissioner districts. One member of the board shall be elected from
 39 each such district. The five commissioner districts shall be and correspond to those five
 40 numbered districts described in and attached to and made a part of this Act and further
 41 identified as 'Plan: newtonccsbR-2012 Plan Type: Local Administrator: Newton User: SE'.

42 (b)(1) For the purposes of such plan:

43 (A) The term Voter Tabulation District (hereinafter referred to as 'VTD') shall mean
 44 and describe the same geographical boundaries as provided in the report of the Bureau
 45 of the Census for the United States decennial census of 2010 for the State of Georgia.
 46 The separate numeric designations in a district description which are underneath a
 47 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in
 48 the report of the Bureau of the Census for the United States decennial census of 2010
 49 for the State of Georgia; and

50 (B) Except as otherwise provided in the description of any district, whenever the
 51 description of any district refers to a named city, it shall mean the geographical
 52 boundaries of that city as shown on the census maps for the United States decennial
 53 census of 2010 for the State of Georgia.

54 (2) Any part of Newton County which is not included in any district described in this
 55 section shall be included within that district contiguous to such part which contains the
 56 least population according to the United States decennial census of 2010 for the State of
 57 Georgia.

58 (3) Any part of Newton County which is described in this section as being included in
 59 a particular district shall nevertheless not be included within such district if such part is

60 not contiguous to such district. Such noncontiguous part shall instead be included within
61 that district contiguous to such part which contains the least population according to the
62 United States decennial census of 2010 for the State of Georgia.

63 (c) Commissioner Districts 1 through 5, as they exist immediately prior to the effective
64 date of this Act, shall continue to be designated as Commissioner Districts 1 through 5,
65 respectively, but as described under this Act; and, on and after the effective date of this
66 Act, such members of the board serving from those former commissioner districts shall be
67 deemed to be serving from and representing their respective districts as newly described
68 under this Act.

69 **SECTION 1-103.**

70 Board of commissioners.

71 (a) There shall be elected to the board of commissioners of Newton County one member
72 from each of the commissioner districts who shall be elected only by the qualified voters
73 of the commission district that member represents.

74 (b) The members of the reconstituted board of commissioners of Newton County shall be
75 elected as provided in this subsection.

76 (1) The first members from Commissioner Districts 1, 3, and 5 shall be elected at the
77 general election on the Tuesday next following the first Monday in November, 2016.
78 Those members of the board elected thereto from Commissioner Districts 1, 3, and 5 in
79 2016 shall take office the first day of January immediately following that election and
80 shall serve for initial terms of office which expire December 31, 2020, and upon the
81 election and qualification of their respective successors.

82 (2) The terms of office of the members from Commissioner Districts 2 and 4 in office
83 on December 31, 2016 shall expire on December 31, 2018. The members from
84 Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday
85 next following the first Monday in November, 2018. Those members of the board elected
86 thereto from Commissioner Districts 2 and 4 in 2018 shall take office the first day of
87 January immediately following that election and shall serve for initial terms of office
88 which expire December 31, 2022, and upon the election and qualification of their
89 respective successors.

90 (3) All future successors to members of the board whose terms of office are to expire
91 shall be elected at the time of the state-wide general election immediately preceding the
92 expiration of such terms, shall take office the first day of January immediately following
93 that election, and shall serve for terms of office of four years each. Members of the board

94 shall serve for the terms of office specified therefor in this subsection and until their
95 respective successors are elected and qualified.

96 (c) No person shall be eligible to represent a commission district unless that person is at
97 least 21 years of age and has been a resident of Newton County at least 12 months and is
98 a resident of the district from which the person offers as a candidate. In the event a
99 member moves the member's residence from the district being served, that place on the
100 board shall immediately become vacant.

101 (d) The board of commissioners of Newton County shall be the legislative, policymaking
102 body of Newton County. Said board shall exercise all of the powers, duties, and
103 responsibilities hereinafter provided for, as well as all other powers, duties, and
104 responsibilities which are vested in governing authorities of the counties of this state by the
105 Constitution and general laws of Georgia. Without limiting the general legislative powers
106 of the board to undertake and transact such business as is necessary for the orderly conduct
107 of county affairs, the following powers are vested in the board of commissioners and
108 reserved to its exclusive jurisdiction:

109 (1) To adopt and provide for the execution of such ordinances, resolutions, rules, and
110 regulations, not inconsistent with this Act or state law, as may be necessary or proper for
111 the purpose of carrying into effect the powers conferred by this Act and state law and for
112 the promotion and protection of the safety, health, peace, security, environment, and
113 general welfare of the inhabitants of Newton County;

114 (2) To adopt, and from time to time amend, the budget;

115 (3) To levy taxes, make appropriations, and fix the rates of all other charges;

116 (4) To authorize the incurring of indebtedness;

117 (5) To set the salary and wage ranges and numbers of employees in each range at the first
118 meeting of each fiscal year or as part of the budget approval process;

119 (6) To authorize and provide for the execution of contracts;

120 (7) To establish, alter, open, close, build, repair, or abolish public roads, private ways,
121 and bridges, according to law;

122 (8) To exercise all power, duty, and authority in respect to zoning and planning;

123 (9) To establish a yearly work plan and set all specifications for work to be done in the
124 county;

125 (10) To determine the priority of capital improvements;

126 (11) To make periodic inspections of county properties and of the work being carried on
127 by the county;

128 (12) To appoint the county manager and county clerk as provided in this Act and enter
129 into contracts of employment for these positions;

- 130 (13) To enter into contracts of employment for needed professional services, including
131 but not limited to legal, accounting, and auditing services; and
- 132 (14) To accept, for the county, the provisions of any optional statute where the statute
133 permits its acceptance by the governing authority of the county.
- 134 (e)(1) Except as otherwise provided in this Act, the board shall not enter into
135 administrative acts.
- 136 (2) Except as otherwise provided in this Act, members of the board shall not contact
137 employees or personnel of the county in relation to any duty or work habits of said
138 employee, or to request any service or actions on the part of said employee except
139 through the county manager. This limitation shall not limit contact by members of the
140 board as a matter of inquiry to obtain information necessary to allow said members to
141 carry out their duties.
- 142 (f)(1) The board shall develop and maintain a work plan, outlining the work that shall
143 be taken up under the direction of the chair and manager for each fiscal year.
- 144 (2) The work plan shall not authorize action or set forth any expenditures which would
145 cost in excess of the amount of funds budgeted.
- 146 (g)(1) Prior to January 1, 2021, the members of the board shall receive an annual base
147 salary which shall be equal to 20 percent of the base salary of the sheriff. Beginning
148 January 1, 2021, the members of the board shall receive an annual base salary of
149 \$25,000.00.
- 150 (2) Cost-of-living increases shall be added to the base salary equivalent to the average
151 percentage of the general increase in salary as may from time to time be granted to the
152 executive, judiciary, and legislative branches of state government, as calculated by the
153 State Office of Planning and Budget.
- 154 (3)(A) Members of the board shall receive reimbursement for actual and necessary
155 expenses, excluding mileage or transportation costs, when the members are out of town
156 overnight on county business.
- 157 (B) The members of the board shall receive reimbursement for mileage driven on
158 county business in a personal vehicle. Such reimbursement shall correspond to the rate
159 per mile authorized for employees of the State of Georgia. Reimbursements shall be
160 paid only upon presentation of an itemized statement of expenses and mileage.
- 161 (h)(1) In the event a vacancy occurs on the board by death, resignation, or otherwise, and
162 the unexpired term for such office exceeds 180 days before the date of election for such
163 office, it shall be the duty of the county election superintendent to call a special election
164 to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The
165 election shall be held as provided by Chapter 2 of Title 21 of the Official Code of

166 Georgia Annotated, and the cost of the election shall be defrayed by the county governing
167 authority.

168 (2) In the event a vacancy occurs on the board by death, resignation, or otherwise, and
169 the unexpired term for such office is 180 days or less before the date of election for such
170 office, the remaining members shall appoint a person to fill such vacancy until a
171 successor takes office after the next general election.

172 (3) Any person appointed by the board to fill a vacancy shall reside within the
173 commission district in which said vacancy occurred, and any person elected to fill a
174 vacancy shall reside within the commission district in which said vacancy occurred and
175 shall be elected in the same manner as the member whose position is vacant.

176 **SECTION 1-104.**

177 Board of commissioners chair.

178 (a) There shall be a chair of the board of commissioners of Newton County ('chair') who
179 shall be elected by the qualified electors of the entire county.

180 (b) The first chair shall be elected at the general election on the Tuesday next following
181 the first Monday in November, 2016. The chair elected thereto in 2016 shall take office
182 the first day of January immediately following that election and shall serve for an initial
183 term of office which expires December 31, 2020, and upon the election and qualification
184 of the chair's respective successor. Thereafter, successors to the chair shall be elected at
185 the general election which is conducted in that year in which the term of office expires, and
186 shall take office on the first day of January following such election for a term of four years
187 and until a successor is duly elected and qualified.

188 (c) No person shall be eligible to serve as chair unless that person is at least 21 years of
189 age and has been a resident of Newton County for at least 12 months immediately
190 preceding the date of the election. In the event the chair moves residence from Newton
191 County, the office of chair shall be declared vacant.

192 (d) The chair shall be the chief executive officer of Newton County. The following
193 powers and duties are vested in the chair:

194 (1) To be the official spokesman for the county government and the chief advocate of
195 policy as established by the board;

196 (2) To be available to the constituency, citizens, and civic associations on a regular basis;

197 (3) To preside at all meetings of the board;

198 (4) To coordinate with the county manager in setting the agenda for regular and specially
199 called meetings of the board;

200 (5) To vote in the event of a tie;

- 201 (6) To veto acts of the governing authority approved by no more than three members,
202 provided that:
- 203 (A) Any such veto, in order to be effective, shall be provided by the chair in writing,
204 including an identification of the reason or reasons for the veto, to the county clerk no
205 more than eight days after the occurrence of the act;
- 206 (B) The county clerk shall provide a copy of the veto to the other members of the
207 governing authority within five business days of receipt of the veto; and
- 208 (C) No later than 60 days after the date of the receipt of the veto by the county clerk,
209 the veto may be overturned by a vote of at least four members of the governing
210 authority at any regularly scheduled meeting of the governing authority;
- 211 (7) To execute ordinances and resolutions on their final passage and sign deeds, bonds,
212 contracts, and other instruments and documents in any case in which the general laws of
213 this state or any ordinance or resolution of the board so require or authorize;
- 214 (8) To issue proclamations honoring and recognizing the achievements and contributions
215 of citizens;
- 216 (9) To coordinate intergovernmental activity among municipalities, other counties, state,
217 and federal agencies;
- 218 (10) To represent the board in matters involving the relationship of the county
219 government with elected county officers;
- 220 (11) To coordinate with the county legislative delegation on matters that impact county
221 government;
- 222 (12) To coordinate with the Chamber of Commerce and encourage economic
223 development;
- 224 (13) To represent the county government at ceremonial functions;
- 225 (14) To submit a list of qualified candidates for the position of county manager as
226 provided in this Act;
- 227 (15) To ratify the removal of the county manager as provided in this Act;
- 228 (16) To call special meetings of the board of commissioners as provided in this Act;
- 229 (17) To coordinate with the county manager on the implementation of the work plan
230 approved by the board; and
- 231 (18) To perform such additional duties as may be required by law or ordinances or
232 resolutions of the board.
- 233 (e) Acts of the chair shall be binding unless four members of the board shall make their
234 objections known within 30 days of an act, stating the reasons therefor, at an official
235 meeting of the board, or if a meeting is not scheduled to be held prior to said action by the
236 chair becoming effective, then four members of the board shall make their objections
237 known to the chair, in writing, stating their objections and the reasons therefor, and said

238 action by the chair shall be stayed until the next official meeting of the board. At such
239 official meeting of the board, at least four of the members of the board may vote to
240 override the action of the chair and thereby render this prior action nugatory.

241 (f) Should the chair fail to exercise any of the duties provided for by law, a member of the
242 board, at the next regular meeting, may bring a written accusation against such chair
243 outlining the duties that such chair failed to exercise, and order said chair to show cause
244 why such duties have not been exercised. Such accusation shall be entered in the minutes
245 of the meeting. The chair shall then be afforded an opportunity to respond to such charges
246 and show cause why such duties have not been exercised, if in fact such duties were not
247 exercised. Such response shall also be entered in the minutes of the meeting. If, after such
248 accusation, response, and further discussion, a majority of the members of the board,
249 excluding the chair, feels that it is necessary for the welfare of the county to compel such
250 chair to exercise such duties, the board may exercise the duty themselves or may make a
251 written request to the Judge of the Superior Court of Newton County to issue a writ of
252 mandamus commanding the chair to exercise such duties.

253 (g)(1) The salary of the chair shall be as set forth by 'An Act to Provide for a Change in
254 the Compensation of the Sheriff, the Tax Commissioner, the Judge of the Probate Court,
255 the Clerk of the Superior Court, and the chairman of the Board of Commissioners of
256 Newton County to Reflect Increases in the Cost of Living; to Define Certain Terms; to
257 Provide an Effective Date; to Repeal Conflicting Laws; and for Other Purposes,'
258 approved April 6, 1981 (1981 Ga. Laws, p. 3304), and amended March 21, 1989 (1989
259 Ga. Laws, p. 3983) and March 25, 1994 (1994 Ga. Laws, p. 4156) or as otherwise
260 determined by the General Assembly.

261 (2) Cost-of-living increases shall be added to the base salary equivalent to the average
262 percentage of the general increase in salary as may from time to time be granted to the
263 executive, judiciary, and legislative branches of state government, as calculated by the
264 State Office of Planning and Budget.

265 (3)(A) The chair shall receive reimbursement for actual and necessary expenses,
266 excluding mileage or transportation costs, when the chair is out of town overnight on
267 county business.

268 (B) The chair shall receive reimbursement for mileage driven on county business in a
269 personal vehicle. Such reimbursement shall correspond to the rate per mile authorized
270 for employees of the State of Georgia. Reimbursements shall be paid only upon
271 presentation of an itemized statement of expenses and mileage.

272 (h)(1) In the event a vacancy occurs in the office of chair by death, resignation, or
273 otherwise, and the unexpired term for such office exceeds 180 days before the date of
274 election for such office, it shall be the duty of the county election superintendent to call

275 a special election to elect a successor and fill the vacancy in not less than 30 nor more
 276 than 60 days. The election shall be held as provided by Chapter 2 of Title 21 of the
 277 Official Code of Georgia Annotated, and the cost of the election shall be defrayed by the
 278 county governing authority.

279 (2) In the event a vacancy occurs in the office of chair by death, resignation, or
 280 otherwise, and the unexpired term for such office is 180 days or less before the date of
 281 election for such office, a majority of the members of the board shall appoint a person to
 282 fill such vacancy until a successor takes office after the next general election.

283 **SECTION 1-105.**

284 County manager.

285 (a) There is hereby created the office of county manager of Newton County, hereinafter
 286 at times referred to as 'manager'.

287 (b)(1) The manager shall be appointed by a majority of the members of the board from
 288 a list of qualified candidates to be provided by the chair. Provided sufficient applications
 289 are received, the chair shall submit at least three candidates for consideration by the
 290 board. In the event less than three candidates are submitted, all applications shall be
 291 provided to the board for review and determination of whether additional candidates
 292 should be added to the list provided by the chair.

293 (2) The terms and conditions of the manager's appointment shall be provided for by
 294 contract to be approved by the board.

295 (3) The manager shall serve at the pleasure of the board; however, any decision to
 296 remove the manager shall be ratified by the chair. If the chair does not ratify a decision
 297 to remove the manager, the manager may only be removed by the vote of at least four
 298 board members.

299 (c) The manager shall be the administrative officer of Newton County and shall be
 300 responsible for the proper and efficient administration of all affairs of the county, except
 301 as otherwise provided in this Act or by law. It shall be the duty of the manager:

302 (1) To ensure all laws and ordinances of the county are enforced;

303 (2) To implement the work plan approved by the board and coordinate with the chair on
 304 the implementation of the work plan;

305 (3) To exercise control over all departments or divisions of the county, including:

306 (A) Facilitating internal and external communication throughout all levels of the
 307 organization;

308 (B) Assisting departments with the resolution of problems that require the attention of
 309 count management; and

- 310 (C) Informing the chair on departmental activities;
- 311 (4) To manage and supervise county staff and department heads with the exception of
- 312 employees of other elected county officials and the board of tax assessors, including the
- 313 following:
- 314 (A) To hire, determine compensation within the range approved by the board, train,
- 315 evaluate performance, discipline, and terminate classified employees in coordination
- 316 with the Human Resources Director and in accordance with the county's personnel
- 317 policies;
- 318 (B) To appoint department heads subject to ratification by the board and to train,
- 319 determine compensation within the range approved by the board, evaluate performance,
- 320 discipline, and terminate department heads; provided, however, that department heads
- 321 shall have a right to appeal any termination decision to the board; and
- 322 (C) To report to the board monthly on all positions to be filled in the ensuing month
- 323 and all suspensions or replacements thereof which took place in the prior month. All
- 324 said reports shall be spread upon the minutes of the board;
- 325 (5) To supervise and regulate all purchase of materials and supplies for Newton County
- 326 within such limitations and under such rules and regulations as may be imposed by the
- 327 board;
- 328 (6) To supervise the performance of all contracts for work done and services provided
- 329 for Newton County and provide recommendations to the board on contract renewals;
- 330 (7) To keep the board fully advised as to the financial condition and needs of the county
- 331 as provided in this Act;
- 332 (8) To work with the finance director and consult with the chair in the development of
- 333 the annual budget as provided in this Act;
- 334 (9) To oversee and participate in the resolution of inquiries and complaints from the
- 335 public and other organizations;
- 336 (10) To attend all meetings of the board with the right to brief the board on pending
- 337 agenda items and take part in the discussions, provided that the manager shall have no
- 338 vote on any matter or issue before the board;
- 339 (11) To respond to inquiries and provide commissioners with information on the status
- 340 of county operations and projects;
- 341 (12) To provide analysis as needed to assist the board to make informed policy decisions;
- 342 (13) To report to the chair regarding day to day operations and preparation of
- 343 preliminary agenda items; and
- 344 (14) To perform such other duties as may be required by the board.

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SECTION 1-106.

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Board of commissioners clerk.

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(a) The board shall have the authority to appoint a clerk and deputy clerks by affirmative vote of three of the members of the board, and the clerk shall serve at the pleasure of the board.

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(b) The clerk shall keep all books and records of the board and shall perform all duties required to keep the board's office open and all records open to public inspection as required by law.

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(c) The clerk shall receive such compensation as shall be determined by the board.

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SECTION 1-107.

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Ethics.

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(a) It is essential to the proper administration and operation of the Newton County government that public officials be, and give the appearance of being, independent and impartial; that public office not be used for private gain; and that there be public confidence in the integrity of Newton County public officials. Because the attainment of one or more of these ends is impaired whenever there exists in fact, or appears to exist, a conflict between the private interests and public responsibilities of Newton County public officials, the chair and members of the board shall adhere to all ethical standards established by all applicable general laws of the State of Georgia and by the Newton County Code of Ethics and any such ordinance or ordinances as may be adopted from time to time by the board with respect to the conduct of such public officials.

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(b) The chair and members of the board shall, before entering upon the duties of their office, make oath before the Judge of the Probate Court of said county to faithfully administer all things and affairs coming under their jurisdiction as county commissioners to the best interests of the county and to carry out the provisions of this Act.

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(c)(1) The chair and members of the board, before entering upon their duties of office, shall give a good and sufficient bond to be approved by the Judge of the Probate Court of said county in the sum of \$10,000.00 for the faithful discharge of their duties as county commissioners.

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(2) For any violations or neglect of duty as provided by this Act, said bonds shall become actionable, suit thereon to be brought in the name of the Judge of the Probate Court of said county, for the use of any person damaged thereby, or for the County of Newton for any breach thereof by malfeasance or misfeasance in office or for any tort, or wrong committed under color of office.

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379 ARTICLE 2

380 MEETINGS OF THE BOARD OF COMMISSIONERS

381 SECTION 2-101.

382 Meeting schedule.

383 (a) No later than December of each year, the board shall set the regular meeting schedule
384 for the upcoming year. Said meeting schedule shall include a minimum of one meeting per
385 month.

386 (b) There shall be such other special called meetings or work sessions as may be called by
387 the chair or three board members during each month.

388 SECTION 2-102.

389 Agenda.

390 (a)(1) The chair and county manager shall coordinate on the placement of items on the
391 agenda which shall be prepared by the clerk.

392 (2) Any matters which any individual member of the board wishes to be brought before
393 the board shall be submitted to the clerk, in writing, with a copy to the chair and county
394 manager.

395 (b) Board members shall be provided with a copy of the agenda and all supporting
396 documentation as required by the Georgia Open Meetings Act and as otherwise required
397 by any Newton County local procedural rules. If the local rules conflict with the Open
398 Meetings Act, the Open Meetings Act shall control.

399 (c) The agenda shall be approved by the board as required by the Georgia Open Meetings
400 Act and as otherwise required by any Newton County local procedural rules. If the local
401 rules conflict with the Open Meetings Act, the Open Meetings Act shall control.

402 (d) Notwithstanding the foregoing subsections, the failure to include on the agenda an item
403 which becomes necessary to address during the course of a meeting shall not preclude
404 consideration or action upon same.

405 SECTION 2-103.

406 Conduct of meetings.

407 (a) The chair shall preside at all meetings of the board, and in the absence of the chair, the
408 member of the board designated as vice chair shall preside and act as chair.

409 (b) Three members of the board shall constitute a quorum for the transaction of business.

410 (c)(1) Except as otherwise specified herein, the affirmative vote of at least three board
 411 members, or, in the event of a tie, two board members and the chair, shall be necessary
 412 to take official action.

413 (2) The vote of at least four board members shall be required to approve any
 414 amendments to this Act the board is authorized by law to make or to approve ordinances
 415 or resolutions changing the powers or responsibilities of the board members, chair, or
 416 county manager.

417 **ARTICLE 3**

418 **FINANCE**

419 **SECTION 3-101.**

420 **Budget.**

421 (a) The annual budget shall set forth all the anticipated revenues and expenditures for the
 422 ensuing fiscal year to begin July 1 of each year and going through June 30, setting forth in
 423 detail all categories where funds are to be received or expended. Budgeted expenditures
 424 shall not exceed the anticipated revenues of Newton County as based upon the tax digest
 425 for the current tax year as approved and upon such other moneys as were received by
 426 Newton County from all other sources during the previous fiscal year.

427 (b) The manager shall work with the finance director and consult with the chair in the
 428 development of a budget for consideration by the board. In developing the budget, the
 429 manager shall prepare the board's administrative offices budget, and review departmental
 430 budget requests and requests for appropriations. An initial draft budget shall be submitted
 431 to the board by April 1 of each year.

432 (c) Notwithstanding any other provision of any other local law to the contrary, the Judge
 433 of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax
 434 Commissioner of Newton County shall prepare budgets for the ensuing fiscal year based
 435 on the same fiscal year as the board and shall submit proposed budgets to the board by June
 436 1 of each year.

437 (d) Notwithstanding any other provision of any other local law to the contrary, with regard
 438 to the budget of any elected official of Newton County, who is required under law to
 439 submit a budget for the operation of his or her office to the board, the board shall have the
 440 power and authority to determine the amount which shall represent the final budget of said
 441 officials and only those amounts so determined by said board shall be paid from the funds
 442 of the county. After the board approves the budget of said officials, it will become the
 443 responsibility of the officials to administer the budget.

444 (e) The manager shall coordinate the scheduling of budget meetings and, in consultation
 445 with the legal counsel, ensure compliance with all legal and procedural requirements for
 446 budget adoption.

447 (f) The board shall approve a budget prior to the first day of the fiscal year; however, if for
 448 good and sufficient reasons, a budget cannot be adopted by the first day of the fiscal year,
 449 the budget shall be adopted not later than 30 days subsequent thereto. If the budget is not
 450 adopted prior to the beginning of the fiscal year, a resolution authorizing the continuation
 451 of necessary and essential expenditures to operate the county shall be adopted prior to any
 452 actual expenditure.

453 **SECTION 3-102.**

454 **Audit.**

455 (a) At the end of each fiscal year, it shall be the duty of an auditor selected by the board
 456 to audit the financial affairs and transactions of all funds and activities of the board, the
 457 Judge of the Probate Court, the Sheriff, the Clerk of the Superior Court, and the Tax
 458 Commissioner and to return said audits to the board.

459 (b) In conducting said audit, the auditor shall have the power to examine on oath the chair,
 460 any board member, or any other public official set out herein or any person serving under
 461 the board or any other public official set out herein relative to any account or item on the
 462 books and accounts or any transaction in said office.

463 (c) Said auditor shall perform its duties herein prescribed and submit a report of its
 464 findings as required by law and to the grand jury sitting at the fall term of the Newton
 465 Superior Court.

466 (d) A summarized audit statement shall be published in the county legal organ.

467 **SECTION 3-103.**

468 **Financial condition.**

469 In keeping the board fully advised as to the financial condition and needs of the county, the
 470 manager shall:

- 471 (1) Present to the board a monthly financial statement showing the revenues and
 472 expenditures of the previous month;
- 473 (2) Present and publish such other financial reports as requested by the board;
- 474 (3) Perform financial and managerial analyses pertaining to county operations and
 475 programs and other matters under consideration; and

476 (4) Gather requested information, evaluate data, and make recommendations on
477 programs and other matters under consideration.

478 **SECTION 3-104.**

479 Approval of expenditures.

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

483 (b)(1) The signature of the chair and the manager shall be required on all checks issued
484 by Newton County. In the absence of either the chair or manager, the signature of any
485 board member shall be required as the second signature.

486 (2) Any check shall be deemed to be signed with the full knowledge of the intent and
487 purposes for which said check was issued."

488 **SECTION 2.**

489 The Act creating a board of commissioners of Newton County, approved April 6, 1967 (Ga.
490 L. 1967, p. 2784), and all amendments thereto, and all other laws and parts of laws in conflict
491 with this Act are repealed.