

Oconee County Commission Legislative History Summary 12.15.11

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6. [Duties of Oconee County Commission Chairman](Oconee.BOC.Legislation.GA.Laws.1988.pdf)
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Discussion:

1. [4-30-08 History and Analysis of Oconee County's Form of Government](http://www.avoc.info/info/article.php?article=3869)

....I was first elected as a Commissioner in 1972. At that time, we had a full-time chair and no clerk and no vice-chair. The members of the Commission were called "Associates" and the fourth member was the Ordinary (now Probate Judge) who was an ex-officio member. Once the Chairman was out with a heart attack and the Ordinary, as County Treasurer, had to sign checks. The Board had no vice-chair and could not meet and conduct business.

At the time I ran, we had no posts. We all ran as a group and the "Three Highest Vote Getters" were declared winners. A person could vote for three persons. The year I ran, there were eight running and I received the highest vote with 1402 votes.

The County proceeded to amend the charter in 1975 to remove the Ordinary (Probate Judge) from the Commission, designate a Clerk and to provide for a Vice-Chairman. Four posts were designated for the four members. Basically, that structure has remained in effect.

2. [4-23-09 Oconee BOC reviews Chairman's duties, responsibilities and authority](http://www.avoc.info/info/article.php?article=4001)

No where is it written in law that the Chairman has exclusive hiring and firing authority over Department heads. Neither does the law allow the Chairman exclusive control of setting the agenda. The Chairman has "assumed" that authority in recent years with little challenge by the Board. **The "Agenda Meeting"** held before the monthly business meeting was set up 20 years ago to allow public discussion and commission input in items to be placed on the agenda.

The Board, by resolution or ordinance, can provide that hiring and firing of Department Heads shall be made by majority vote of the Board. The Board can provide that the Administrator reports to the Board and not just the Chairman. **Until the current administration, all hires of administrative principals were subject to interviews and action of the entire Board.**

The Board can address much of the current complaints about the chairman by a majority vote and adopting formal resolutions drawn by a disinterested draftsman. The Oconee “Charter” is very flexible on the issue. **SEE GA Laws 1988, Page 3546**

3. **Oconee Chair- Part-time or Full-time! A Continuing Topic 2001.pdf x**

A. **PART-TIME CHAIR:**in 1987-88, the County commissioners started looking at County Manager/Administrator operations.with input from many including UGA folks and City/County Professionals. Legislation was passed to allow for a Part-time chair who had general duties, including being the Chief Elected Official and chief executive officer. Many, Chamber, Business folks, and others (*including myself*) thought it would bring more professionalism to the county. However, the cost of a trained experienced professional manager was beyond the budgetary means of a small county with about 15 to 16,000 folks. Attempts at hiring younger persons, not experienced in management of government did not always work.

B. **DAWSON ELECTED:** When the 1987 and 1988 discussions and decisions were being made, I *had no idea, in my wildest imagination*, that I would become directly involved. However, as things progressed, we were getting a lot of rhetoric and theory on the County Government that I felt was not consistent with the “real Oconee County and its citizens” that I had observed and worked with for 18 years. I felt that the candidates who came forward were not addressing the real issues, i.e.: The Watkinsville ByPass was being planned with an At-Grade Crossing at GA 53; GA 316 was being planned with an At-Grade Crossing at Highway 78; and Oconee was at the mercy of Athens for its minimal water and sewer resources. To the surprise and consternation to clients, family and friends I got in the race at the last minute in 1988.....My motivation was that our community needed assertive, educated, experienced and seasoned leadership that would deal with many approaching growth and development challenges facing the county.

C. **SALARY CHANGE In 1993:** The \$ 12,000 a year salary during my first time caused a considerable financial strain for me and my family. I “borrowed” myself through that term. Some of my political adversaries, wanting me to give up the office, with the help of the Athens Newspaper, tried to sabotage efforts at improving the salary although I received overwhelming personal encouragement and support. I considered strongly not running again but with encouragement, I did run with the understanding and public stand that I would continue to seek equitable pay for the job. I was reelected. The salary was raised by local legislation to around \$ 31,000 in 1993, with some of my “adversaries” going along.

D. **SALARY CHANGE & “FULL-TIME CHANGE” IN 1998:** After the 96 election, the Board had not had much success with Administrators and with financial concerns needing attention that staff had not been able to address appropriately. With unanimous support of the Board, and the recommendation of the September 1997 Grand Jury, with newspaper columns supporting it, and two public acts of the Board in December 97, and January 98, Local Legislation was sought to increase the salary and tie it and its benefits to the scale applicable to the other full-time county officials. Salaries of other commissioners and Elected officials were also put on a formula that removed the requirement of having to initiate salary changes locally – usually political suicide. **THE ONLY REAL CHANGE WITH THE CHAIRMAN WAS AN ADJUSTMENT IN SALARY & REMOVAL OF THE MANDATED PART-TIME POSITION.** The Act is silent on Part-time or Full-time. **A Chairman can put in as little or as much time as he or she feels is necessary in carrying out the duties of the office.**

E. **ADMINISTRATOR/MANAGER:** *Since the Spring of 1988, Oconee County has continuously had a Professional in an Administrative/Management position. The position has been called Manager, Administrative Assistant, Administrator, Administrative Officer etc.* Administrative duties were assigned and carried out by the person based on maturity, experience and expertise. Some of the persons did well and went on to positions in other governments as they matured and gained experience.

4. **9-26-01 Oconee BOC Changes Agenda Format**

.....The agenda setting meeting (last Tuesday of each month) was never intended to deal with formal business having a wide public interest unless it was specially advertised. There is not as much public notice of items appearing on that agenda.

I have noticed more and more items appearing on the Agenda/Setting Meeting agenda and later appearing as Consent Items at the regular meeting. The Agenda Setting Meeting agenda frequently appears to be about as long as the regular meeting agenda. The risk of this procedure is that the public will often not be aware of actions taken at the less formal and less attended meetings.....

5. **Legal Brief (1978) on Oconee County Commission and Chair**

Section 9 of the 1917 Act provides for the Chairman's duties and powers. Ga. Laws 1917, page 387. Said Act provides "that the Chairman of said Board of Commissioners of Roads and Revenues shall be ex-officio superintendent of the public roads of Oconee County and shall superintend and direct the workings of the public roads...".....

The only change in the above powers found was the provision in Section 4 of the 1975 local Act providing that the Board would at its first meeting of each year thereafter designate a Clerk to record the minutes of the meetings and "perform secretarial duties for the Board and any other duties designated by the Board or its Chairman." Ga. Laws 1975, pages 3106-7.

The enumeration of duties and powers of the Chairman provided in Section 9 of the 1917 Act provides that the Chairman is a member of the Board and also its presiding officer with all of the parliamentary powers inherent in such an office. He is also a full-time county official occupying the position of the county administrator or county manager position that is employed in other counties. His duties and powers are very similar to those provided for a county manager under the county manager form of county government prescribed in GA Code Section 23-915.....

In summary, the general powers of the Oconee County Board of Commissioners is vested in the entire Board subject to a vote of the majority. This would include matters of control of county property, county budgeting, tax levying, hiring and firing of personnel under the jurisdiction of the County Board of Commissioners, county contracts, county road policy and county legislative matters.

The Chairman is a member and presiding officer of the Board of Commissioners and has inherent power as such member of the Board to participate and even preside over meetings of said Board. In addition, the Chairman has the administrative and executive duties of the Board. In this position, it is his responsibility to carry out the policies, resolutions, and other acts and also to administer the functions of said Board on a day-to-day basis.

Other than the Chairman, individual members of the Board do not have authority to take any act of a ministerial nature, including instructions to employees and control of county property. *Capes v. Morgan*, 235 Ga. 1. This would not preclude the Board from authorizing a member to act as a committee or part of a committee for investigatory matters to be acted on in a legislative capacity by the Board. The majority of the Board would also have the remedies of Court action including the Writ of Mandamus to have its acts and doings carried out by its executive officer.

6. **Duties of Oconee County Commission Chairman**

Georgia Laws 1988

3546 LOCAL AND SPECIAL ACTS AND RESOLUTIONS, VOL. II

Section 3. Said Act is further amended by striking Section 9 and inserting in its place a new Section 9 to read as follows:

"Section 9. (a) The chairman of the board of commissioners shall have the following duties and responsibilities:

(1) To act as presiding officer at all meetings of the board, including the duty of preserving order and decorum at such meetings;

(2) To state every question coming before the board and to announce the decision of the board on all subjects and to decide all questions of order, subject, however, to an appeal to the board, in which event a majority vote of the board shall govern and conclusively determine such question;

(3) To exercise the right to vote to break a tie vote;

(4) To sign all ordinances, resolutions, and contracts in behalf of the county;

(5) To execute all evidences of indebtedness incurred by the county;

(6) To act as ceremonial head of the county government; and

(7) To exercise other administrative duties that may be delegated to the chairman by the board of commissioners.

Approved February 11, 1988

1998 Legislation changed the compensation and removed the Part-time provision.

THE ONLY REAL CHANGE WITH THE CHAIRMAN WAS AN ADJUSTMENT IN SALARY & REMOVAL OF THE MANDATED PART-TIME POSITION. The Act is silent on Part-time or Full-time. A Chairman can put in as little or as much time as he or she feels is necessary in carrying out the duties of the office.

The Legislation also set up a compensation formula for all county elected officials, making it more uniform and removing some of the wide discrepancies in salaries. It also removed the rancor of periodically having to seek legislation to upgrade or adjust the salaries.