

## WHITE COUNTY BOARD OF COMMISSIONERS

### MINUTES FROM CALLED MEETING HELD FEBRUARY 26, 2007

AT 4:30 P.M.

The White County Board of Commissioners met in a called session at 4:30 P.M. in the Commissioners' Office of the White County Courthouse, Cleveland, Georgia. Present were: Chairman Chris R. Nonnemaker, Post 1 Commissioner Joe R. Campbell, Post 2 Commissioner Craig Bryant, County Manager Alton E. Brown, Chief Financial Officer Vickie Neikirk, and County Clerk Jean Welborn.

Chairman Nonnemaker called the meeting to order.

Judge David Barrett and Judge Lynn Alderman spoke to the Board of Commissioners concerning the need for a County supplement to the salary of the Superior Court Judges in order to receive a third Judge for the Enotah Circuit. Judge Barrett stated that they needed to get the Enotah Circuit supplement up to the Appalachian Circuit supplement of \$20,715.00 per year. Judge Barrett stated that the County was already paying \$22,000 in supplements (\$12,000 to Judge Barrett and \$10,000 to Judge Alderman); that the Circuit had \$20,000 in extra secretarial money that they had not spent; that they still needed \$18,750.00; that White County's portion of this (or 28%) was \$5,250.00 per year to buy a new judge; that with the new judge, the Circuit would get a third superior court judge, a new assistant District Attorney, a new Public Defender, all paid by the State, whenever the Bill would become effective.

Judge Alderman stated that there would also be a state-paid secretary with the third judge; that this would reduce the case load for the current judges and their staff. Judge Barrett stated that they would also get a new law clerk paid for by the state; that they presently had one law clerk to serve two judges.

Chairman Nonnemaker asked what the current state salary was for a superior court judge. Judge Barrett stated that it was \$108,000 and might go to \$128,000 if certain legislation passed. Chairman Nonnemaker stated that it bothered him that they had Sheriff's deputies that they could not afford to give merit pay increases, yet they were being forced by the state to give judges who were making over a \$100,000 supplements to get a third judge that would cost them more money; that there were costs associated with this, including office expenses, etc.

Commissioner Campbell stated that he felt that the demand for an additional supplement was a political move; however, he felt that the extra money that it would cost the County could be justified by getting the criminals through the jail and court system faster with another Judge; that the County was having to pay to board out prisoners in other counties; that he did not like politics to interfere with what was right for the people; that in his opinion the Circuit needed another judge; that should they let this opportunity pass, it may be 3 to 4 years before they had another chance to receive the third judge; that he felt the people would be better served if they bit the bullet and complied with this request.

Judge Barrett stated that the District Attorney made \$107,000; that the Public Defender made \$89,000. Chairman Nonnemaker stated that, to be fair, they should have supplements also.

Chairman Nonnemaker stated that this was not budgeted. Judge Barrett stated that the earliest that this would be effective was July 1. Vickie Neikirk stated that the Enotah Circuit expenses were not a part of general fund; that the Circuit had a fund balance.

Sheriff Walden stated that it cost \$35.00 per day to board out a prisoner.

Chairman Nonnemaker stated that they needed to have a meeting of the representatives of the counties in the Circuit around April. Judge Barrett stated that he had a death penalty case that should be finished by that time.

Commissioner Campbell made a motion, seconded by Commissioner Bryant, to fund the supplements for the Superior Court Judges to be paid from the fund balance of the Enotah Circuit in an amount not or exceed \$5,250 per year, or White County's pro-rated share, of the supplement in order to pay an annual \$20,000 supplement to each judge to obtain a third Superior Court Judge for the Enotah Circuit, which supplements shall go into effect at the time that the third judgeship shall become effective. The vote to authorize the supplement was unanimously adopted.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, it was unanimously voted to authorize the execution of the Right-of-Way Agreement with D.O.T. for aggregate surface course.

Upon motion made by Commissioner Bryant, seconded by Commissioner Campbell, the following Resolution was readopted to show support by the current Board of Commissioners:

**PASSED February 26, 2007**

**“WHITE COUNTY BOARD OF COMMISSIONERS**

**A RESOLUTION NO. 2007-9**

**WHITE COUNTY LOCAL ACT AMENDMENT RESOLUTION**

**A RESOLUTION TO AUTHORIZE THE GENERAL ASSEMBLY, ON BEHALF OF WHITE COUNTY, GEORGIA, TO AMEND THE LOCAL ACT FOR WHITE COUNTY, GEORGIA, BEING THE LOCAL ACT APPROVED ON FEBRUARY 2, 1988 (GA. L. 1988, P. 3515); TO AUTHORIZE THE EXPANSION OF THE WHITE COUNTY, GEORGIA BOARD OF COMMISSIONERS FROM A THREE MEMBER BOARD TO A FIVE MEMBER BOARD; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM FOR DECIDING WHETHER TO EXPAND SAID BOARD; AND FOR OTHER PURPOSES.**

**WHEREAS**, the Georgia General Assembly approved, on February 2, 1988 (Ga.L. 1988, p. 3515), a new Local Act for White County, Georgia; and

**WHEREAS**, the Board of Commissioners of White County, Georgia, in response to citizen sentiment, to accommodate the population growth; and to insure the responsiveness of county government to the needs of the citizens, finds it necessary and appropriate for the board of commissioners to be expanded from a three member board to a five member board, with said members to be elected by an at large vote; and

**WHEREAS**, the Georgia General Assembly has the full and complete power to enact and amend the Local Acts of a Georgia county, including, but not limited to, White County, Georgia;

**NOW, THEREFORE, BE IT RESOLVED** by the White County, Georgia

Board of Commissioners, pursuant to its Local Act and general law, and it is hereby resolved by the authority of same, as follows:

**SECTION 1. AMENDMENT TO LOCAL ACT REQUESTED TO EXPAND THE BOARD TO A FIVE (5) MEMBER BOARD.**

- (a) White County, Georgia, by and through its duly authorized Board of Commissioners, does hereby request and authorize the local Legislative Delegation to introduce a Bill in the General Assembly to amend its Local Act, located at Ga. L. 1988, p. 3515, as approved February 2, 1988, to expand its board of commissioners from a three member board to a five member board, with said board members to be elected by the county at large, from their respective districts, as more particularly described in that draft legislation attached hereto as Exhibit "A," which is incorporated herein by reference. The local Legislative Delegation is requested and authorized to tender a Bill to the General Assembly of Georgia providing for said expansion upon the approval of the General Assembly, and with the Local Bill being substantially similar to the draft Bill attached hereto as Exhibit "A", and upon the further approval of the citizens of White County via a referendum to be held in accordance with the provisions of said Bill. However, the local Legislative Delegation is authorized to change the provisions of this proposed Bill in any procedural manner, in order to comply with the requirements of the General Assembly regarding local acts.
- (b) The White County Board of Commissioners do also hereby approve any changes recommended by the local Legislative Delegation in order to pass the proposed Bill.

**SECTION 2. COUNTY AGENTS ARE AUTHORIZED TO PERFORM NECESSARY ACTS TO HAVE PASSAGE OF THE AMENDMENT TO THE LOCAL ACT AND EXPAND THE BOARD.**

The White County, Georgia Board of Commissioners does hereby authorize the local Legislative Delegation, and the appropriate agents of the White County,

Georgia, including but not limited to the Board Chairman, County Clerk, County Manager, and the County Attorney, to perform and do any and all necessary acts in order to have passage of a Local Act providing for the expansion of the board of commissioners, with said acts including but not limited to the passage of this resolution, the certification of this resolution, any and all acts by the local Legislative Delegation to have the General Assembly pass a Local Act allowing said expansion, and for agents of the County to perform any and all acts to complete the passage of the Local Act. Said agents are further authorized to proceed forward with any referendum authorized by any Local Act passed by the General Assembly. Finally, said agents are also authorized to perform any and all acts, should the electors of White County, Georgia approve the expansion, to expand the Board of Commissioners to a five (5) member Board.

**SECTION 3. EFFECTIVE DATE.**

The resolution shall be effective upon passage.

**SECTION 4. REPEAL OF CONFLICTING RESOLUTIONS.**

Any and all prior resolutions or any parts thereof that are in conflict with this resolution are repealed to the extent of the conflict.

**SO RESOLVED**, this 26th day of February, 2006.

**WHITE COUNTY BOARD OF  
COMMISSIONERS**

By: s/Chris R. Nonnemaker  
Chris R. Nonnemaker, Chairperson

s/Joe R. Campbell  
Joe R. Campbell, Commissioner  
Post 1

s/Craig Bryant  
Craig Bryant, Commissioner  
Post 2

Attest:

s/Jean Welborn  
Jean Welborn, County Clerk”

**GEORGIA GENERAL ASSEMBLY**

**A BILL TO BE ENTITLED  
AN ACT**

**TO CREATE A FIVE (5) MEMBER WHITE COUNTY BOARD OF  
COMMISSIONERS**

To amend an Act entitled “White County—Board of Commissioners; Re-creation; Referendum,” approved February 2, 1988 (Ga. L. 1988, p. 3515), so as to provide that the board of commissioners of White County shall be composed of a chairperson and four commissioners; to provide that the chairperson shall be elected from the county at large; to provide for the board’s duties and authority; to provide the commissioners shall each reside in one of four districts; to provide for election of members at large; to provide for qualifications; to provide for commissioner districts; to provide for an oath of office and bond; to prescribe the duties of the chairperson; to provide for the appointment and duties of a vice chairperson; scheduling of regular meetings and other meetings; compensation and expenses of the chairperson and members of the board; internal organization of the county; appointment of the county manager; appointment of the county attorney; preparation, submission, review, adoption and amendment of budgets; expenditures of county funds; adoption of a purchasing policy; audit of county finances and financial records; filling vacancies on the board; submission of this Act; referendum submitting the Act to the electorate; enactment of the Act after approval; repeal in its entirety an Act creating the Board of Commissioners of White County, approved February 2, 1988 (Georgia Laws 1988, page 3515), and the repeal of conflicting laws.

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

**SECTION I**

**An Act creating the board of commissioners of White County, approved February 2, 1988 (Ga. L. 1988, p. 3515), is amended by striking Sections 1 and all subsequent sections and inserting in lieu thereof the following:**

**SECTION 1. CREATION AND COMPOSITION**

- a) The purpose of this Act is the creation of a five-member White County Board of Commissioners elected and organized as provided for in this Act. The five-member Board of Commissioners shall be the successor to the three-member Board of Commissioners and shall continue to have the obligations and liabilities of the three-member Board of Commissioners as they existed immediately prior to January 1, 2009. The five-member Board of Commissioners shall constitute the governing authority of White County and shall exercise the powers, duties and responsibilities vested in and upon officers by the provisions of this Act. The term “board,” whenever used in this Act, shall mean the five-member Board of Commissioners of White County including the chairperson and all members.
- b) The Board of Commissioners of White County shall consist of a chairperson and four additional district commissioners. The four district commissioners shall be residents of their respective commissioner districts described in subsection (c) of this section, but shall be elected at large as provided in Section 3 of this Act. The chairperson shall be a resident of White County and elected at large as provided in Section 3 of this Act.
- c) For the purpose of electing members of the board of commissioners, White County shall be divided into four commissioner districts. One member of the board shall be elected for each such district. Those districts shall consist of the described territory of White County contained in the description attached to this Act and made a part hereof and further identified as: “Operator: local Client: white Plan: whit\_\_\_\_\_.”

d) When used in such attachment, the term "Census Tract" shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia.

e) Any part of White County not included in any district shall be included within the contiguous district containing the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of White County described, as being in a particular district shall not be included within such district if such part is not contiguous to the district. Such noncontiguous part shall instead be included with that district contiguous to such part containing the least population according to the United States decennial census of 2000 for the State of Georgia.

## **SECTION 2. DUTIES AND AUTHORITY**

a) The board of commissioners shall have the power and authority to fix and establish, by appropriate resolution entered on its minutes, policies, rules and regulations governing all matters reserved to its exclusive jurisdiction. Such policies, rules and regulations, when so adopted shall be conclusive and binding. The board of commissioners shall exercise only those administrative powers necessary and proper to its functions as a policy-making body, which is necessary to compel enforcement of its adopted resolutions. The following powers are vested in the board of commissioners and reserved to its exclusive jurisdiction:

- 1) Levy taxes.
- 2) Fix fees.
- 3) Make appropriations.
- 4) Fix rates and charges for services provided by the county.
- 5) Authorize the incurring of indebtedness.
- 6) Authorize and provide for the execution of contracts.
- 7) Establish, alter, open, close, build, repair or abolish public roads, bridges and ferries according to law.
- 8) Accept for the county the provisions of any optional statute where the statute permits its acceptance.
- 9) Exercise all powers, duties and authority in respect to planning and zoning.
- 10) Create and change the boundaries of special taxing districts authorized by law.
- 11) Fix the bonds of county officers when not fixed by statute.
- 12) Enact any resolutions, ordinances or other legislation, which the county has authority to enact.
- 13) Determine the priority of capital improvements.
- 14) Call elections for the approval of bonds
- 15) Exercise or delegate all of the power and authority granted to the board of commissioners by law.
- 16) Appoint a county manager, legal counsel and an independent county auditor.

### SECTION 3. ELIGIBILITY

- a) No person shall be a member of the board if that person is ineligible for such office pursuant to O.C.G.A. Section 45-2-1, (Persons ineligible to hold civil office; vacation of office; validity of acts performed while in office) or any other applicable general law.
- b) In order to be elected as a member of the board of commissioners, a person shall:
  - 1) designate the commissioner district for which they are offering.
  - 2) be eighteen (18) years of age or older.
  - 3) be a citizen of the State of Georgia.
  - 4) have been a full time resident in the district for at least twelve (12) months prior to the election.
  - 5) be a qualified elector eligible to vote for members of the General Assembly.
  - 6) receive the requisite number of votes cast for that office by the electors of the entire county.
  - 7) continue to reside in the district during the term of office or that office shall become vacant.
- c) The chairperson of the board shall:
  - 1) be twenty-one (21) years of age or older.
  - 2) be a citizen of the State of Georgia.
  - 3) have been a full time resident of White County for at least twelve (12) months prior to the election.
  - 4) be a qualified elector eligible to vote for members of the General Assembly.
  - 5) receive the requisite number of votes cast for that office by the electors of the entire county.
  - 6) continue to reside within White County during term of office or that office shall become vacant.
- d) The following persons are ineligible to hold the office of chairperson or member of the board of commissioners and the existence of any facts relating to the following shall be sufficient reason for vacating any office held by such person.
  - 1) Persons who have refused or failed when called upon after reasonable opportunity to account for and pay over public money to the proper officer.
  - 2) Persons convicted and sentenced for a felony involving moral turpitude under the laws of this state, or any other state when the offense is also a felony in this state, unless restored to all rights of citizenship by a pardon from the State Board of Pardons and Paroles.

- 3) Persons of unsound mind and who, from advanced age or bodily infirmity, are unfit to discharge the duties of the office.
- 4) Persons constitutionally disqualified for any cause.

#### **SECTION 4. ELECTION**

a) The nomination and election of the chairperson and members of the board shall be in accordance with the provisions of O.C.G.A. Section 21-2-1, et seq. (Georgia Election Code).

b) The chairman and members of the board in office on the effective date of this Act shall complete the terms for which they were elected. The term of the chairman shall expire on December 31, 2008, and when a successor is elected and qualified. The Post 1 and Post 2 commissioners elected on November 7, 2006, and having taken office on January 1, 2007, shall serve out their terms of four (4) years until December 31, 2010, and when their respective successors are duly qualified and elected. Upon the effective date of the five (5) member Board of Commissioners, being January 1, 2009, the Post 1 Commissioner shall be designated as the District 2 Commissioner and the Post 2 Commissioner shall be designated as the District 1 Commissioner, and both shall become part of the five (5) member Board of Commissioners, and having the same duties, responsibilities and obligations as any member of the five (5) member Board of Commissioners, including but not limited to being a resident of their district during their term of office.

c) The chairperson and commissioners for District No. 3 and District No. 4 elected in 2008 shall take office on January 1, 2009 and shall serve terms of four (4) years and until their successors are duly elected and qualified.

d) All future successors to the chairperson and commissioners shall be elected at the general state-wide election immediately preceding the expiration of such terms and shall take office on the first day of January in the year following that election and shall serve for terms of four (4) years and until their successors are duly elected and qualified.

#### **SECTION 5. OATH OF OFFICE AND BOND**

Before entering upon the discharge of their duties, the chairperson and commissioners shall subscribe an oath before the judge of the probate court for the true and faithful performance of their duties and that they are not the holders of any unaccounted public funds. In addition, the chairperson and each commissioner shall give a satisfactory surety bond to the judge of the probate court in the sum of \$10,000.00, conditioned upon the faithful performance of the duties of the office. The county treasury shall pay the costs of said bonds.

#### **SECTION 6. CHAIRPERSON**

a) The chairperson shall preside over the meetings of the board of commissioners. The duties of the chairperson shall include, but not be limited to, the following:

- 1) Call meetings of the board as provided in Section 8 of this Act.
- 2) Preside at meetings of the board.
- 3) Represent the county government at ceremonial functions.
- 4) Submit motions to the board of commissioners for action.
- 5) Appoint members and chairpersons to all committees of the board with the approval of the board of commissioners.

- 6) Vote on any question or issue before the board.
- 7) Perform such other duties as shall be delegated to the chairperson by the board of commissioners or as provided by law or resolution.

#### **SECTION 7. VICE CHAIRPERSON**

At the first regular meeting of each year, the board of commissioners shall elect from its members a vice chairperson and shall serve for the calendar year in which elected. In the event of death, disqualification or resignation of the chairperson, the vice chairperson shall perform the duties and exercise the authority of the chairperson until the election of a new chairperson. The vice chairperson shall preside at meetings of the board of commissioners in the absence of the chairperson. When the vice chairperson presides at a meeting, he or she shall be entitled to vote on any question or issue before the board. In the event of a vacancy in the office of vice chairperson, the board of commissioners shall elect a new vice chairperson to serve for the remainder of the calendar year.

#### **SECTION 8. MEETINGS**

The board of commissioners shall hold a minimum of one regular meeting each month at the county seat. The board in the first meeting of the year shall determine the time, date and place of the meetings. The board of commissioners may hold additional meetings as necessary at the request of the chairperson or any three (3) commissioners and pending the notification of all members of the board. Any three (3) commissioners or the chairperson and any two commissioners shall constitute a quorum. The board of commissioners shall take no official action except upon the affirmative vote of at least three (3) members of the board and compliance with Chapter 14 of Title 50 of the O.C.G.A., (Open and Public Meetings).. The board shall conduct all regular and called meetings according to Robert's Rules of Order.

#### **SECTION 9. COMPENSATION**

- a) The salary of the Chairperson of the Board of Commissioners shall be twenty five percent (25%) of the White County Sheriff's remuneration plus any supplements set by the Official Code of Georgia, Annotated Sections 15-16-20 (a) (b) and 15-16-20.1.
- b) The salary of each Commissioner shall be twenty percent (20%) of the White County Sheriff's remuneration plus any supplements set by the Official Code of Georgia, Annotated Sections 15-16-20 (a) (b) and 15-16-20.1.
- c) The Chairperson and Commissioners shall be permitted to participate in the White County Retirement Program and the White County Insurance Program on the same terms as employees enrolled in the programs.
- d) The Chairperson and Commissioners shall also be reimbursed for actual and reasonable expenses incurred in the conduct of their official duties.
- e) Provided, however, that the provisions of this subsection shall not become effective until the reelection of the chairman or commissioner or the election of a new chairman or commissioner.

#### **SECTION 10. ORGANIZATION**

The board of commissioners may alter the internal organization of county government by abolishing existing departments, transferring functions to other departments, creating additional departments and consolidating departments.

## **SECTION 11. COUNTY MANAGER**

a) A desire for increased efficiency, effectiveness and equity in service delivery underlies decisions to enhance professionalism by the appointment of a county manager as the county's chief executive officer. The formal allocation of executive authority to a qualified manager ensures professional knowledge of operations and enhances the county's recruiting edge in the pursuit of talented professionals.

b) In the commission-manager form of government, the board of commissioners fills the primary policymaking role of the county but assigns the day-to-day executive role to a professional manager whom the board appoints based on administrative qualifications and experience.

c) The board of commissioner's shall employ a county manager having at least a bachelor's degree in public administration or a related field and at least five (5) year's experience in county or city management. The county manager shall serve at the pleasure of the board of commissioners and shall receive such salary as determined by the board of commissioners.

d) The board retains ultimate control over operations of county government through the board's authority to remove the manager at any time deemed necessary or appropriate. Although clearly subordinate to the board of commissioners, the board grants the county manager substantial executive authority commensurate with executive ability.

e) The manager:

- 1) has an advisory role in policy formulation and direct responsibility in policy implementation.
- 2) has authority to appoint and remove department managers and county employees,
- 3) reports directly to the full board of commissioners.

f) The county manager's authority over departmental operations, personnel and budget development is extensive, but the commission's ultimate control over the manager is absolute.

g) Typical duties include:

- 1) supervising the conduct of county employees.
- 2) administering county laws and resolutions.
- 3) exercising control over county departments.
- 4) examining the accounts and records of county departments.
- 5) supervising the performance of contracts.
- 6) performing all other duties delegated by the board of commissioners.

## **SECTION 12. COUNTY ATTORNEY**

The county attorney advises the board of commissioners on its powers and duties under the law. He or she is required to attend meetings to provide immediate legal advice and to keep abreast of county programs and problems. Upon request, the county attorney prepares resolutions, local acts, contracts and other legal documents. He or she also advises county officers on official legal matters, represents the county in court and serves as parliamentarian to the board. The county attorney also provides legal advice pertaining

to pending or potential litigation or other judicial actions in an executive session. He or she must be in attendance of executive sessions in order to invoke the attorney-client privilege.

### SECTION 13. BUDGETS

- a) The intent of this Section is to provide:
  - 1) budget, accounting and auditing requirements to provide taxpayers an opportunity to gain information concerning the purposes for which revenues are spent.
  - 2) a mechanism to assist the board of commissioners in carrying out their lawful responsibilities.
  - 3) for the collection and reporting of information to assist taxpayers and the board of commissioners in understanding and evaluating the county service delivery and operations.
- b) Fiscal Year. The fiscal year is from July 1 to June 30.
- c) Balanced budget. The board of commissioners shall operate under an annual balanced budget for the general fund, each special revenue fund and each debt service fund in use by the county.
- d) Adoption. The board of commissioners shall adopt a balanced budget by resolution.
- e) Amendments. Nothing contained in this Section shall preclude the board of commissioners from amending its budget to adapt to changing needs during the budget period. Amendments shall be made as follows:
  - 1) Any increase in appropriations, whether accomplished through a change in revenues or a transfer of appropriations among departments, shall require the approval by resolution of the board of commissioners.
  - 2) Transfers of appropriations within any department or fund with the exception of salary and benefit accounts shall require only the approval of the budget officer.
- f) Uniform charts of accounts. The board of commissioners shall adopt uniform charts of accounts prepared by the Department of Community Affairs.
- g) Budget officer. The board of commissioners shall appoint a budget officer.
- h) Preparation of proposed budget. The budget officer shall prepare a proposed budget for the ensuing budget period. The proposed budget document shall:
  - 1) be an estimate of the financial requirements for each fund and shall be in such form and detail with such supporting information and justifications as may be prescribed by the budget officer or the board of commissioners.
  - 2) provide a statement of the amount budgeted for anticipated revenues and expenditures by department for each fund for which a budget is required.
- i) Submission to the board of commissioners. The budget officer shall submit the proposed budget to the board of commissioners on the date established by the board of commissioners.

j) Public review of proposed budget.

1) On the day that the budget officer submits the proposed budget to the board of commissioners, the county clerk shall place a copy in a public location convenient to the residents of the county.

2) During the week in which the budget officer submits the proposed budget to the board of commissioners, the county clerk shall publish a statement advising the residents of the availability of the proposed budget.

3) At least one week before the budget hearing, the county clerk shall give notice of the time and place of the budget hearing.

4) The county clerk shall publish the notices required by Sections (j) (2) and (j) (3) in a newspaper of general circulation located within the jurisdiction of the board of commissioners. These statements shall be a prominently displayed advertisements or news articles and not published in the section of the newspaper where legal notices appear.

k) Conduct of budget hearing. At least one week prior to the meeting at which adoption of the budget resolution will be considered, the board of commissioners shall conduct a public hearing at which time any persons wishing to be heard on the budget may appear.

1) Nothing in this Code section shall be deemed to preclude the conduct of further budget hearings if the board of commissioners deems such hearings necessary and complies with the requirements of Section (j)(3).

m) Adoption of budget resolution. After the conclusion of the hearing(s), the board of commissioners shall adopt a budget resolution making appropriations in such sums the board deem sufficient whether greater or less than the sums presented in the proposed budget. The budget resolution shall be adopted at a public meeting which shall be advertised in accordance with the procedures set forth in subsection (j)(3) of this section at least one week prior to the meeting.

n) Form of budget. The budget may be prepared in any form that the board of commissioners deems most efficient in enabling the fiscal policy decisions embodied in the budget.

#### **SECTION 14. EXPENDITURES**

All expenditures of county funds shall be in accordance with the county budget, amendments or policies adopted by the board of commissioners. The budget officer shall enforce compliance with this provision and to this end shall institute a system of allotments of all moneys appropriated and budgeted.

#### **SECTION 15. PURCHASING**

a) The board of commissioners' financial policy is the basic framework for the Financial Management Policy, which provides guidance for the procurement of goods and services in compliance with procurement provisions of the County and the State of Georgia. The goal of this policy is to establish, foster and maintain the following principles:

1. Consider the best interests of the County in all transactions.
2. Purchase without prejudice, seeking to obtain the maximum value for expenditures.
3. Subscribe to and work for honesty and truth in purchasing.

## SECTION 16. AUDITS

The board of commissioners shall on or before the final day of the month following the end of each fiscal year employ a certified public accountant for an annual audit of county finances and financial records. The accountant shall perform a complete audit of the financial records of the county for the preceding fiscal year, noting any irregularities and reporting the results to the board of commissioners. Each annual report submitted to the board of commissioners shall be available for public inspection.

## SECTION 17. VACANCY

a) In the event of a vacancy occurring on or after the date that the chair person or commissioner take office for any reason other than expiration of term, the vacancy shall be filled as follows:

1) In the event a vacancy occurs within six (6) months or more remaining in the unexpired term of office, the election superintendent shall within fifteen (15) days after the vacancy occurs issue the call for a special election to elect a successor to be held in not less than thirty-(30) or more than sixty-(60) days. The provisions of O.C.G.A. 21-2-1, *et seq.* (Georgia Election Code) shall govern the election. A person elected in the special election shall take office immediately upon certification of the results of the election.

2) In the event a vacancy occurs with less than six (6) months remaining in the unexpired term of office, the position shall remain vacant until the scheduled election. Immediately after being elected, the newly elected commissioner shall be sworn in and take office.

b) If such vacancy is in the office of chairperson, the vice chairperson shall exercise the power's and duties of the chairperson for the period beginning on the date the vacancy occurs and ending on the date the successor chairperson takes office."

## SECTION II

If more than one-half of the votes cast in such special election provided for in Section III of this Act are for approval of a five-member board of commissioners, the Act creating the Board of Commissioners of White County, approved on February 2, 1988 (Georgia Laws 1988, page 3515) shall be repealed on January 1, 2009. Further, if more than one-half of the votes cast in such special election provided for in Section III of this Act are for approval of a five-member board of commissioners, the Act amending the act creating the Board of Commissioners of White County, approved on January 13, 1977 (Georgia Laws 1977, page 2717) shall be repealed on January 1, 2009.

## SECTION III

a) It shall be the duty of the of White County Board of Commissioners to require the submittal of this Act, pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended, to the Attorney General for approval.

b) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the White County election superintendent shall:

1) call and conduct an election for the submittal of this Act to the electors of White County for approval or rejection.

2) conduct this election in November, 2007 on the date provided by O.C.G.A. Section 21-2-540.

3) cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of White County.

4) ensure that the ballot shall have written or printed thereon the words:

- ( )YES      “Shall the governing authority of White County be changed to a five-member board of commissioners to be composed of a chairperson elected at large and four additional
- ( )NO      district commissioners elected at large with compensation for each and a county manager to be employed by the board of commissioners?

c) If more than one-half of the votes cast are for approval of changing the board of commissioners to a five-member board, this Act shall become effective as provided in this Act. The repeal of this Act shall automatically occur if more than one-half of the votes cast reject changing the board of commissioners to a five-member board.

d) The expense of such election shall be borne by White County. It shall be the election superintendent’s duty to certify the result thereof to the Secretary of State.

**SECTION IV.**

Except as otherwise provided in Section III of this Act, this Act shall become effective upon its approval by the Governor or upon becoming law without such approval. If more than one-half of the votes cast in such special election provided in Section III of this Act are for approval of changing the governing authority of White County to a five-member board of commissioners, this Act as to the creation of a five (5) member board of commissioners shall become effective on January 1, 2009.

**SECTION V.**

The enactment of this Act shall result in the repeal of all laws and parts of laws in conflict with this Act.”

Upon motion made by Commissioner Bryant, seconded by Commissioner, it was unanimously voted to exit to the work session.

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Chris R. Nonnemaker, Chairman

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Joe R. Campbell, Post 1

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Craig Bryant, Post 2

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Jean Welborn, County Clerk