



The Enabling
Legislation

Senate Bill 423

A Breakdown for
Newton County Residents

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Be
Informed



Senate Bill 423

Breakdown for Newton County Residents



This document provides a breakdown of **Senate Bill 423**, which reestablishes the Board of Commissioners (BOC) in Newton County. The key points are explained in simpler terms to help residents understand the legislation and its impact. After each section, a space is provided for personal notes.

Additional Information about Senate Bill 423:

The document, **Senate Bill 423**, was created by Georgia state legislators, specifically ****Senators Jeffares of the 17th District**** and ****VanNess of the 43rd District****, as outlined in the bill. It was passed by the Georgia General Assembly, which means that it became law after being approved by both the state legislature and signed by the governor.

Can it be changed or edited?

Yes, the legislation can be changed or amended, but this requires going through a formal legislative process. Here's how it can be changed:

- 1. Amendment Process:** To modify this bill, new legislation (an amendment) must be proposed, debated, and passed by the Georgia General Assembly. The amendment would need to be voted on by state lawmakers, just like the original bill.
- 2. Local Influence:** If residents or local officials believe that changes are needed, they can work with their state representatives to draft and propose amendments to the bill. The change would still require approval by the state legislature.
- 3. Who Can Edit It:** Only lawmakers in the Georgia General Assembly can propose changes to this law. Local officials or the Newton County Board of Commissioners cannot change or edit the law themselves but can advocate for changes through legislative representatives.

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Senate Bill 423 Breakdown

1. Board of Commissioners (BOC) -Article 1

SECTION 1- 101. CREATION OF BOARD OF COMMISSIONERS

Creation of the Board

The Newton County Board of Commissioners will have **five members**, including **a chair**. The chair will represent the whole county, while each of the other members will represent one of five districts.

Note:

Commissioner Districts

SECTION 1- 102. COMMISSIONER DISTRICTS

Newton County is divided into five districts, and one commissioner will be elected from each district. The election map is based on the 2010 census.

Note:

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Board Members' Elections and Terms
SECTION 1- 103. BOARD OF COMMISSIONERS

Elections for board members happen in November during the general elections. Once elected, members serve four-year terms. Commissioners must be at least 21 years old and have lived in Newton County for at least one year.

Note:

2. Powers of the Board-Section D (1-14)

The BOC has the power to:

- Make laws (ordinances) to maintain safety, health, and welfare.
- Create and manage the county's budget.
- Approve contracts and spending.
- Oversee public roads and zoning.
- Appoint key staff such as the county manager and clerk.

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3. Chair of the Board

SECTION 1- 104. BOARD OF COMMISSIONERS CHAIR

The Chair is elected by all county residents and serves as the chief executive officer (CEO) of the county. Duties include:

- Representing the county and acting as a spokesperson.
- Presiding over meetings and voting in case of a tie.
- Vetoing certain decisions, but a majority of the board can overturn this.

Note:

4. County Manager

SECTION 1- 105. COUNTY MANAGER

The County Manager handles day-to-day operations and administration. Duties include:

- Enforcing laws and ordinances.
- Supervising county staff.
- Managing the county's budget and contracts.

The County Manager is **appointed by the board** and serves at its pleasure.

Note:

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5. Clerk of the Board

SECTION 1- 106. BOARD OF COMMISSIONERS CLERK

The Clerk keeps the board's records and ensures meetings are properly documented. The Clerk is **appointed by the board** and serves at its pleasure.

Note:

6. Ethics and Conduct

SECTION 1- 107. ETHICS

Board members and the Chair must avoid conflicts of interest, act impartially, and abide by the Georgia state ethics rules. Each board member must take an oath of office and provide a \$10,000 bond to ensure faithful service.

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7. Meetings- Article 2

SECTION 2- 101 MEETING SCHEDULE

The board must hold at least one meeting per month. Special meetings can be called by the Chair or at least three board members. Meetings are conducted by the Chair, or the Vice-Chair if the Chair is absent.

Note:

8. Agenda

SECTION 2- 102. AGENDA

- Agenda Setup: The Chair and County Manager decide what goes on the agenda, which the Clerk prepares.
- Adding Items: Board members can suggest items by submitting them in writing to the Clerk, with copies to the Chair and County Manager.
- Agenda Distribution: The agenda and necessary documents are provided to board members, following the Georgia Open Meetings Act. If there's a conflict with local rules, the state law wins.
- Approval: The agenda needs board approval as per the Open Meetings Act.
- Late Additions: If something urgent comes up that wasn't on the agenda, it can still be discussed during the meeting.

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Note:

9. Meetings

SECTION 2- 103. CONDUCT OF MEETINGS

- **Presiding Officer:** Chair runs the meetings; if absent, the Vice Chair takes over.
- **Quorum:** At least three members are needed to conduct business.
- **Voting:**
 - Most decisions need a majority vote (three members or two plus the Chair in a tie).
 - Major changes, like amendments or altering board powers, need at least four votes.

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10. Finance- Article 3

SECTION 3- 101. BUDGET

The board oversees the county's budget, ensuring that expenditures do not exceed income. The County Manager works with the Finance Director to develop the budget, and elected officials must submit their proposed budgets by June 1 each year.

Note:

Audits:

SECTION 3- 102

At the end of each fiscal year, an auditor reviews the county's financial transactions and reports to the board.

Note:

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Financial Conditions:
SECTION 3- 103

The County Manager must:

1. Provide the board with a monthly financial report showing last month's income and expenses.
2. Prepare other financial reports as requested by the board.
3. Analyze financial and managerial aspects of county operations and programs.
4. Collect information, assess data, and make recommendations on programs and other matters under review.

Note:

11.Approval of Spending

SECTION 3- 104. APPROVAL OF EXPENDITURES

All county expenses must be approved by the board, and checks require the signatures of the Chair and the County Manager (or a board member in case of absence).

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Additional Information

This bill repeals any previous laws that conflict with its terms.

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Glossary

1. Act:

A law that has been passed by the legislative body (in this case, the Georgia General Assembly) and signed by the Governor.

2. Administrative Acts:

Tasks related to the day-to-day management of the county. The Board of Commissioners generally delegates administrative duties to the County Manager.

3. Audit:

A formal examination of the county's financial records to ensure accuracy and transparency. The audit is conducted by an independent auditor.

4. Board of Commissioners (BOC):

The governing body responsible for managing the affairs of Newton County. It consists of five elected members, including a chair.

5. Bond:

A sum of money or guarantee that board members and the chair must provide to ensure they will faithfully perform their duties. If they fail to meet their responsibilities, the bond can be claimed for damages.

6. Budget:

A financial plan outlining the county's expected revenues (income) and expenditures (spending) for the upcoming fiscal year.

7. Chair (Chairperson):

The chief executive officer of the Board of Commissioners. The chair is elected by the entire county and oversees meetings, represents the county, and can veto certain decisions.

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8. Clerk (of the Board):

An official responsible for maintaining the records of the Board of Commissioners, preparing meeting agendas, and ensuring transparency.

9. Commissioner Districts:

The geographic areas within Newton County from which members of the Board of Commissioners are elected. There are five such districts.

10. County Manager:

The person appointed by the Board of Commissioners to manage the day-to-day operations of the county, including supervising staff and administering the county's budget.

11. Ethics Provisions:

Rules that ensure the board members and chair act impartially, without conflicts of interest, and adhere to ethical standards required by Georgia law and Newton County's local code.

12. Expenditure:

Money spent by the county government, often outlined in the budget and approved by the Board of Commissioners.

13. Fiscal Year:

A 12-month period used for budgeting and financial reporting. In Newton County, the fiscal year runs from July 1 to June 30.

14. General Election:

An election held every two years in November, where voters elect public officials, including members of the Board of Commissioners.

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15. Legislative Powers:

The authority of the Board of Commissioners to create and pass laws (ordinances) for Newton County.

16. Ordinance:

A law or regulation passed by the local government, such as the Newton County Board of Commissioners. It governs local matters such as zoning, public safety, and infrastructure.

17. Quorum:

The minimum number of board members that must be present to conduct official business. For the Newton County BOC, a quorum is three members.

18. Resolution:

A formal statement or decision adopted by the Board of Commissioners that does not have the same binding legal power as an ordinance but expresses the Board's intentions or policies.

19. Special Election:

An election held outside the general election cycle, usually to fill a vacant position on the Board of Commissioners or other local offices.

20. Super Majority Vote:

A vote that requires more than a simple majority, typically two-thirds or three-fourths of the total votes, to pass a motion or make a decision. In the case of Newton County's Board of Commissioners, certain actions may require a super majority vote (e.g., overriding a veto).

21. Veto:

The power of the chair to reject or block a decision made by the Board of Commissioners. The veto can be overturned by a majority or super majority of the board.

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22. Voter Tabulation District (VTD):

A geographic area defined by the U.S. Census used to count votes during elections. The districts in Newton County are based on VTDs.