

STATE OF GEORGIA

COUNTY OF CLAYTON

ORDINANCE NO. 2013 – 73

AN ORDINANCE TO AMEND THE CODE OF CLAYTON COUNTY, GEORGIA, AS AMENDED SPECIFICALLY PART II, CHAPTER 2, ARTICLE 2, SECTION 2-56 BY DELETING IT IN ITS ENTIRETY AND SUBSTITUING A NEW SECTION 2-56 ENTITLED “BOARD AND AUTHORITY MEMBERS APPOINTMENT; REMOVAL; LENGTH OF SERVICE; NUMBER OF TERMS”; TO REPEAL CONFLICTING LAWS, ORDINANCES, AND RESOLUTIONS; TO PROVIDE AN EFFECTIVE DATE OF THIS ORDINANCE; AND FOR OTHER PURPOSES.

WHEREAS, Article 9, section 2, paragraph I (a) et seq. of the Constitution of Georgia empowers the governing authority of Clayton County with the legislative power to adopt reasonable ordinances and /or resolutions relating to its, property, affairs and local government for which no provision has been made by general law and which are not inconsistent with the Constitution of Georgia; and

WHEREAS, the Board of Commissioners is responsible for the appointment of members to certain County Boards and Authorities in accordance with Georgia and local laws establishing those various Boards and Authorities; and

WHEREAS, the Board of Commissioners established a policy for the appointment of members to those Boards and Authorities which is set forth in Section 2-56 of the Code of Ordinances of Clayton County; and

WHEREAS, the Board of Commissioners desire to amend the policy as it relates to the Board of Commissioners’ authority to remove members of those Board and Authorities; and

WHEREAS, the Board of Commissioners desire to amend the Code of Clayton County, as amended, specifically Part II Chapter 2 Article 2 Section 2-56 by deleting it in its entirety and substituting a new Section 2-56.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF
CLAYTON COUNTY AND IT IS HEREBY ORDAINED:**

Section 1. The Board of Commissioners hereby amends the Code of Clayton County, Georgia as amended, specifically Part II, Chapter 2, Article 2, Section 2-56 by deleting it in its entirety and substituting a new Section 2-56 as follows:

Sec. 2-56. – Board and authority members; appointment; removal; length of service; number of terms.

(1) Unless otherwise provided by law, every member of a board or authority shall have appointments of members by a nomination process and vote of the participating members of the board of commissioners. Provided, however, the individual in nomination must have received at least three affirmative votes of the board of commissioners to be appointed to a board or authority.

(2) As a vacancy occurs on a board or authority, appointments, reappointments or appointments to fill unexpired terms shall likewise be filled by a nomination process as set forth above.

(3) Unless otherwise provided by law, board and authority members are required at the time of their appointment and for the duration of their appointment, to reside in the county. Further, unless otherwise provided by law, members of the boards and authorities may be removed by order of the board of commissioners for: (i) misfeasance, malfeasance, nonfeasance, (ii) absence from two consecutive meetings of the board or authority, (iii) abstention from voting other than for reasons constituting disqualification to the satisfaction of a majority of a quorum of the board on a record vote, or (iv) upon a finding of a violation of any state or local law pertaining to ethics for members of a board or authority pursuant to the procedures applicable to those laws.

(4) a. All members of a board or authority shall be subject to the applicable provisions of the O.C.G.A. tit. 45, ch. 10, including without limitation O.C.G.A. §§ 45-10-3 through 45-10-5 (Code of Ethics for members of boards, commissions, and authorities). Provided, however the "board of commissioners" shall be substituted for the "governor" in these sections, where applicable.

b. Persons appointed to serve on any board or authority shall be prohibited from doing business with any county board or authority or with the county, except where permitted by law and where the contract for goods or services does not exceed \$250,000.00. The prohibition shall apply only to persons who own 25 percent or more of the business. The prohibition set forth above likewise does not apply to individuals who own stock as part of a company employee stock ownership program or as part of an individual retirement account, a mutual fund or other investment account.

(5) Unless otherwise provided by law, the terms for members of the boards and authorities appointed after the date of this enactment shall be three years.

Section 2. In the event any section, paragraph, subpart, sentence, clause, phrase, or word of the Ordinance shall be declared or adjudged unconstitutional or invalid by any Court, such declaration or adjudication shall not affect the remaining portions of this Ordinance which shall remain in full force and effect as if the portions declared invalid or unconstitutional had never been enacted into law.

Section 3. All laws, ordinances or resolutions, or parts thereof, in conflict with provisions of this ordinance are hereby repealed.

Section 4. This Ordinance shall become effective following its approval by the Board of Commissioners. Any person currently serving on a Board or Authority that does business with a Board or Authority or the County shall have thirty days from the effective date of this ordinance to dissolve its business relationship or resign from the Board or Authority.

SO ORDAINED, this the 12th day of March 2013.

CLAYTON COUNTY BOARD OF COMMISSIONERS



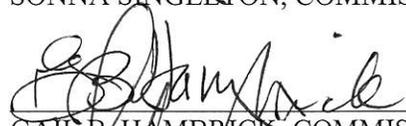
JEFFREY E. TURNER, CHAIRMAN



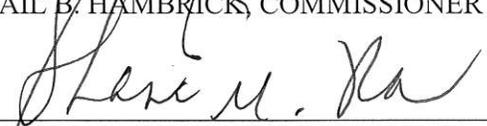
MICHAEL EDMONDSON, VICE-CHAIRMAN



SONNA SINGLETON, COMMISSIONER



GAIL B. HAMBRICKS, COMMISSIONER



SHANA M. ROOKS, COMMISSIONER

ATTEST:



SHELBY D. HAYWOOD, CLERK