

ORDINANCE NO. 10-01

**AN ORDINANCE TO AMEND SECTIONS 7, 10 AND 14 OF THE LOCAL ACT CREATING THE MILLER COUNTY BOARD OF COMMISSIONERS RELATING TO MEETING DATES, CHECK SIGNATURES AND INTERESTS IN CONTRACTS, SAID AMENDMENT ENACTED UNDER THE HOME RULE POWERS SET FORTH AT ART. I, SEC. 2, PAR. 1 (b) (1) OF THE GEORGIA CONSTITUTION**

WHEREAS, Section 7 of the Local Act creating the Miller County Board of Commissioners, as adopted by the Georgia General Assembly in 1983, presently provides that the Board shall hold regular meetings on the first Tuesday of each month at the county courthouse; and

WHEREAS, Section 10 of the Local Act creating the Miller County Board of Commissioners, as adopted by the Georgia General Assembly in 1983, presently provides that all county checks are to be signed by the Chairman of the Board and the County Clerk; and

WHEREAS, Section 14 of the Local Act creating the Miller County Board of Commissioners, as adopted by the Georgia General Assembly in 1983, presently provides that no county officer may have an interest in any contract to which the county is a party; and

WHEREAS, the governing authority of Miller County has determined from its experience under said provisions that certain amendments thereto would provide for more effective local government; and

WHEREAS, the governing authority of Miller County has determined that it would be reasonable and more efficient for the Board of Commissioners to set its own meeting schedule and for said meetings to take place at the County Administration Building; and

WHEREAS, the governing authority of Miller County has determined that it is desirable

to add the Chair of the Finance Committee of the Board of Commissioners as an authorized signature on all county checks; and

WHEREAS, the governing authority of Miller County has determined that under specified conditions it would be in the public interest for the County to enter into contracts in which a member of the Board of Commissioners has a financial interest, where doing so would result in a savings to the taxpayers; and

WHEREAS, Article I, Section 2, Paragraph 1 (b)(1) of the Georgia Constitution, entitled "Home Rule for Counties," authorizes the governing authority of Miller County to amend the Local Act creating the Miller County Board of Commissioners as specified herein, and the governing authority of the County has elected to do so;

NOW, THEREFORE, it is hereby ORDAINED by the Miller County Board of Commissioners as follows:

1.

Section 7 of the Local Act of 1983 creating the Miller County Board of Commissioners (1983 Ga. Laws 4594, 4600 (Local and Special Acts, Vol. II)) is hereby stricken in its entirety and amended to read as follows:

"Section 7. Meetings. The board shall hold regular meetings according to a schedule adopted by the board during the first meeting in January of each year, with said schedule being subject to amendment by the board at any regular meeting thereof. Notice of the board's meeting schedule shall be prominently displayed at the County Administration Building and shall be provided to the legal organ of the County for publication. Meetings of the board shall take place at the County Administration Building or at such other location designated by the board.

All meetings, with the exception of executive sessions, shall be open to the public. The board may hold special meetings as may be necessary when called by the chairman or any two members of the board. All members of the board must be notified at least one day in advance of any special meeting. No official action shall be taken by the board except at a meeting which is open to the public. Three members of the board shall constitute a quorum, and a majority of a quorum may transact any business which may come before the board. The chairman shall be entitled to the same voting rights as other members of the board on any business transacted by the board."

2.

Section 10 of the Local Act of 1983 creating the Miller County Board of Commissioners (1983 Ga. Laws 4594, 4601 (Local and Special Acts, Vol. II)) is hereby amended so as to strike the last sentence thereof and to add the following sentence at the end of Section 10:

"All bills shall be paid by check which shall be signed by at least two (2) of the following officials: the chairman, the chair of the board of commissioners finance committee, or the county clerk; in the absence of the chairman the vice-chairman shall also be authorized to sign checks."

3.

Section 14 of the Local Act of 1983 creating the Miller County Board of Commissioners (1983 Ga. Laws 4594, 4603 (Local and Special Acts, Vol. II)) is hereby amended so as to add the following sentences at the end of said Section:

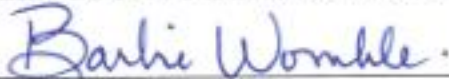
"Provided, however, that this Section shall not apply to any contract or transaction in which the county receives goods, services or property cheaper or as cheaply as

the goods, services or property can be obtained elsewhere. In order for this exception to apply a majority of the board of commissioners, excluding the commissioner who has an interest in the contract or transaction, must approve the contract or transaction. The minutes of the meeting at which such approval takes place shall affirmatively establish that the goods, services or property cannot be obtained for less and that the taxpayers' interests would be served by entering into the contract or transaction in which the commissioner has an interest. Contracts or transactions approved under this exception shall not be void or illegal and the commissioner having an interest therein shall not be deemed to have violated this Section."

Pursuant to the Home Rule Powers of Miller County, this Ordinance was approved on first reading at the regular meeting of the Miller County Board of Commissioners held on 12/14/09 <sup>3/8/10</sup> (date); it shall be advertised in the legal organ of the county for three weeks following said meeting; a copy of this Ordinance shall be placed on file with the Clerk of the Superior Court; and the Ordinance shall be considered for a second reading and final adoption at the regular 1/11/2010 <sup>4/12/10</sup> (date) meeting of the Miller County Board of Commissioners. Upon final adoption a certified copy of this Ordinance, the minutes of the meetings at which it was adopted, copies of the advertisements placed in the legal organ of the county, and a publisher's affidavit, shall be transmitted by the County Clerk to the Georgia Secretary of State.

SO ORDAINED, this \_\_\_ day of November, 2009.

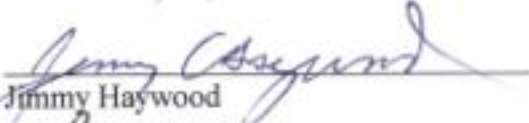
MILLER COUNTY BOARD OF COMMISSIONERS



Barbie Womble, Chairman



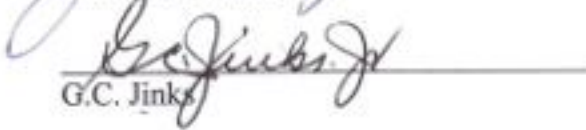
Wallace Phillips



Jimmy Haywood



Frankie C. Phillips



G.C. Jinks

Attest:



Judy Powell, County Clerk

FIRST READING: December 14, 2009

SECOND READING AND ADOPTION: January 11, 2010