

RESOLUTION CM-2021

MILLER COUNTY MANAGER

A RESOLUTION OF THE COUNTY COMMISSIONERS OF MILLER COUNTY FOR THE PURPOSE OF AMENDING THE MILLER COUNTY CHARTER; ESTABLISHING RULES, REGULATIONS, AND POLICY GOVERNING THE ESTABLISHMENT OF THE POSITION OF COUNTY MANAGER AND FOR OTHER PURPOSES

WHEREAS, the Board of Commissioners, both present and past, have discussed the creation of the position of County Manager to provide administrative and supervisory functions for the Board and Miller County; and

WHEREAS, the Board of Commissioners desire to establish by resolution the parameters of the position of County Manager by amending the Charter to provide the codification for the position of County Manager; and

THEREFORE, BE IT RESOLVED by the **BOARD OF COMMISSIONERS** of Miller County, Georgia, in a meeting duly assembled, and it is hereby resolved by the authority of same to amend the Charter as follows;

- (a) That the Charter of Miller County, Georgia is hereby amended
- (A) By inserting as Administration, Article I, County Officials, Section ,County Manager the following:

**ARTICLE I
COUNTY OFFICIALS
DIVISION 1
COUNTY MANAGER**

DIVISION 1 - COUNTY MANAGER

Sec. 1-100 – Office created.

The office of County Manager of Miller County is created by the enactment of this division.

Sec. 1-101 – Appointment; restrictions.

The County Manager shall be appointed by majority vote of the Board of Commissioners of Miller County to serve at the pleasure of the Board.

Sec. 1-102 – Qualifications.

The County Manager shall be chosen by the Board solely upon the basis of executive and administrative qualifications, with specific reference to actual experience in, or knowledge of, accepted practices with respect to the duties of the office as set forth in this section.

Sec. 1-103 – Removal.

The County Manager may be removed by a majority vote of the total membership of the Board of Commissioners. The reason(s) for the removal shall be set forth in writing and provided to the County Manager within 48 hours of the vote. The County Manager shall be entitled to severance pay as outlined in the employment agreement executed by the County Manager and the county. In the event no such agreement exists, the County Manager shall receive severance pay equal to 12 weeks of base pay. No severance pay shall be provided to the County Manager if the termination is for any reason of any one of the following:

- (1) Conviction of a felony;
- (2) If it has been documented on at least two occasions within a six-month period, that the County Manager has refused and/or consistently failed to perform his or her duties outlined in Sec. 1-107, Duties. Failure to perform shall be documented in the form of written warnings from the Board of Commissioners or the Chairman of the Board of Commissioners;
- (3) If it has been documented on at least two occasions within a six-month period, that the County Manager has violated the “Grounds for Dismissal” and/or “Code of Conduct” section of the County Personnel Policy. Violation of the Code of Conduct and Grounds for Dismissal shall be documented in the form of written warnings from the Board of Commissioners or the Chairman of the Board of Commissioners;
- (4) Job abandonment or not resigning in good standing as described in the Miller County Personnel Policies – Resignation;
- (5) Falsifying employment history resume or misrepresenting employment history to the Board of Commissioners;

- (6) Failure to immediately turn in all keys to a commissioner or County Clerk;
 - (7) Failure to immediately turn in all written and electronic passwords.
- (B) Regarding subsections (A)(2), (A)(3), (A)(4) and (A)(5) above, the County Manager shall be afforded the same rights granted to other Miller County employees as allowed by the grievance procedures set forth in the Miller County Personnel Policy.
- (C) Nothing in this section shall prevent or interfere with the right of the Board of Commissioners to terminate the services of the County Manager at any time, subject only to the above provisions.
- (D) With a separation event, all locks with keys currently/previously held by the County Manager shall be changed and all passwords shall be secured in the County office safe.

Sec. 1-104 – Compensation.

The County Manager shall be paid an annual salary to be fixed by the Board of Commissioners of Miller County, which shall be subject to adjustment annually based on an annual performance evaluation by the full Board. The County Manager shall receive all across-the-board cost of living allowances and across-the-board wage and salary increases awarded to county employees and shall receive, at a minimum, all employee benefits provided to the county employees generally.

Sec. 1-105 – Acting County Manager.

By letter filed with the County Clerk, the County Manager shall designate a county officer or employee as Acting County Manager to exercise the powers and perform the duties of County Manager during the County Manager's temporary absence or disability, to include the countersigning of all checks. The Board of Commissioners may revoke such designation at any time and appoint another officer of the county to serve as Acting County Manager to exercise the powers and perform the duties of County Manager during the County Manager's temporary absence or disability. In the event the position of County Manager becomes vacant, the Board of Commissioners may appoint an Acting County Manager to temporarily exercise the powers and perform the duties of County Manager pending appointment of a new County Manager.

Sec. 1-106 – Official bonds.

The County Manager and Acting County Manager shall be required to execute and deliver a good and sufficient bond payable to the Board of Commissioners of Miller County in the amount of \$25,000.00 and the premium therefore shall be paid by Miller County.

Sec. 1-107- Duties.

The County Manager shall be the Chief Administrative Officer of the County of Miller. He or she shall be responsible to the Board of Commissioners of Miller County for the proper administration of the affairs of the county, as provided herein, and it shall be his or her duty:

- (1) To see that all ordinances, resolutions, rules and regulations of the Board and all laws of the state subject to enforcement by county officers or department heads are faithfully executed;
- (2) To attend all meetings of the Board, with the right to take part in the discussions in accordance with any rules adopted by the Board of Commissioners but having no vote. The County Manager shall be entitled to notice of all special meetings;
- (3) To prepare and submit to the Board a proposed annual budget and a proposed capital program and to execute the budget and capital program adopted by the Board, approving all disbursements and expenditures as budgeted and/or authorized by the Board;
- (4) To examine regularly at periods fixed by the Board the accounts, records and operations of every county board, commission, department, office and agency which receive appropriations from the said Board; to make monthly reports to the said Board on county fiscal and other affairs; to keep the said Board fully advised on the financial conditions and future needs of the county; and to make such recommendation on county affairs as he or she deems necessary for the efficient operations of the county;
- (5) To submit to the said Board at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year;
- (6) To confer with and advise all other elected or appointed officials of the county who are not under the immediate control of the said Board, but who receive financial support from said Board;
- (7) To supervise the performance of all contracts made by any person for work done for the county and supervise and regulate all purchases of materials and supplies for the county within such limitations and under such rules and regulations as may be prescribed by the Board;
- (8) To exercise control over all departments or divisions of the county for which the Board has responsibility and to direct and supervise the administration of all county offices and the construction, maintenance and operation of all county roads, bridges, drains, buildings, landfill, garbage collection and other public works and the care maintenance of all real and personal property owned by the county;

(9) To appoint, and when in his or her discretion the welfare of the county requires it, suspend, discharge, transfer or remove all employees for whom the Board is responsible, except the County Manager who shall be appointed directly by the Board. The County Manager may delegate to any department head such powers with respect to subordinates within that department;

(10) To fix the salaries of all officers and employees of the county, subject, however to budget appropriations and supervision and control by the Board;

(11) To supervise the programs of financial management, personnel administration, procurement and risk management;

(12) To countersign all checks on county funds signed by the Chairperson or other commissioner of the Board. The provision shall be subject to the County Manager and commissioner(s) having executed the depository agreement with the financial institution upon which checks shall be drawn. The County Manager shall also receive and disburse all the public funds of the County of Miller, as herein provided and is now provided by law; and

(13) To perform such other duties as may be required of him or her by the Board

Sec. 1-108 – Performance of Duties .

The County Manager shall perform his or her duties under the direction of the Board of Commissioners and shall be responsible to the Board of Commissioners as a body. No member of the Board of Commissioners shall individually direct the County Manager or attempt to interfere in the performance of his or her duties, and the Board of Commissioners shall, except for the purpose of formal inquiries and investigation, deal with county employees subject to the County Manager's direction or supervision solely through the County Manager.

Sec. 1-109- Budget development.

(A) The County Manager shall, no later than the last day of the eight month of each fiscal year, submit to the Board of Commissioners a budget plan and calendar for developing a proposed budget for the ensuing fiscal year; the County Manager shall formulate and submit to the Board of Commissioners, no later than the last day of the tenth month of each fiscal year, a proposed budget for the ensuing fiscal year and an accompanying message.

(B) The County Manager's message shall explain the budget both in fiscal terms and in terms of work programs. It shall outline the proposed financial policies of the county for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues, together with the reasons for such changes, summarize the county's debt position and include such other material as the County Manager deems desirable. The proposed budget shall provide a complete financial plan of all county funds and activities for the ensuing fiscal year and, except as required by law, shall be in such form as the County Manager deems desirable or the Board of Commissioners may require. The proposed budget shall, at a minimum, include a clear general summary of its contents and show in detail all estimated income indicating the proposed property tax levy and all proposed expenditures, including debt services, for the ensuing fiscal year. It shall indicate in separate sections:

(1) Proposed capital expenditures during the ensuing fiscal year, detailed for each fund by organization unit when practicable and the proposed method of financing each such capital expenditure; and

(2) The anticipated income and expense and surplus or deficit for the ensuing year for each utility or other enterprise fund operated by the county.

Sec. 1-110 – Capitol program development.

(A) The County Manager shall consult with the heads of county departments, Constitutional officers and County Planning Commission and shall prepare and submit to the Board of Commissioners a proposed five-year capitol program each year. It shall be submitted to the Board of Commissioners by the County Manager simultaneously with submission of the proposed budget for the ensuing fiscal year.

(B) The capitol program shall include:

(1) A clear general summary of its contents;

(2) A list of all capitol improvements and other capitol expenditures which are proposed to be undertaken during the five fiscal years next ensuing, with appropriate supporting information as to the necessity for each;

(3) Cost estimates and recommended time schedules for each improvement or other capital expenditure;

(4) Method of financing upon which each capital expenditure is to be reliant; and

(5) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

Sec. 1-111 – Community planning and development.

The County Manager, subject to supervision by the Board of Commissioners, shall:

- (A) Develop plans and programs to advance the health, safety, general welfare and physical and economic development of the county and shall pursue grants-in-aid that may be available from time to time to help finance implementation of such programs;
- (B) Monitor the county's planning activities, including those undertaken in response to the Georgia Planning Act and the Georgia Comprehensive Solid Waste Management Act; and
- (C) Cooperate with and coordinate the community improvement activities of independent authorities and agencies, county constitutional offices, the County Planning Commission and county departments and other organization components of the county government, as necessary.

Sec. 1-112 – Communications between employees and Commissioners

- (A) The Board of Commissioners of Miller County, Georgia, shall establish as its policy that all direct or indirect requests to the department heads, or county employees or contracts by an individual commissioner be directed to the immediate supervisor, and the supervisor shall forward same to the County Manager for reply or compliance. In such event and at the direction of the County Manager, the County Manager may decline the request until such is presented for approval by the Board of Commissioners.
- (B) Individual commissioners shall refrain from making direct requests or demands with county employees and shall direct all requests through the County Manager.
- (C) Such action or actions by the County Manager, department heads, or county employees, shall not be considered as insubordinate nor shall such compliance be actionable by the Board of Commissioners provided the employee presents to the immediate supervisor a written report within 24 hours describing the contact or request for compliance.
 - (b) All ordinances and resolutions and parts of ordinances and resolutions in conflict hereof being hereby expressly repealed and amended hereby.

(c) **OFFERED FOR ADOPTION BY THE BOARD OF COMMISSIONERS OF MILLER COUNTY, GEORGIA** on this 6th day of July, 2021

(d) This amendment shall be effective instanter.

MILLER COUNTY BOARD OF COMMISSIONERS

BY: _____
Kreg Freeman
Chairman

ATTESTED: _____
DJ
Clerk

CLERK'S CERTIFICATE

I, the undersigned Clerk of the Board of Commissioners of Miller County, keeper of all records and seal thereof, hereby certify that the foregoing is true and correct copy of a resolution adopted by the Board of Commissioners of Miller County in public meeting assembled on (DATE). The original of which resolution has been entered into the official records of said political subdivision under my supervision and is in my official possession custody and control.



_____ *DJ*
County Clerk