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TITLE III:

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Chapter 30

**Board of
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CHAPTER 30: BOARD OF COMMISSIONERS

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§ 30.01 MEETINGS

It is resolved under the authority of Article 9, Section II, Paragraph 1 of the 1983 Georgia Constitution that Georgia Acts 1870, Page 447, as amended (including the last amendment of August 14, 1985) be further amended as follows to provide that: The Board of Commissioners of Pike County shall meet in regular monthly meetings, the first, beginning at 9:00 a.m. on the second Wednesday of each month of each year and the second, beginning at 6:30 p.m. on the last Tuesday of each month of each year.

(A) General.

All meetings of the Board of Commissioners of Pike County shall be conducted in accordance with the provisions of this 2006 Revised Meetings and Agenda Protocol Ordinance. The meeting shall be conducted under the direct control of the Chairman of the Board of Commissioners of Pike County, the Vice-Chairman in the absence of the Chairman, or the presiding officer as set forth more particularly below. In the case of a dispute or question concerning the conducting of or the presiding over the meeting, the Chairman shall have the authority to resolve such questions or to refer any dispute or question to the County Attorney for a legal opinion.

(B) Intent.

It is the intent of the Board of Commissioners that all meetings of the Board of Commissioners, including all boards, committees, groups and/or entities meeting at the direction of the Board of Commissioners, as well as the provisions set forth herein as related to said meetings, shall be held in accordance with all relevant provisions of Georgia and local law, including but not necessarily limited to the Open Meetings Act as codified at OCGA 50-14-1 et seq., the enabling legislation of Pike County and the Board of

Commissioners including all amendments, revisions and modifications and the Consent Interlocutory Order executed on January 21, 2004 by Judge Christopher Edwards.

(C) Open Minutes.

All meetings of the Board of Commissioners shall be held in accordance with the provisions of OCGA 50-14-1 et seq. The public shall at all times be afforded access to all meetings other than executive sessions.

(D) Executive Session.

Executive Sessions of the Board of Commissioners shall be held for the purpose of discussing topics exempt from public access requirements by 50-14-3 of the Official Code of Georgia annotated. Any portion of the meeting not subject to any such exemptions shall be open to the public.

(1) Non-Exempt Topics. If a commissioner attempts to discuss a non-exempt topic during an executive session, the chairman shall immediately rule that commissioner out of order and such discussion shall cease. If the commissioner persists in discussing the non-exempt topic, the chairman shall adjourn the meeting immediately.

(2) Procedure for Entering Into Executive Session. No executive session shall be held except pursuant to a majority affirmative vote of the Board of Commissioners taken in a public meeting. The minutes of the public meeting shall reflect the names of the commissioners present, those voting for the executive session, and the specific reasons for the executive session. All votes taken on items discussed in executive session shall be taken in an open meeting.

(3) Executive Session Minutes.

(a) Executive Session Discussing Real Estate Acquisition. Minutes of an executive Session in which the acquisition of real estate is discussed shall be taken in the same manner as minutes of an open meeting (Section 21) and available for public inspection except that any portion of the minutes identifying the real estate shall be redacted or otherwise be kept confidential until such time as the acquisition of the real estate has been completed, terminated, abandoned or until court proceedings have been initiated.

(b) Other Executive Sessions. Minutes of executive sessions devoted to any topic other than land acquisition may be maintained at the direction of the Chairman. Any such minutes shall be maintained in a confidential file and shall not be subject to disclosure, except that disclosure of such portions of minutes identifying real estate to be acquired by the Board may only be delayed until such time as the acquisition of the real estate has been completed, terminated, abandoned, or court proceedings have been initiated.

(4) Chairman or Presiding Officer Affidavit. The chairman or other presiding officer shall execute an affidavit stating, under oath, that the executive session was devoted to topics exempt from the public access requirements. The affidavit shall comply with all applicable provisions of the Open Meeting Act as codified at OCGA 50-14-1 et seq., and shall identify the specific exemption to the open meetings law. The affidavit shall be notarized by the county manager, or his designee, and filed with the minutes of the open meeting.

(E) Visual and Sound Recordings.

Visual, sound and visual and sound recordings shall be permitted for all public hearings.

(F) Quorum.

A quorum must be present for conducting meetings of the Board. A quorum is a majority of all of the members of the Board then in office. It is the duty of the chairman to enforce this rule. Any commissioner may raise a point of order directed to the chairman if he believes that a quorum is not present. If during the course of a meeting, a commissioner leaves and a quorum no longer exists, the meeting cannot continue. If a quorum is not attained within thirty minutes, the meeting will be rescheduled by the chairman with the approval of the commissioners present.

(G) Voting Majority.

In accordance with the enabling legislation related to Pike County and the Board of Commissioners, passage of a motion shall require the affirmative vote of three commissioners.

(H) Abstentions.

A commissioner may vote in the affirmative, in the negative, or abstain. A commissioner shall not vote on a motion if he has a conflict of interest which would prevent him from making a decision in a fair and legal manner. If a conflict of interest does exist, the Commissioner shall state the conflict for the record on his decision to abstain on any vote.

(I) Chairman.

The Chairman of the Board of Commissioners is responsible for the orderly conduct of the meeting. In order to fulfill this duty, the Chairman must enforce the rules of procedure that are adopted by the Board of Commissioners and rule in any circumstance not covered therein. The Chairman shall be impartial and conduct the meeting in a fair manner. The Chairman may not introduce motions or second a motion while presiding except that the Chairman may introduce or second a motion to go into executive session as described in Section (E) above.

(J) Vice-Chairman.

The Board shall select a Vice-Chairman from the Board members at the beginning of each calendar year. The Vice-Chairman shall fulfill the duties of the chairman if the Chairman is not in attendance.

(K) Presiding Officer.

If the Chairman and Vice-Chairman are absent or otherwise unable to serve as presiding officer at a meeting and a quorum of Commissioners is present, the remaining Commissioners shall select a Commissioner to serve as presiding officer of the meeting until either the Chairman or Vice-Chairman is present at the meeting.

(L) Parliamentarian.

The County Attorney shall serve as the parliamentarian for Board meetings and assist the Chairman with parliamentary matters, if needed, during the course of a meeting.

(M) Regular Meetings.

Regular meetings of the Board of Commissioners shall be held at 9 a.m. on the second Wednesday and at 6:30 p.m. on the last Tuesday of each month. All regular meetings shall be held in the County in the Commissioners Meeting Room of the Pike County Courthouse Annex, or other meeting site properly designated by the Board of Commissioners. A notice containing the foregoing information shall be posted and maintained in a conspicuous place available to the general public at the regular meeting place of the Board.

(N) Meetings Other Than Regular Meetings.

The Board may meet at times and locations other than those regularly scheduled meetings.

- (1) Special Meetings and Reschedule Regular Meetings. A regular meeting may be canceled, rescheduled or moved to a new location within the county site by the chairman for any reason. Other special called meetings may be scheduled by the chairman or at the request of at least two commissioners. Whenever a rescheduled regular meeting or any other special called meeting is to be held at a time and place other than the regularly scheduled time and place, written notice of the change shall be posted for at least 24 hours at the regular meeting place. In addition, written or oral notices shall be given by the clerk 24 hours in advance of the meeting to either the legal organ of the County or a newspaper having general circulation at least equal to that of the legal organ, as well as to each member of the County governing authority.
 - (2) Meetings With Less Than 24 Hours' Notice. When emergency circumstances occur, the Board may hold a meeting with less than 24 Hours' Notice to the public. When such meetings are to be held, the clerk shall provide notice to the legal organ of the County or a newspaper with a general circulation at least equal to the legal organ of the County. Such a meeting may be called by the Chairman or two Commissioners. At the meeting, the Commissioners shall establish and designate emergency temporary meeting locations where public business may be transacted during the emergency. Any action taken in such meeting shall have the same effect as if performed at the regular meeting site.
- (O) Order of Business.
- All regular Board meetings should follow an established order of business. The order is as follows:
- (1) Call to Order
 - (2) Invocation
 - (3) Pledge of Allegiance
 - (4) Agenda
 - (5) Minutes
 - (6) Invited Guest
 - (7) Reports from Commissioners, Departments, Committees and Attorney
 - (8) Unfinished Business
 - (9) New Business
 - (10) Public Comment (limited to 20 minutes)
 - (11) Executive Session
 - (12) Adjournment
- The established Order of Business as set forth herein may be amended, as may be deemed necessary, upon a majority vote of Board of Commissioners.
- (P) Invocation Policy.
- The Board of Commissioners shall call for an invocation at all meetings of the Pike County Board of Commissioners.
- (1) Purpose. The purpose of the invocation policy is to invoke Divine guidance for the Pike County Board of Commissioners. It is the intent of the Pike County Board of Commissioners not to advance or inhibit religion through this invocation policy; and, the Board of Commissioners does not intend to become entangled with religion through the implementation of this policy.
 - (2) Timing. The invocation shall be given after the Call to Order of the meeting prior to the Pledge of Allegiance and shall not be more than two (2) minutes in duration.
 - (3) Individuals Delivering Invocation. Any individual desiring to deliver the

invocation at a meeting of the Pike County Board of Commissioners must adhere to the following:

- (a) Must be an eligible clergy, spiritual leader, or an official representative of a recognized and established religious and/or secular organization which is active in Pike County, Georgia or represents citizens who reside or have ownership and/or business interests in Pike County, Georgia;
 - (b) Shall limit the invocation to no more than two (2) minutes in which the invocation may seek wisdom and knowledge for those making decisions on behalf of Pike County, Georgia, and for unity, peace and protection for the Pike County Community, the surrounding communities, the State of Georgia and the United States of America;
 - (c) There will be no political comments made before, during or after the invocation, there will be no verbal attacks on any person or organization/institution, and there will be no promotion, advertising or solicitation on behalf of the organization/institution being represented by the one delivering the invocation.
- (4) List of Eligibility and Selection. The County Clerk shall maintain a list of all eligible individuals that may be considered for the delivery of the invocation for the meetings of the Board of Commissioners. In developing the List of Eligibility, the County shall invite participation by advertisement on a quarterly basis.
- (a) Invocation Eligibility Form. The Invocation Eligibility Form, attached hereto, may be revised from time to time as deemed necessary and shall be made available to all interested persons and organizations/institutions. Upon completion, the Form must be returned to the County Clerk. The list of eligibility shall be reviewed and approved by the County Manager in accordance with the guidelines set forth herein.
 - (b) Selection. The County Clerk, with the consent and approval of the County Manager, shall select an individual from the List of Eligibility. The selection shall be on a rotating basis based on availability; however, a selection may be made from the list that is not in the order of rotation based on special circumstances and with the approval of the County Manager.
 - (c) Default. In the event an individual is not readily available from the list of eligibility, then the Board of Commissioners may proceed with the calling of a "moment of silent invocation" in lieu of an oral delivery of the invocation.
- (5) Decorum. The individual delivering the invocation and all those in attendance shall adhere to the rules of decorum set forth in this ordinance and will be required to be respectful and courteous to each other.
- (6) Violations. Anyone violating the provisions of this invocation policy shall be subject to the penalties as set forth in Section 10.99 of the Code of Ordinances, Pike County, Georgia. Moreover, the Board of Commissioners shall have the right to remove anyone violating this invocation policy from the meeting and/or from the List of Eligibility.

(Q) Agenda.

The clerk of the Board, with the advice of the Chairman and Commissioners, shall prepare an agenda of subjects to be acted on for each meeting. The agenda shall be made available to the Commissioners at least two business days before every Board Meeting.

- (1) Requests For Agenda Items. Members of the public may request that a particular subject

be placed on the agenda for a meeting. To be considered, this request shall be submitted in writing to the clerk of the Board and received at least four business days before the agenda is to be completed.

- (2) Changing the Agenda. The order of the agenda may be changed during a meeting by a majority vote of the Board. A new item, other than a zoning decision or other item requiring advance publication, may be added to the agenda by a two-thirds vote of the Board if it becomes necessary to address the item during the meeting.
- (3) Agenda Must Be Made Public. The agenda of all matters to come before the Board shall be made available to the public upon request and shall be posted at the meeting site as far in advance as reasonably possible, but no more than two weeks prior to the meeting.

(R) Decorum.

- (1) All Commissioners must conduct themselves in a professional and respectful manner. All remarks should be directed to the Chairman and not to individual Commissioners, staff or citizens in attendance. Personal remarks are inappropriate. A Commissioner is not allowed to speak at a meeting until he has been recognized by the Chairman. All comments made by a Commissioner shall address the motion or other specific subject matter that is being discussed.
- (2) The Chairman shall enforce these rules of decorum. If the Commissioner believes that a rule has been broken, he can raise a point of order. A second is not required. The Chairman can rule on the question, but upon a second, the Board may debate the issue and decide the issue by majority vote of the Commissioners present.

(S) Public Participation.

- (1) Public Comment: Pike County Board of Commissioners' meetings are open to the public and the news media. In order to conduct business in a timely manner, public comment is limited to persons listed on the agenda as described herein. The Board of Commissioners, by majority vote, may decide that public comment is in order on a particular topic and allow public comment. One of the final agenda items of a meeting shall be reserved for comments from the public. All members of the public that should wish to address the Board must submit their name and the topic and specific subject matter of their comments in writing to the clerk of the Board at least four business days before the Board meeting. These individuals will be allowed five minutes to make their comments and their comments must be strictly limited to their chosen topic and the specific matter set forth in the request. The total time for public comment at any single meeting shall not exceed twenty minutes. The Chairman may amend this portion of the Protocol Ordinance by continuing a "town hall" format after the completion of all business on the agenda at his discretion. Anyone wishing to speak at any Board meeting must be recognized by the Chairman before addressing the Board. At no time will personal attacks on County employees be permitted.
- (2) Public Hearings. The Board may schedule public hearings for the purpose of soliciting public comment on any subject of interest to the Board. Hearings may be held immediately prior to, during or following a meeting of the Board or at such other places and times as the Board may determine. Hearings require at least 10 minutes per side. No official action shall be taken during a public hearing, but may be taken after conclusion of a public hearing occurring during a meeting of the Board of Commissioners.

- (3) Public Hearings prior to Final Zoning Decisions. In accordance with the requirements of the Zoning Procedures Law as codified at OCGA 36-66-1 et seq., and in accordance with the applicable provisions of The Code of Pike County, Georgia, including the Zoning Code of Pike County, the Board of Commissioners adopt the following procedures for public hearings prior to any final zoning decision of the Board of Commissioners:
- (a) The chairperson of the Pike County Board of Commissioners, or one designated by the chairperson shall open the hearing with an explanation of the purpose of the hearing and a description of the general rules for the conducting of the hearing. The chairperson or his delegate may describe the authority and role of the Commission in any zoning decision. The chairperson or his delegate shall chair the hearing and shall determine the relevance of any proposed comment or presentation to the commission in the hearing and is authorized to rule any individual or a portion of any presentation out of order if not relevant to the published purpose of the hearing. Any person addressing the chairperson and commission shall respond to questions of the chairperson and commission. Remarks shall be made to the chairperson only and not to other members of the commission or audience. Any unused portion of allotted time unused by either the applicant or opponent shall not invalidate any proceedings or action taken on the proposed amendment. The following rules of procedure govern the Public Hearing on rezoning or similar matters (special uses and/or conditional uses) before the Pike County Board of Commissioners. These rules apply to all such public hearing items appearing on any agenda.
 - (b) Procedures relating to application, notice and advertisement of items on the public hearing agenda shall conform to the requirements of Georgia law, the Revised Meeting and Protocol Ordinance, and The Code of Pike County, Georgia.
 - (c) Exercise of the zoning power shall conform to the standards expressed in The Code of Pike County, Georgia, particularly in Chapter 156: Zoning Code, as most recently amended, as well as with the Comprehensive Land Use Plan.
 - (d) The Zoning Administrator shall provide a limited number of copies of the policies required by OCGA 36-66-1 et seq., which copies shall be available on request to interested members of the public.
 - (e) Individuals desiring to address the Board of Commissioners regarding an agenda item are required to contact the County Manager prior to the meeting or the Board of Commissioners may provide for a sign-in sheet for both proponents and opponents just prior to the public hearing. Applicants and/or proponents of an item on the public hearing agenda shall be heard first and shall have a minimum of ten minutes and no more than twenty minutes in which to present any information pertinent to the issue to be decided. Failure of the applicant or his/her representative to be present for the hearing shall result in automatic termination of any proceedings on the amendment and a negative recommendation on the proposed amendment by the chairperson and Board of Commissioners of Pike County. Opponents of the issue may respond and shall have a minimum of ten minutes and a maximum of twenty minutes in which to present any information pertinent to the issue to be decided. Applicants or opponents will each be given an additional five minutes for rebuttal. Either the applicant or opponent, however, shall not discuss new issues during the rebuttal.

- (f) In the event there is more than one speaker per side, speakers must divide their time or designate a spokesperson in order to complete their full presentation within the time allotment. Each side shall have equal time overall.
- (g) The time allotments described above may be modified by a majority vote of the Board of Commissioners present at said meeting based on the request of the applicant and/or opponent.
- (h) Any remark amounting to an attack on the character or personal integrity of another individual, comment not factually supportable, comment in the form of an emotional outburst, comment not directed at the chairperson, shall be considered to be non-relevant to the purpose of the hearing and shall be ruled out of order.
- (i) The Chairperson or his delegate shall enter into the record after the presentation of the applicant or his/her representative any written comment, petition, or similar written statement received by the chairperson and any commissioner prior to the hearing and the same shall be considered by the Chairperson and the Board of Commissioners along with comments and other relevant information of the hearing in making any zoning decision concerning the proposed zoning amendment. At the public hearing, the Board of Commissioners shall review the reports prepared by the Zoning Administrator and Planning Commission.
- (j) When proponents and opponents of the proposed zoning amendment have been heard in accordance with the foregoing procedures, the chairperson or his delegate shall declare the public hearing closed. No further public hearing on the proposed zoning amendment shall be required prior to the zoning decision.
- (k) Copies of these procedures shall be provided at each public hearing.

(T) Post Agenda.

A summary of the subjects acted upon in a meeting and the names of the commissioners present at a meeting shall be written and made available to the public for inspection within two business days of the adjournment of the meeting.

(U) Minutes.

The Clerk of the Board shall promptly record the minutes for each Board meeting. The minutes shall specify the names of the commissioners present at the meeting, a description of each motion or other proposal made at the meeting, the name of the commissioner who proposed each motion, the name of the commissioner who seconded each motion, and a record of all votes. In the case of a roll-call vote, the name of each commissioner voting for or against a proposal shall be recorded. It shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Board. The Board must approve the minutes before they can be considered as an official record of the Board. A copy of the minutes from the previous meeting shall be presumed that a commissioner has voted in the affirmative unless the minutes show otherwise. More detailed information may be included in the minutes at the request of the Board. The Board must approve the minutes before they can be considered as an official record of the Board. A copy of the minutes from the previous meeting shall be distributed to the commissioners at least one business day before the following meeting. The minutes of the previous meeting shall be corrected and approved by the Board at the beginning of each meeting. A majority vote is required for approval. Conflicts above the content of minutes shall be decided by a majority vote. Upon being approved, the minutes shall be signed by the chairman, and attested to by the Clerk of

the Board of Commissioners. [Cross Reference: OCGA 50-14-1 (e)] & Enabling Commissioners.

(V) Committees.

The chairman, with the concurrence of the Board, may create committees of members of the Board to study any issue before the Board. Any such committee may make recommendations to the Board of Commissioners but no committee shall be empowered to make any final decision on any matter before it for consideration. In addition to Board members, committees may include other County officials, staff or citizens at large.

Whenever a committee is created, its duties, any limitation on the scope of its duties, and the time, places, and periods of time for which the committee may operate shall be determined by the Chairman with the concurrence of the board. Committee meetings shall be open to the public and shall comply with the requirements of this Meeting Protocol Ordinance and State law.

(W) Amendments to Rule(s) of Order.

Any amendments to the rules of order must be submitted by the Commissioner in writing to the Clerk of the Board seven business days before a regular meeting of the Board. The proposed amendment shall be included in the agenda for that meeting and distributed to all Board members. All amendments hereto shall require a majority vote of the Board to be adopted.

(X) Suspending the Rules of Order.

Rules of order may be suspended by a majority vote of the Board of Commissioners or in the case of an emergency. A motion to suspend the rules for an emergency requires a second, is debatable, and requires a majority vote of the Board. Rules governing quorums, voting methods and requirements, the notification to commissioners of meetings, and rules necessary for compliance with State law may not be suspended: provided, however, that, in the event that a state of emergency is declared by the Governor or other authorizing state official, the Board may waive time-consuming procedures and formalities imposed by State Law.

(Y) Roberts Rules of Order.

When the Meeting Protocol Ordinance fails to address an issue or for any concern not addressed refer to Robert's Rules of Order.

(Amend. Res. Passed 10-27-03)(Amend. Res. passed 11-8-06)(Amend. Res. Passed 08-14-13)

§ 30.02 INTERIM BETWEEN REGULAR MEETINGS

The Pike County Board of Commissioners, at its lawful meeting of the Board on September 12, 1979, does resolve:

- (A) That all administrative powers of the Board, in the interim between regular monthly meetings, shall devolve upon and be exercised fully by the Chairperson of the Board of Commissioners;
- (B) This delegation of administrative authority is based expressly upon the provision that all actions taken under the authority of this section shall be subject to confirmation by the Board of Commissioners at their next regular meeting; provided further that nothing in this section shall affect the conduct or subject matter of any called meeting of the Board.

(Res. passed 7-9-86) (Res. passed 9-12-79)

§ 30.03 OFFICE OF COUNTY MANAGER CREATED

- (A) Pursuant to Code Section 36-5-22 of the Official Code of Georgia Annotated, there is created the position of County Manager. The County Manager shall be the Chief Administrative Officer and head of the administrative branch of government. The County Manager shall be responsible for the efficient administration of all county departments.
- (B) The County Manager shall be appointed by a majority vote of the Board of Commissioners of Pike County who shall determine and prescribe his, or her, compensation and term of office. Said Board may contract with the County Manager on such terms as it may deem reasonable and prudent. No member of the Board of Commissioners shall be appointed County Manager on either a permanent or interim basis during the term of office for which he, or she, is elected or for a period of one year after terminating his, or her, office as Commissioner of Pike County.
- (C) The County Manager shall devote all of his, or her, working time and attention to the affairs of the County and shall be responsible to the Board of Commissioners for the efficient administration of all of the affairs of the County over which the County Manager has jurisdiction.

The Powers and duties of the County Manager shall be:

- (1) To see that all laws, County codes and ordinances are enforced;
 - (2) To appoint all department heads with the approval of the Board of Commissioners;
 - (3) To appoint and remove all subordinate officers and employees in all departments;
 - (4) To exercise control over all departments and divisions created therein or which may hereafter be created by the Commissioners;
 - (5) To attend all meetings of the Commissioners with the right to take part in all discussions, but having no vote;
 - (6) To recommend to the Commissioners for adoption such measures as he, or she, may deem necessary and expedient;
 - (7) To prepare and submit to the Commissioners an annual budget;
 - (8) To keep the Commissioners fully advised as to the financial condition and needs of the county;
 - (9) To supervise and direct the official conduct of all County officers and employees except as herein otherwise provided
 - (10) The County Manager shall not have the administrative or supervisory authority over the employees of the elected county officers of Pike County unless the Board of Commissioners of Pike County by ordinance to implement a civil service system for County employees pursuant to the provisions of OCGA 36-1-21(a) and such County officer chooses to opt into the civil service system pursuant to the provisions OCGA 36-1-21(b);
 - (11) To supervise the performance of all contracts made by any person for work done for the County and to make all purchases of material and supplies for the County and to see that the same are received as contracted for; and
 - (12) To perform such other duties as may be prescribed herein or required of the County Manager by ordinances or resolutions of the Commissioners.
- (D) In the event of a vacancy in the office of County Manager, the Board of Commissioners of Pike County shall expeditiously proceed with due diligence to appoint an interim County Manager. In no such event shall the Commission allow the office of County Manager to remain vacant for a period in excess of four weeks from the date said office became vacant.

Specifically, the Commission shall at the least fill any vacancy in the office of County Manager with an interim County Manager within four weeks from the date of vacancy. Further, the Commission shall proceed to advertise for the permanent position of County Manager at the first opportunity after the vacancy of the office of County Manager.
(Local legislation passed 3-27-98)(Amend. Res. 03-02-04)

§ 30.04 ORDINANCE AND RESOLUTION ADOPTION ORDINANCE

(A) Purpose.

This ordinance is intended to distinguish between a local “ordinance” and local “resolution” and to provide the specific procedures for the adoption of local ordinances and resolutions; to repeal conflicting ordinances and/or codes, to provide for severability to fix and effective date, and for other lawful purposes.

(B) Definitions.

- (1) **ORDINANCE.** For the purposes of this ordinance, the term “ordinance” shall be defined as any action taken or enactment made by the Pike County Board of Commissioners intended by the Board of Commissioners to constitute a permanent law, statute, regulation or rule governing the property and/or affairs of Pike County, Georgia.
- (2) **RESOLUTION.** For the purposes of this ordinance, the term “resolution” shall be defined as any action taken by the Pike County Board of Commissioners that is not intended to constitute a permanent law, statute, regulation or rule governing the property and/or affairs of Pike County, Georgia; but rather a “resolution” is intended to include, but is not limited to the following:
 - (a) the formal expression of the opinions of the Board of Commissioners;
 - (b) the formal support, approval and/or denial of any issue presented to or considered by the Board of Commissioners whereby any action taken by the Board of Commissioners that may support, approve and/or deny the issue does not constitute the adoption of an ordinance;
 - (c) the approval of contracts, leases and other agreements that may be necessary for conducting the business affairs of Pike County;
 - (d) any temporary action taken by the Pike County Board of Commissioners including but not limited to designating certain months, weeks of days of the year for a special or designated purpose and/or event (i.e. National Safety Week, National Health Week, etc.)

(C) Adoption of Ordinances.

The adoption of any ordinance by the Pike County Board of Commissioners shall require the affirmative vote of at least three (3) commissioners and shall further require two (2) readings of the proposed ordinance. Nothing shall prevent the Board of Commissioners from conducting a special called meeting for either the first and/or second reading of the proposed ordinance(s) as long as said meetings are conducted in compliance with laws pertaining to Open Meetings; however, the approval of any proposed ordinance shall require two (2) separate readings of the proposed ordinance(s).

(D) Adoption of Resolution.

The adoption of any resolution by the Pike County Board of Commissioners shall require the affirmative vote of at least three (3) commissioners. The adoption of any resolution, however, shall not require two (2) readings of the proposed resolution prior to adoption (as required for the adoption of ordinances).

(E) Conflict, Construction and Repeal.

Any ordinance, policy, resolution, regulation, and/or rule previously adopted by the Pike County Board of Commissioners that conflicts with this ordinance is hereby repealed. In interpreting all ordinances, policies, resolutions, regulations and rules adopted by Pike County, the intent of the Board of Commissioners should be considered. The adopted ordinances, policies, regulations and rules of Pike County are not intended to be in conflict unless being replaced and/or modified. It is further the intent of the Pike County Board of Commissioners that any portion of any ordinance, policy, resolution, regulation and/or rule that is in conflict with this ordinance shall be repealed without invalidating the remaining provisions of the ordinance, policy, resolution, regulation and/or rule if reasonably possible. Specifically, the conflicting provisions shall be deemed repealed but the provisions not in conflict shall remain in full force and effect.

(F) Preemption by State Law.

The Pike County Board of Commissioners recognizes that the terms “ordinance(s)” and “resolution(s)” are referred to in the Georgia State Constitution and Georgia Statutes. This ordinance is designed to distinguish between ordinances and resolutions in reference to the formal actions taken by the Pike County Board of Commissioners. This Ordinance should not be construed as any attempt by Pike County to make any provision that may be preempted by State law.

(G) Severability.

Any portion of this ordinance that may be deemed void, invalid or otherwise unconstitutional and/or illegal shall be severed from the ordinance without invalidating the remaining provisions of this ordinance.

(H) Effective Date.

This ordinance shall become effective upon the second reading of the proposed ordinance and upon the affirmative vote of at least three (3) commissioners.

(I) Other lawful purposes.

This ordinance is intended for any and all lawful purposes not expressly stated herein that are not in conflict with the intent of this ordinance.

(Res. Passed 05-04-08)