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Other County Officials, Officers, Boards, Authorities, and Regional Commissions

Understanding the relationship of the county governing authority to other county officials, officers, boards, and authorities is important in conducting county affairs because in many cases, these other offices have legal power to act independently of the governing authority. This chapter briefly describes the powers and duties, selection, terms of office, compensation, and expenses of these officials, officers, boards, and authorities.¹

The first part of the chapter describes other county officials who work directly with the county's governing authority in the daily administration of the county. The second part describes the four county constitutional officers: the sheriff, clerk of superior court, judge of probate court, and the tax commissioner. The following sections describe locally elected state judicial officers, other elected and appointed county officers, the county police and grand jury, and county boards and authorities. Because of their close involvement with county planning and development, regional commissions are also included in the final section.

COUNTY ADMINISTRATIVE OFFICIALS

Clerk of the County Governing Authority (The County Clerk)

The authority to employ a clerk is generally derived from local acts of the General Assembly—although no special authority is needed to hire a county clerk. The clerk is responsible for recording the board of commissioners' official actions, preparing correspondence and reports, maintaining county records, and any other responsibilities and duties as provided in the local act that created the position. The clerk is ordinar-

ily appointed to and removed from office by the governing authority, and specific statutory qualifications may be imposed as well. The clerk is paid a salary determined by the governing authority or prescribed by local law.²

County Manager/Administrator

In a number of counties, a manager or administrator is the chief administrative official of the county and is responsible for the day-to-day operations of the county. The duties of this official, whether he or she is called a manager or administrator, are usually numerous and varied. In some counties, these duties include the appointment and removal of county employees.³ Additional duties include

- supervising the conduct of county employees;
- administering county laws, ordinances, and resolutions;
- exercising control over county departments and agencies;
- preparing an annual budget;
- informing the governing authority about the financial conditions and needs of the county and maintaining accurate records reflecting its financial affairs;
- examining the accounts and records of county departments;
- supervising the performance of contracts;
- regulating purchases of county supplies and materials; and
- performing all other duties delegated by the governing authority.⁴

The manager or administrator is usually chosen on the basis of his or her general executive and administrative qualifications. Specific statutory qualifications may be imposed as well. Unless otherwise provided in local legislation, the county governing authority appoints and may suspend or remove the manager or administrator. Members of the governing authority are ineligible to serve as the county manager or administrator. In some counties, an individual is not eligible to run for office as a member of the commission until a year after leaving office, and the terms of office and compensation are generally determined either by the county governing authority or by local statute.⁵

The governing authority of any county is authorized by state law to create the office of county manager, which may be granted any powers, duties, and responsibilities that are administrative in nature. The quali-

fications, method of selection, appointment, compensation, tenure, and any other matters related to the office of county manager are provided for by the governing authority of the county.⁶ For more information, see Chapter 1.

County Attorney

The primary functions of the county attorney are to advise the governing authority and other county officers on their powers and duties under the law, to prepare ordinances and legal documents, to review proposed contracts, and to represent the county in court. The governing authority appoints and removes the county attorney and in so doing, is free to appoint the attorney it pleases and to fix the duties, term of office, and compensation of the office.⁷

CONSTITUTIONAL OFFICERS

There are four constitutional officers in each county: the sheriff, clerk of superior court, judge of probate court, and tax commissioner. They are independently elected county officers.⁸ The board of commissioners has authority to establish the budgets of the constitutional officers, but its actions in making such appropriations are subject to review by the courts for an abuse of discretion. In addition, after appropriations have been approved for the constitutional officers, the board of commissioners does not have any authority to dictate how such budget will be spent. Employees of the constitutional officers are considered employees of the elected officers and not employees of the county.⁹ However, Georgia law provides specific steps by which such employees may be placed under the county's merit system.¹⁰ For a brief discussion of the relationship between the county governing authority and these four officials, see Chapter 3.

Sheriff and Deputies

Sheriff

In general, it is the duty of the office of the sheriff

- to execute and return the processes and orders of the courts;
- to attend all sessions of the superior court and all sessions of the probate court whenever required by the judge;
- to be present on election days at all election locations from the opening to the closing of the polls;

- to publish sales, citations, and other proceedings as required by law and to keep a file of all newspapers in which the official advertisements appear;
- to keep an execution docket for entering a description of all executions received, the dates of their delivery, and the actions taken on them;
- to keep a book which contains a record of all sales made by process of the court or by agreement under the sanction of the court and which describes the property and the process under which sold, the date of the levy and sale, the purchaser, and the price;
- to receive from the preceding sheriff all unexecuted writs and processes and proceed to execute them and to complete other unfinished duties;
- to serve as the county jailor;
- to develop and implement a comprehensive plan for security of the courthouse and annex subject to budget approved by the commissioners;¹¹ and
- to perform all other duties imposed on that office by law.¹²

The courts have held that the office of sheriff carries with it all the powers and duties historically exercised by the sheriff except as modified by statute. In exercising these powers and duties, and acting as “a conservator of the peace within the county,” the sheriff has the right and duty to enforce the laws enacted for the protection of the lives, persons, property, health, and morals of the people.¹³ With the written consent of the county governing authority, the sheriff is authorized to contract with any city located within the county for the purpose of providing law enforcement services to the city.¹⁴

The office of the sheriff must be kept at the county seat and at the courthouse. However, the sheriff may also operate administrative facilities in areas of the county located outside the county seat.¹⁵

The sheriff is elected for a term of four years. When a vacancy occurs in the sheriff’s office, the probate judge must appoint some qualified person to act as the sheriff until an election can be held. If the probate judge fails to appoint someone, then the coroner acts as the sheriff until the probate judge appoints someone or an election is held. If there is no coroner, the sheriff of any adjoining county is authorized to act as sheriff until the probate judge makes an appointment or an election is held.¹⁶

If the duties of the office are not faithfully performed, the sheriff may be fined for contempt and is subject to imprisonment or removal from office. The sheriff can be removed from office by the superior court judge for sufficient cause, including incapacity or misbehavior in office, upon written charges and a trial by jury.¹⁷

The General Assembly is responsible for setting the compensation of the sheriff. No fee-based compensation is allowed for sheriffs. The county home rule provision of the constitution prohibits local governing authority action affecting elective county officers and personnel and provides that such must be done by a general or local act of the General Assembly. Thus the governing authority cannot alter the salaries or expenses of the sheriff or deputies, except to supplement their compensation or provide for a monthly expense allowance as authorized by state law.¹⁸

The following rules concerning the sheriff's relationship with the county governing authority are particularly noteworthy:

1. While the governing authority cannot divest the power and duty of the sheriff to enforce the laws and preserve the peace by establishing a county police force, the board of commissioners may transfer funds and equipment from the sheriff's office to the county police department.¹⁹
2. By virtue of its fiscal authority and responsibility, the governing authority has the right to deny the use of county property to any county officer, including the sheriff, if it is used in a wasteful, negligent, or ineffective manner.²⁰
3. The governing authority is required to adopt a budget for the sheriff that provides funding and equipment necessary for the sheriff to perform the duties of the office.²¹

Local laws detailing the governing authority's responsibilities toward the sheriff's office are in effect in many counties and, where they exist, must be consulted to determine more fully the governing authority's powers and duties with respect to the sheriff.²²

Deputies

A deputy sheriff is an agent of the sheriff and has no powers other than those possessed by the sheriff. The sheriff is authorized to appoint one or more deputies to assist in carrying out the duties of the office. Unless a sheriff has agreed to participate in the county's civil service system, deputy sheriffs are considered employees of the sheriff, not of the county

and are appointed and removed by the sheriff. The sheriff has the power to set the salaries of deputies within constraints of the county budget.²³

Clerk of the Superior Court

The powers and duties of the clerk of superior court are almost entirely ministerial and include the maintenance of court records, the registration of property transactions, oversight of the board of equalization,²⁴ and the recording of subdivision plats. To help perform duties of the office, the clerk may appoint deputy clerks.²⁵

The clerk of the superior court is elected for a term of four years, with vacancies in this office filled by election. When a vacancy occurs, the probate judge appoints some qualified person to discharge the clerk's duties until a new clerk is elected. The clerk is subject to removal by the judge of the superior court for sufficient cause, upon written charges and trial by jury.²⁶

Clerks are compensated by a salary based on population as provided by general law, and counties are authorized to supplement the salaries of clerks in such amount as the county governing authority determines from time to time, but such supplements cannot be reduced during the clerk's term of office. In addition to their salaries, counties are authorized to pay clerks contingent expenses for the operation of their office in an amount based on the county's population.²⁷

The office of the clerk must be kept at the county seat and courthouse. If there is inadequate space in the courthouse, the clerk may, subject to certain conditions, request that the governing authority move the office to some other designated place not more than 500 feet from the courthouse. The county must furnish the clerk with office supplies, equipment, furniture, record books, and other items necessary to maintain the office in a modern, up-to-date manner.²⁸

In any county where the governing authority constructs a permanent satellite courthouse and designates that courthouse as a courthouse annex, the office of the clerk may be located at that satellite courthouse.²⁹

Judge of the Probate Court

The judge of the probate court is charged with the performance of judicial, ministerial, and clerical duties and has original, exclusive, and general jurisdiction over

1. the probate of wills;
2. the granting of letters testamentary and of administration and the repeal or revocation of the same;
3. all controversies in relation to the right of executorship or administration;

4. the sale and disposition of the property belonging to, and the distribution of, deceased persons' estates;
5. the appointment and removal of guardians of minors, conservators of minors, guardians of incapacitated adults, and conservators of persons who are incompetent because of mental illness or mental retardation;
6. all controversies as to the right of guardianship, except that the probate court is not an appropriate court to take action under O.C.G.A. §19-7-4 (loss of parental custody);
7. the auditing and passing of returns of all executors, administrators, guardians of property, conservators, and guardians;
8. the discharge of former sureties and the requiring of new sureties from administrators, guardians of property, conservators, and guardians;
9. all matters as may be conferred on them by O.C.G.A. Chapter 3 of Title 37 (Examinations and Treatment for Mental Illness);
10. all other matters and things that pertain or relate to estates of deceased persons and to persons who are incompetent because of mental illness or mental retardation; and
11. all matters as may be conferred on them by the constitution and laws.³⁰

In addition and unless otherwise provided by law, judges of probate courts have the power to

1. perform county governmental administration duties;
2. perform duties relating to elections;
3. fill vacancies in public offices by appointment;
4. administer oaths to public officers;
5. accept, file, approve, and record bonds of public officers;
6. register and permit certain enterprises;
7. issue marriage licenses;
8. hear traffic cases;
9. conduct trials, receive pleas of guilty, and impose sentences in cases of violations of game and fish laws;
10. hold criminal commitment hearings; and
11. perform such other judicial and ministerial functions as may be provided by law.³¹

Probate judges also have jurisdiction over all cases involving the removal of obstructions from roads; the authority to approve all official bonds that are received by the judge from the governor; the authority to conduct trials, receive guilty pleas, and impose sentences for certain misdemeanors, including violations of state rules and regulations regarding parks, historic sites, and recreational areas; violations of the “Georgia Boat Safety Act”; possession of less than an ounce of marijuana; the purchase or possession of alcohol by a minor; and cases involving littering on public and private property.³²

The probate judge is elected for a term of four years.³³ When a vacancy occurs in this office, it is filled, in consecutive order, by the chief judge (if any) of the state or city court, as the case may be; the clerk of the superior court (if able to serve); or some person appointed by the superior court judge until the vacancy is filled by special election.³⁴

Probate judges’ compensation consists of population-based minimum salaries, cost-of-living increases, supplements, and expenses for the operation of their offices as provided in state law.³⁵

The probate judge’s office must be kept at the county seat and at the courthouse unless doing so is impracticable. In any county where the county seat is located in an unincorporated area of the county and the governing authority constructs a permanent satellite courthouse, the probate judge’s office may be located at the satellite courthouse. The county governing authority must furnish the probate judge with office supplies, equipment, and furniture necessary to carry out the duties of the office.³⁶

Tax Commissioner

The state constitution authorizes the General Assembly to consolidate the offices of tax receiver and tax collector into the office of tax commissioner, and every county in Georgia has consolidated the positions. The tax commissioner exercises the duties of the combined offices, including receiving all tax returns, maintaining county tax digests, receiving property tax exemption applications, collecting and paying over tax funds to state and local units of government, and issuing executions against delinquent taxpayers.³⁷

The tax commissioner is elected to a four-year term. When a vacancy occurs, the probate judge appoints someone to discharge the tax commissioner’s duties until the vacancy is filled.³⁸

Depending on general and local statutes applicable to a particular county, a tax commissioner may be compensated entirely from commissions based on a percentage of taxes collected. However, most are

paid a minimum salary, supplement, and expense allowance based on the population of the county. The county is generally responsible for expenses incurred in operating the office and discharging the duties of the tax commissioner.³⁹

With respect to the interaction between the tax commissioner and the governing authority, the following responsibilities should be noted:

1. In counties of 30,000 or more population, the tax commissioner must each week pay over county taxes to the proper county officers. In counties of less than 30,000 population, the tax commissioner must pay over all county taxes at least once every two weeks.⁴⁰
2. The tax commissioner is required to keep a cashbook in which all items of cash collected for taxes, as well as disbursements of such funds to the proper state and local authorities, are recorded. Generally, this book must be balanced and filed by April 20 of each year with the governing authority, which has the power to audit it.⁴¹
3. The tax commissioner is required to appear annually before the governing authority to render an account of official actions and to exhibit books, vouchers, and accounts. If there is a failure or refusal to do so after being notified by the governing authority, the governing authority must suspend the tax commissioner from office pending a decision from the courts on whether he or she should be removed from office.⁴²
4. If the tax commissioner fails to make proper reports, payments, or final settlements of taxes, the governing authority must report such to the governor who, after following certain procedures, can remove the tax commissioner from office.⁴³

LOCAL ELECTED JUDICIAL OFFICERS

Judge of the Superior Court

The superior courts are the highest-ranking courts in the state with original and general trial jurisdiction. They have original, exclusive, or concurrent jurisdiction of all civil and criminal cases granted to them by the constitution and laws. Superior courts have exclusive jurisdiction in cases of divorce, felonies, the trial of any minor between the ages of 13 and 17 who is accused of any of seven designated felonies, cases concerning title to land, and equity cases. They also have exclusive jurisdiction in adoption cases, except for such authority granted to juvenile courts. Superior courts possess appellate jurisdiction from judgments

of the probate or magistrate courts, and they are empowered to exercise general supervision over all inferior courts and to review and correct their judgments.⁴⁴

The state is divided into 49 judicial circuits, each of which must consist of at least one county. Superior court judges are elected on a nonpartisan basis and hold office for four years. Vacancies in the office of judge of superior court are filled by appointment of the governor until they can be filled by election.⁴⁵

Counties and the state share the funding of the superior court, with the state paying the base salary for the superior court judges and for one secretary and one law clerk for each circuit. In addition, the state pays the travel expenses of superior court judges and court reporters for travel outside their home county, plus a contingent expense allowance. Counties may supplement the salaries and fringe benefits of these state employees.⁴⁶ However, counties may only supplement the salaries of superior court judges if authorized by general law or by local legislation.⁴⁷ Expenses of the superior court, such as lights, fuel, stationery, rent, and publication of grand jury presentments, are paid out of the county treasury.⁴⁸

Sessions of superior court must be held at the county seat and the courthouse, if any, of each county in the circuit not less than twice a year at such times as set by the General Assembly. However, in any county where the county seat is located in an unincorporated area of the county and the governing authority constructs a permanent satellite courthouse and designates that courthouse as a courthouse annex, the superior court may be located in the satellite courthouse, subject to certain restrictions.⁴⁹

District Attorney

The district attorney represents the state in all criminal cases in superior court and in all cases taken up from the superior courts to the court of appeals and the supreme court.⁵⁰ Specific duties of the district attorney include advising grand juries in relation to matters of law, drawing up indictments or presentments when requested by the grand jury, prosecuting all indictable offenses, prosecuting or defending any civil action in which the state is interested, arguing criminal cases on appeal, and assisting the attorney general when certain prosecutions are moved to a U.S. District Court.⁵¹

The district attorney is elected to a four-year term by the voters of the judicial circuit that he or she serves. Vacancies in this office are filled by appointment of the governor.⁵²

The state and counties share the funding of the district attorney's office, with the state paying the base salaries for the district attorneys, their secretaries, and assistant district attorneys. In addition, the state pays the travel expenses of district attorneys for travel outside their home county, plus a contingent expense allowance. Counties may supplement these salaries and expenses either in the discretion of the board of commissioners or by a local legislative act.⁵³ The county or counties that make up the judicial circuit must provide all offices, utilities, telephone expenses, materials, and supplies necessary to equip, maintain, and furnish the district attorney's office in an orderly and efficient manner.⁵⁴

Judge of the State Court

State courts are created by local acts of the General Assembly.⁵⁵ While referred to as state courts, these are essentially county courts that enforce state law. Within the boundaries of the county or counties for which they are created, state courts have jurisdiction over

1. the trial of nonfelony criminal cases;
2. the trial of civil cases regardless of the amount in controversy, except for those actions in which exclusive jurisdiction is vested in the superior courts;
3. the hearing of applications for and the issuance of arrest and search warrants;
4. the holding of courts of inquiry;
5. the punishments of contempts of court by fines not exceeding \$500 or by imprisonment not exceeding 20 days or both; and
6. the review of decisions of other courts as provided by law.⁵⁶

In addition, state courts have concurrent jurisdiction with other courts over offenses involving possession of one ounce or less of marijuana.⁵⁷

The General Assembly establishes by local law the number of judges for each state court and whether or not they are full-time or part-time judges. State court judges are elected on a nonpartisan basis and hold office for four years. Vacancies are filled by appointment of the governor until they can be filled by election. State court judges are compensated from county funds as provided by local law, and the county governing authority is authorized to supplement the compensation to be paid.⁵⁸

Solicitor-General of the State Court

In those counties with a state court, the solicitor-general represents the state in all criminal cases in that court unless there is a local law designat-

ing the district attorney to do so. Specific duties of the solicitor-general include the filing of accusations and prosecution of all criminal cases triable in state court and arguing any criminal cases on appeal from the state court. A solicitor-general may be authorized by local law to represent the state in more than one county within a judicial circuit.⁵⁹

The solicitor-general is elected to a four-year term by the voters of the county or counties in which he or she serves. Vacancies in this office are filled by appointment of the governor. Solicitors-general are compensated from county funds, and the county governing authority may not decrease the salary of the solicitor-general below the amount set by local law. The county must reimburse all actual expenses of the solicitor-general and any personnel of his or her office and must provide all offices, utilities, equipment, telephone expenses, legal costs, transcripts, materials, and supplies necessary for the solicitor-general to perform the duties and obligations of the office in an orderly and efficient manner.⁶⁰

Chief Magistrate

There is one magistrate court in each county, and each magistrate court and each magistrate has jurisdiction and power over

1. the hearing of applications for and the issuance of arrest and search warrants;
2. the issuance of warrants and related proceedings as provided in O.C.G.A. Article 4 of Chapter 6 of Title 17, relating to bonds for good behavior and bonds to keep the peace;
3. the holding of courts of inquiry;
4. the trial of charges of violations of county ordinances and penal ordinances of state authorities;
5. the trial of civil claims including garnishment and attachment in which exclusive jurisdiction is not vested in the superior court and the amount demanded or the value of the property claimed does not exceed \$15,000 provided that no prejudgment attachment may be granted;
6. the issuance of summons, trial of issues, and issuance of writs and judgments in dispossessory proceedings and distress warrant proceedings as provided in O.C.G.A. Articles 3 and 4 of Chapter 7 of Title 44;
7. the punishment of contempts of court by fine not exceeding \$200 or by imprisonment not exceeding 10 days or both;

8. the administration of any oath that is not required by law to be administered by some other officer;
9. the granting of bail in all cases for which the granting of bail is not exclusively committed to some other court or officer;
10. the issuing of subpoenas to compel attendance of witnesses in the magistrate court and subpoenas for the production of documentary evidence before the magistrate court;
11. the trial and sentencing of misdemeanor violations of O.C.G.A. §16-9-20, relating to the criminal issuance of bad checks;
12. the execution or subscription and the acceptance of written waivers of extradition as provided in O.C.G.A. §17-13-46;
13. the trial and sentencing of other specified misdemeanor violations; and
14. such other matters as are committed to their jurisdiction by other general laws.⁶¹

Each magistrate court has a chief magistrate and may have one or more other magistrates. Generally, the chief magistrate is elected by the voters for a four-year term. Other magistrates are appointed by the chief magistrate with the consent of the superior court judges, and the term of the other magistrates runs concurrently with the term of the chief magistrate who made the appointment. A vacancy in the office of chief magistrate is filled by an appointment of the judges of superior court of that county for the remainder of the unexpired term, and a vacancy in the office of any other magistrate is filled by an appointment of the chief magistrate with the consent of the superior court judges for the remainder of the unexpired term. The General Assembly may, by local law, provide for the number of magistrates in a particular county and for different methods of selecting magistrates and filling vacancies.⁶² Magistrates are subject to discipline, removal, and involuntary retirement by the Judicial Qualifications Commission.⁶³

Magistrates are compensated solely on a salary basis. General law provides for minimum salaries based on population that may be supplemented by the county, and the General Assembly may by local law set the compensation of any or all of a county's magistrates. The county may also provide an expense allowance, based on the county's population, for the operation of the magistrate court.⁶⁴

The county governing authority must provide suitable offices and courtrooms for the use of the magistrate court and must supply all fixtures, supplies, and equipment necessary for the proper functioning of the magistrate court.⁶⁵

OTHER ELECTED AND APPOINTED OFFICERS

Circuit Public Defender

The federal and state constitutions guarantee legal representation for individuals accused of a crime. If an accused person cannot afford to hire an attorney, one must be provided.⁶⁶ These services are provided through the office of the circuit public defender. With the exception of 6 single-county circuits that are not included in the statewide system, each of the other 43 judicial circuits has a chief public defender. While the state is primarily responsible for indigent defense services in superior and juvenile courts, counties are required to provide office space, utilities, materials, and supplies to support the office of the circuit public defender.⁶⁷ In addition, counties are obligated to pay a share of the costs of attorneys' services in any death penalty case when the costs exceed \$150,000.⁶⁸ Counties are also authorized to supplement the pay of the circuit's public defenders and to pay the salaries of additional assistant public defenders. Circuit public defenders are appointed by their own circuit's Public Defender Supervisory Panel, which includes at least two county commissioners appointed by the governor. In addition to appointing the circuit public defender, the panels may recommend removal of a circuit public defender to the Georgia Public Defenders Standards Council.⁶⁹ Counties are also obligated to provide and pay for the full cost of any legal defense services required in state, magistrate, and probate court and may do so by setting up a county legal defense program or by contracting with the Georgia Public Defenders Standards Council through the local circuit defender program.⁷⁰

Coroner

The coroner is responsible for holding an inquest into the cause of death in cases in which a person dies (1) as a result of violence, suicide, or casualty; (2) suddenly when in apparent good health; (3) when unattended by a physician; or (4) in any suspicious or unusual manner.⁷¹

Upon receiving notice of death under any of the above circumstances, the coroner is to take charge of the body immediately and summon a medical examiner and peace officer. Together, they must make an inquiry into the cause and manner of death. The medical examiner performs a postmortem examination or an autopsy and reports the findings to the director of the division of forensic sciences of the Georgia Bureau of Investigation. Unless there has been a finding of foul play, a dead body must be released to the next of kin within 24 hours of demand.⁷²

Coroners are required to take 16 hours of training per year at the Georgia Police Academy.⁷³

The coroner is elected for a four-year term. Whenever the office is vacant, the probate judge appoints someone to serve as coroner until the vacancy is filled by election.⁷⁴ The coroner is subject to removal by the judge of the superior court for sufficient cause, upon written charges and trial by jury.⁷⁵

State law provides for minimum salaries for coroners in counties that have a population of fewer than 35,000. Coroners have the option of being paid either an investigative fee of \$175 whenever no jury is impaneled or \$250 if a jury is impaneled or a salary set by local legislation.⁷⁶ When performing the duties of a sheriff, the coroner's fees are the same as the sheriff's.⁷⁷ In any county in which there is more than one state correctional facility or prison, the state must pay the coroner \$110 for each state inmate death in the county.

Coroners must have at least one deputy coroner who is appointed by and serves at the pleasure of the coroner. A deputy coroner has the same powers and is entitled to the same fees as the coroner, but the deputy coroner can only act when the coroner is unable to act.⁷⁸

Medical Examiner

In three counties—Fulton, Cobb, and DeKalb—the coroner's office has been abolished by local constitutional amendment, and the office of medical examiner has been created.⁷⁹ General law provides for the abolishment of the office of coroner and the establishment of the office of medical examiner by local law.⁸⁰ The law also provides for the qualifications, powers, and duties of anyone appointed as medical examiner and the compensation and expenses due the medical examiner. Generally, the medical examiner possesses the same powers, duties, liabilities, and obligations formerly possessed by the coroner in these counties. The governing authority appoints the medical examiner and fixes the compensation.⁸¹

Surveyor

The county surveyor's duties include surveying county and district lines, conducting other surveys for the county, and maintaining plats of all surveys made. The law requires that there be one surveyor for each county, but in a number of counties this office is vacant. The General Assembly may by local law abolish the office of elected county surveyor and authorize the governing authority to appoint a county surveyor. When there is no county surveyor, any Georgia resident who is a duly

licensed land surveyor may be appointed to perform the duties of county surveyor.⁸²

The surveyor is elected for a term of four years. Whenever an election fails to fill this office, or a vacancy occurs, the probate judge appoints someone to serve as surveyor until the vacancy is filled. The county surveyor is subject to removal by the probate judge for incapacity.⁸³

The surveyor is allowed to establish a fee for services. When a survey is ordered by the county, the fee is paid out of county funds, and it must be reasonably equivalent to that charged by a private surveyor. When surveys are made for private or corporate benefit, the surveyor's services may be contracted. In these cases, the fees are paid by the person or corporation requesting the survey. When the survey is made by court order, the fees are taxed in the bill of costs unless otherwise agreed upon. The office may be kept at the residence of the county surveyor if it is within the county limits; the county is not required to furnish the surveyor with an office or facilities.⁸⁴

Treasurer

The county treasurer, an elected officer, is responsible for collecting all money due the county and for depositing, disbursing, and accounting for all county funds. In addition, some specific duties are imposed by law, including appearing before the county governing authority at least twice a year to render an account of official acts and to exhibit records.⁸⁵

The office of county treasurer may be abolished by local act of the legislature; a large number of counties have abolished it.⁸⁶ Many of these acts authorize the county commissioners to designate a county employee, some other person, or a bank to perform the duties of county treasurer. In any county in which such an act is applicable, it must be looked to for the powers, duties, and responsibilities of the depositories created and the method for handling county funds.⁸⁷

Where the office of treasurer still exists, the term of office is four years, and vacancies are filled by appointment of the probate judge until a special election can be called or the next regular election of county treasurer is held. The treasurer's commissions for receiving and disbursing funds are prescribed by statute. In most counties, the fee system of compensation has been abolished, and the treasurer is paid a salary.⁸⁸

Emergency Management Director

The governing authority is authorized to establish a local organization for emergency management in accordance with the state emergency plan and program. The executive officer of the governing authority nominates

a local director to the state emergency management director who has authority to make the appointment. A local director must be at least 21 years of age, not have been convicted of a felony, have completed a high school education or its equivalent, be capable of writing emergency management plans, and not be self-employed or have any other occupation in the private sector that conflicts with his or her duties as a local director. The local director is responsible for the organization, administration, and operation of the county emergency management unit, subject to the direction and control of the governing authority.⁸⁹

A county has broad authority in matters of emergency management, including the power to appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property; and appoint and employ various emergency management workers. Any county that has not established a local organization for emergency management in accordance with the state emergency plan is ineligible for state disaster relief funds. In addition, the National Incident Management Systems (NIMS) was created by presidential directive to the Secretary of Homeland Security of the Federal Emergency Management Agency to serve as a structured network for federal, state, and local emergency agencies to respond to natural disasters and terrorist attacks. A county must have adopted NIMS in order to be eligible for federal preparedness assistance.⁹⁰

OTHERS

County Police

The governing authority has the power to appoint county police, but the creation of a county police department must be approved by the voters. If an attempt to create a county police force is rejected, the issue may not again be submitted to the voters within 48 months of the failed referendum.⁹¹

When a county police force has been created, the law requires that the county governing authority make rules and regulations for its conduct, management, and control; this power may not be delegated. In its discretion, the county governing authority may enlarge, modify, or change such rules and regulations.⁹² The governing authority, and not the sheriff, is responsible for the direction and control of the county police force, but it cannot prevent the county police force from cooperating with the sheriff in the enforcement of laws and preservation of the peace.

County police possess the same law enforcement powers as the sheriff in the county of their appointment and may make arrests and execute and return criminal warrants.⁹³

The governing authority is responsible for setting the terms of office and salaries of the county police and can remove them from office. In order to provide funds to meet county police expenses, the governing authority can levy a tax.⁹⁴

Grand Jury

Under the American system of jurisprudence, a grand jury usually functions only as an informing or accusing body. Georgia grand juries, however, are also empowered by various general laws to carry out numerous civil duties, most of which can, if exercised, affect or involve county officials. In performing its duties, the grand jury is advised on matters of law by the district attorney but has no authority to employ attorneys for this purpose at county expense.⁹⁵

Under Georgia law, the grand jury's civil powers include the following:

1. Examining returns submitted to it by the probate judge, treasurer, superior court clerk, and sheriff specifying the amount and sources of money received by them belonging to the county, as well as expenditures made by their offices⁹⁶
2. Inspecting the county jail and making recommendations necessary for providing proper sanitation, ventilation and heating, and treatment of inmates⁹⁷
3. Examining the sheriff's jail book containing certain information on all persons committed to jail and reporting to the appropriate court the failure to keep or the improper keeping of this record⁹⁸
4. Fixing the compensation of court bailiffs and grand and trial jurors⁹⁹
5. Appointing county boards of equalization¹⁰⁰
6. In addition, when deemed necessary by eight or more of its members, appointing a committee of its members to inspect or investigate any county office, building, authority, court, or school¹⁰¹

A grand jury consists of no fewer than 16 nor more than 23 persons randomly selected by superior court judges under specific statutory procedures. All Georgia citizens above the age of 18 who have resided in the county for six months are qualified and liable to serve as grand jurors except those who

- are incompetent because of mental illness or mental retardation,
- hold any elective office in state or local government or who have held any such office within a period of two years preceding the time of service as a grand juror, and
- have been convicted of a felony and have not been pardoned or had their civil rights restored.¹⁰²

The first grand jury impaneled at the fall term of superior court shall set the compensation of all jurors, including grand jurors, and increases in such amounts must be approved by the county governing authority.¹⁰³

COUNTY BOARDS AND AUTHORITIES

Board of Tax Assessors, Equalization Board, Appraisers

Board of Tax Assessors

The board of tax assessors is responsible for determining what property in the county is subject to taxation and for requiring its proper return. It examines and corrects errors in all real and personal property county tax returns. The board must see that all property in the county is returned for taxes at fair valuation, and that valuation between individual taxpayers is fairly equalized so that each pays, as nearly as possible, only his or her proportionate share of taxes.¹⁰⁴

There is a county board of tax assessors in each county consisting of no fewer than three nor more than five members appointed by the county governing authority. Each county governing authority must establish by resolution the term of office of members of its county board of tax assessors within the range of not less than three years and not more than six years. Thereafter, all assessors are to be appointed for terms as set by the county governing authority. This change in the length of terms does not affect the terms of assessors in office at that time. No person may be appointed or reappointed to a county board of tax assessors if the individual is related to a member of the county governing authority as a

- mother or mother-in-law,
- father or father-in-law,
- sister or sister-in-law,
- brother or brother-in-law,
- grandmother or grandmother by marriage,
- grandfather or grandfather by marriage,

- son or son-in-law, or
- daughter or daughter-in-law.¹⁰⁵

Board members can be removed by the governing authority only for cause shown, for failure to perform the duties or to meet the qualifications imposed by law, or by the superior court judge upon petition by 100 or more real property owners of the county. Assessors must possess certain qualifications specified by statute and successfully pass an examination administered by the state revenue commissioner.¹⁰⁶

The compensation of members of the board of tax assessors is fixed by the county governing authority within limits set by statute.¹⁰⁷ With county governing authority approval, the board of tax assessors may contract with individuals and firms for staff assistance in performing its duties, the cost of which is paid out of county funds.¹⁰⁸ The state revenue commissioner is authorized to make loans or contract with counties to aid them in financing personnel to assist the board of tax assessors in carrying out survey, valuation, and equalization programs.¹⁰⁹

The county governing authority may, upon adoption of a resolution, request that a performance review of the county board of tax assessors be conducted. Upon receipt of the request, the state revenue commissioner appoints three persons to serve as members of the performance review board: one member must be an employee of the state revenue department, and the other two must be assessors who are not members of the board under review. It is the duty of the review board to conduct a thorough and complete investigation of all actions of the tax assessors and appraisal staff regarding the technical competency of appraisal techniques and compliance with state law. The review board issues a written report of its findings, including evaluations, judgments, and recommendations. The county governing authority is required to reimburse the members of the review board for reasonable expenses incurred in the performance of their duties. The findings of the review board can be used as grounds for the removal of one or more of the members of the board of tax assessors.¹¹⁰

Board of Equalization

The board of equalization hears taxpayers' appeals from assessments made by the board of tax assessors. If it believes an assessment is not uniform with other assessments in the tax digest, it can order the board of tax assessors to take action necessary to obtain uniformity. Board of equalization decisions may be appealed to the superior court of the county by the taxpayer or the board of tax assessors.¹¹¹ At the option

of the taxpayer, when certain requirements are met, an appeal may be made to a hearing officer or to binding arbitration in lieu of the board of equalization.¹¹² The use of arbitration precludes a later appeal of the arbitrators' decision to the superior court.

The board of equalization consists of three members and three alternate members who are property owners in the county selected from the current grand jury list by the grand jury. Multicounty regional boards may also be formed by intergovernmental agreement.¹¹³ No member of the governing authority, county board of education, board of tax assessors, employee of the county board of tax assessors, or chief appraiser is eligible to serve as a member or alternate member of the county board of equalization.¹¹⁴ Management of the boards of equalization is the responsibility of the clerk of superior court of the county.¹¹⁵

In counties with more than 10,000 parcels of real estate, the governing authority may elect to have one additional member of the board of equalization for each additional 10,000 parcels of real estate or any part thereof. Members and alternate members serve terms of three years. If a vacancy occurs on the board of equalization, an alternate member fills it for the remainder of the term, and the grand jury selects another person to serve as alternate. When considering appeals and when attending required appraisal courses, board members are compensated by the county on a per diem basis at a rate of not less than \$25 per day, to be determined by the county governing authority. Facilities and clerical help necessary to carry out the duties of the board of equalization are furnished by the county governing authority to the superior court clerk.¹¹⁶

County Appraisal Staff

In general, the county property tax appraisal staff appraises taxable property, maintains county tax records, prepares annual assessments, and assists both the tax assessors and equalization board.¹¹⁷ The chief appraiser, who heads the appraisal staff, is designated by the board of tax assessors and may be a member of that board.¹¹⁸ In counties with a population of 100,000 or more, no member of a county property appraisal staff is eligible to serve as a member of the county board of tax assessors. In those counties in which a chief appraiser or member of the county appraisal staff is permitted to serve as a member of the county board of tax assessors, the membership on such board ends automatically upon such person ceasing to serve as an appraiser.¹¹⁹ Members of the appraisal staff may go onto property outside of buildings, posted or otherwise, to carry out their duties, provided they display sufficient identification. Such members of the appraisal staff may not enter upon

the property unless the owner and occupant of the property have been provided reasonable notice regarding the purpose for which such person is entering the property.¹²⁰

Counties are classified on the basis of the number of parcels of real property located within their boundaries for the purpose of determining minimum staff requirements under the law. When a county employs the required minimum staff and maintains proper tax records, the state is authorized to assist in financing the county tax equalization system.¹²¹ Qualifications and minimum compensation for appraisers are determined by the state revenue commissioner, with state merit system approval. Appraisers are paid from county funds and before being employed, must pass an examination prepared by the state merit system. They may also be required to take courses of instruction administered by the state revenue department.¹²² The commissioners are authorized to provide that staff and employees of the county board of tax assessors be positions of employment covered by the county personnel system.¹²³

Board of Health and Health Districts

There is a county board of health in each county in the state that determines the county's health needs and resources and develops programs to meet these needs. In general, responsibility for all public health matters within the county (such as the placement of septic tanks, the abatement of public nuisances, disease prevention, vaccinations against contagious diseases, and such other matters to prevent the spread of infectious matter, and rabies control) is vested in the board of health. This responsibility includes the enforcement of health laws and regulations.¹²⁴

The county board of health is composed of seven members. They are

1. the chief executive officer of the county governing authority or some other person designated by said officer;
2. the county superintendent of schools or a school system employee designated by the superintendent;
3. a physician actively practicing medicine in the county;
4. a person appointed by the county governing authority who is a consumer or a person from an advocacy group who will represent the county's consumers of health services;
5. a person appointed by the governing authority of the largest municipality in the county who is a consumer, interested in promoting public health, or a registered professional nurse or a licensed practical nurse;

6. a person appointed by the county governing authority who is a consumer and who will represent the county's needy, underprivileged, or elderly community; and
7. the chief executive officer of the largest municipality in the county or some other person designated by said officer.¹²⁵

The terms of members of the board of health appointed by the governing authority of either the county or largest municipality in the county are six years. Vacancies in the appointed positions are filled for the unexpired term in the same manner as the original appointment, and no employee of the state Department of Human Services or the county board of health shall be a member of the board.¹²⁶ Members of the board are paid an amount governed by statute, if funds for that purpose have been provided by the county.¹²⁷ The board appoints a director, who must be a physician licensed to practice medicine in Georgia, to act as its chief executive officer. While the director is subject to the policies and directives of the board of health, the director is a state employee who reports to the director of environmental health of the state Department of Community Health. The director of the board may, subject to the board's approved budget, designate additional aides and assistants to carry out the responsibilities of the board. Normally, such aides and assistants are state employees.¹²⁸

The county governing authority is authorized to fund the reasonable expenses of the board of health through property taxes, with office facilities and equipment for the board also supplied by the county.¹²⁹ In addition, the board receives federal and state financial assistance. To assist it in performing its duties, the board of health may utilize the services of the county attorney or employ other counsel.¹³⁰

With the consent of the boards of health and the county governing authorities, the Department of Community Health may establish a health district comprising one or more counties with the same powers and duties as the individual health boards.¹³¹ For further discussion of health and human services, see Chapter 15.

Board of Family and Children Services

Georgia law requires the state Department of Human Services to provide public assistance services to those in need in each of the counties, including the organization and supervision of a county Department of Family and Children Services (DFACS) to administer public assistance functions and compile public assistance information. The county DFACS is

the state agency charged with the administration of all forms of public assistance at the county level.¹³²

DFACS consists of a board, a director, and such additional employees as necessary.¹³³ The board is made up of five members appointed to five-year overlapping terms by the county governing authority. No elected official of the state or any political subdivision can be appointed, and vacancies are filled for the remainder of the term in the same manner as are original appointments. Members of the board serve without compensation except that they shall be paid, subject to county budget limits, a per diem as provided in state law and shall be reimbursed for travel and other expenses incurred in the performance of their official duties.¹³⁴ The county director is the executive and administrative officer and secretary to the board and is a state employee appointed, from a list of qualified candidates provided by the board, by the commissioner of the Department of Human Services. The county DFACS staff members are state employees subject to the approval of the Department of Human Services Commissioner.¹³⁵ For further discussion of family and children services, see Chapter 15.

Regional Planning Boards for Mental Health/Community Service Boards

Regional planning boards and community service boards are instrumentalities of the state created to plan for, coordinate, and provide mental health, developmental disabilities, and addictive disease services to the community. Boards are governed by a board of directors appointed by the county commissioners of the participating counties based on criteria specified in state law. Service areas are designated by the Department of Behavioral Health and Developmental Disabilities. A regional coordinator is appointed by the commissioner of the department to operate the regional planning board while the community service board is responsible for employing an executive director to direct the day-to-day operations of the community service board.¹³⁶ See Chapter 15 for additional information.

Planning Commission and Board of Zoning Appeals and Variances

Planning Commission

There is no general law establishing a planning commission in each county. However, many counties have created by ordinance or local legislation a board known as a planning commission or a planning and zoning commission. These boards may not make planning and zoning

decisions for commissioners. They may serve to evaluate and conduct public hearings on rezoning requests, zoning text changes, comprehensive plan updates, and future land-use map changes, for example. They may make recommendations to the county governing authority, which is the ultimate decision maker on these issues. The jurisdiction, make up, appointment, terms, and compensation of this board are entirely within the discretion of the county governing authority so long as the laws governing planning, zoning, and open meetings are observed.¹³⁷

Board of Zoning Appeals and Variances

Although there is no statutory authorization, some counties have created boards of zoning appeals and variances to provide relief from administrative decisions of county staff, address alleged errors in enforcement of the zoning ordinance, and grant variances to the zoning ordinance. A variance is an exception allowed in a zoning ordinance, granted on a case-by-case basis, when strict enforcement of the ordinance would result in a hardship on the property owner (i.e., failure to grant the variance would result in the property being totally useless) due to specific site conditions (e.g., property configuration, topography, soil conditions). Oftentimes, these variance ordinances relate to physical or dimensional requirements such as required road frontage, setbacks, building height, and floor space. The board of zoning appeals and variance would consider these factors, along with whether or not the granting of the variance would result in a hazard to the public health or safety or in granting a special privilege to the property owner. Any type of variance or appeal must be clearly spelled out in the ordinance. The jurisdiction, make up, appointment, terms, and compensation of this board are entirely within the discretion of the county governing authority so long as the laws governing planning, zoning, and open meetings are observed.¹³⁸ For further discussion of planning and zoning, see Chapter 9.

Public and Law Library Boards

Public Library Board

A board of library trustees, which approves the constitution of the library system, is entrusted with the general supervision of county public libraries. It also has the duty and responsibility to (1) make rules and regulations for the operation of libraries, (2) appoint a library director who satisfies state certification requirements, (3) approve budgets prepared by the library director, (4) determine the number and kind of library

personnel employed and appoint or dismiss them upon recommendation of the library director, and (5) present financial reports to governing officials and to the public.¹³⁹

The board consists of at least one member appointed from each governmental agency financially supporting the library. The appointment must be in writing, stating the length and expiration date of the term, and sent to the appointee and the library. Vacancies are filled in the same manner as the appointments. Members of the board do not receive any compensation except that they can be reimbursed for reasonable expenses incurred in the performance of their duties.¹⁴⁰

Board of Trustees of the County Law Library

The board of trustees of the county law library is empowered to select publications for the law library, make all rules and regulations governing its use, and exercise all other powers necessary for its proper administration.¹⁴¹

The board consists of the chief superior court judge; the probate judge; the senior state court judge, if any; the solicitor-general, if any; the superior court clerk; and two practicing attorneys of the county selected by the other trustees. The superior court judge is chairman of the board, and all trustees serve without pay. The board can appoint a secretary-treasurer and may designate the probate judge, a deputy clerk of the superior court, or some other person to act as librarian.¹⁴²

The board controls all county law library funds, which must be spent for library publications, equipment, and supplies, as well as for maintenance and operation expenses and librarian services. If the board of trustees determines in its discretion that it has excess law library funds, the board may grant such excess funds to charitable tax-exempt organizations that provide civil legal representation for low-income people. Any remaining excess funds shall be turned over to the county governing authority for the purchase of fixtures and furnishings for the courthouse.¹⁴³

To provide revenue for the library, a maximum \$5 fee may be charged in civil and criminal cases filed in the superior, state, probate, and other courts of record except county recorders' or municipal courts. This fee is set by the chief superior court judge. At the discretion of the county governing authority, law library fees may be used for codification of county ordinances, but the amount shall not exceed the cost of establishing or maintaining the codification. If a county does not have a law library and the county governing authority so requests, the chief superior court judge may direct that law library fees be collected

and used for codification of county ordinances. The board may receive gifts or grants of money or property and hold or invest such for the use of the library.¹⁴⁴

If a county has a law library, the county governing authority must furnish necessary space, lights, heat, and water for its maintenance. All law books, reports, texts, and periodicals purchased by the board of trustees become the property of the county.¹⁴⁵

Park or Recreation Boards

The county governing authority may establish a system of supervised recreation and vest in the board of education, a park or recreation board, or some other existing body the power to provide county recreational activities and facilities. The governing authority can also furnish recreational facilities jointly with other local units of government. The board, so vested, has the power to develop, maintain, operate, and equip all types of recreational facilities and programs and may employ recreation directors, supervisors, or other personnel.¹⁴⁶

If a park or recreation board is created, the membership consists of no fewer than five nor more than nine persons appointed to five-year overlapping terms by the presiding officer of the county governing authority. Members serve without pay. Vacancies are filled for the unexpired term by the presiding officer of the governing authority.¹⁴⁷

The board designated to furnish recreational facilities has exclusive control of all recreation funds. It may accept grants, gifts, or donations to the recreation system, but those that will subject the county to additional expense must be approved by the county governing authority. The governing authority may levy a tax and issue bonds to fund the recreation program. If a county has adopted a minimum, maximum, or a minimum and maximum recreation tax, the governing authority may adopt a resolution to remove the tax upon voter approval. Once the tax has been removed, the county governing authority determines the funding level.¹⁴⁸ See Chapter 13 for a more detailed discussion of county park and recreation programs.

Development Authority

There is a county development authority in each county in the state in order to promote trade, commerce, industry, and employment. A joint development authority may be established with another county or counties or with one or more municipalities.¹⁴⁹

The powers of a development authority are all those necessary or convenient to carry out its purposes, including the power to make con-

tracts; receive and administer grants and gifts; dispose of as well as lease or exchange real and personal property; appoint and employ agents and employees; construct, repair, and maintain projects such as agricultural, manufacturing, and mining structures, air and water pollution control projects, and air transportation facilities; and expend excess funds for the promotion of industry, agriculture, and trade. No project may be operated by an authority or the county but must be leased or sold to private firms or individuals.¹⁵⁰ In addition, a development authority may issue revenue bonds and obligations to provide funds for carrying out its purposes and projects. Bonds, obligations, and other indebtedness of an authority are not debts of the county.¹⁵¹

Generally, an authority is exempt from paying state or local taxes or assessments on any property that is acquired by it, under its control or supervision, or leased by it to others.¹⁵²

Development authorities have been created in a number of counties by local constitutional amendments and local laws. In such counties, pertinent local legislation should be consulted to determine the powers and duties of those development authorities.¹⁵³

A development authority consists of a board of no fewer than seven nor more than nine directors appointed by the county governing authority for staggered four-year terms. Each director must be a taxpayer and county resident. No more than one county commissioner may be appointed as a director. Except for a director who is also a member of the governing authority, each director or member of the development authority must attend and complete at least eight hours of training on development and redevelopment programs within 12 months of the director's or member's appointment to the development authority. This training requirement does not apply to any director or member who was in office on January 1, 2000. Directors receive no compensation other than reimbursement for actual expenses incurred in performing their duties.¹⁵⁴

Hospital Authority

The county governing authority is authorized by general law to create a hospital authority to establish and operate hospital facilities within and beyond county boundaries. A county can also set up a hospital authority jointly with municipalities and other counties. A hospital authority has all powers necessary or convenient to carry out its purposes, including the authority to make contracts; acquire real and personal property by purchase, lease, grant, or otherwise; appoint officers, agents, and employees; and operate, construct, improve, and repair hospital projects.¹⁵⁵ In

addition, an authority fixes the rates and charges for use of its facilities. It cannot, however, operate any project for profit. An authority may also borrow money and issue revenue certificates, which are not debts of the county.¹⁵⁶

The board must file an annual activity report with the governing authority containing the budget adopted by the board. In addition, the authority must annually prepare a community benefit report that discloses the cost of indigent and charity care provided by the authority. The report must be filed with the superior court clerk and the county governing authority within 90 days of the end of the fiscal or calendar year. It must also have an annual audit made of the financial affairs of the authority, and if it fails to do so, the governing authority or any county taxpayer may petition the superior court to require the audit.¹⁵⁷

A hospital authority itself has no power to tax. However, the county governing authority may contract with the authority to pay for services rendered to indigent sick and others and levy a property tax, not exceeding seven mills, to pay for such services. A hospital authority has the same tax exemptions and exclusions as do cities and counties operating similar facilities.¹⁵⁸

A hospital authority consists of a board of trustees of no fewer than five nor more than nine county residents appointed by the governing authority for staggered terms as specified by the county. By resolution, the number of members of any hospital authority may be increased by not more than two additional members. Where a joint authority exists, the number of trustees can be no larger than 15. Vacancies are generally filled by the board itself from a list of three eligible persons submitted by the county governing authority. Board members receive no compensation other than reimbursement for actual expenses incurred in performing their duties, or they may elect to be reimbursed for such expenses on a per diem basis in an amount as set by state law per meeting or a total amount as set by state law per month.¹⁵⁹

Housing Authority

Under general law, a housing authority can be established at any time by the county governing authority or upon the filing of a petition signed by 25 residents of the county. The law requires that a housing authority be created if the governing authority finds that unsanitary or unsafe dwellings exist in the county or that there is a shortage of safe or sanitary dwelling accommodations available to persons of low income at rentals they can afford.¹⁶⁰

A housing authority has all powers necessary and convenient to carry out its purposes, including the power to make contracts; acquire, prepare,

lease, and operate housing projects; provide for their construction, repair, and furnishings; borrow money or accept grants or other financial assistance from the federal government; and issue bonds. Bonds and other obligations of the authority are not debts of the county.¹⁶¹ Housing authorities are authorized to enter into contracts with for-profit entities for the ownership of a housing project and are authorized to incorporate nonprofit corporations as subsidiaries of the authority.¹⁶²

A housing authority is headed by five commissioners appointed by the governing authority for staggered five-year terms. All vacancies are filled for the unexpired term only. Commissioners cannot be officers or employees of the county, and they receive no compensation other than reimbursement for necessary expenses. The authority shall select from its commissioners a vice-chairman and may employ a secretary (who is the executive director of the authority) and other personnel as well as determine their qualifications, duties, and compensation. It may utilize the services of the county attorney or employ other counsel and legal staff. All vacancies are filled for the unexpired term only. Commissioners cannot be officers or employees of the county, and they receive no compensation other than reimbursement for necessary expenses.¹⁶³

The property and the authority are exempt from all county and state taxes and special assessments. In lieu of these taxes, however, the authority may agree to make payments to the county for improvements, services, and facilities furnished by the county for the benefit of any housing project. An authority is prohibited from constructing or operating a housing project for profit or as a revenue source for the county. Moreover, it must fix rentals at no higher rates than necessary, and it is obligated to comply with certain statutory requirements concerning rentals and tenant selection. When a housing authority is created, the county governing authority must donate an amount of money necessary to cover the administrative and overhead expenses of the authority for the first year. The county may also, from time to time, lend or donate money to the authority.¹⁶⁴

Any two or more housing authorities may cooperate with one another in exercising their powers with respect to housing projects. In addition, the governing authorities of two or more contiguous counties can create a regional housing authority if it would be a more efficient and economical administrative unit. In such cases, each county housing authority involved ceases to exist after completing all business and shall deed all of its property and obligations to the regional housing authority.¹⁶⁵

When two or more counties create a regional housing authority, the counties establish, by resolution, the composition and size of the housing

authority provided that each county has at least one commissioner on the board of the authority and that at least one of the commissioners is a recipient of direct assistance of a public housing authority within the region.¹⁶⁶ State law provides for the addition to and the exclusion and detachment of counties from regional housing authorities.¹⁶⁷

Airports/Airport Authority

By general law, Georgia counties are authorized, separately or jointly, to acquire, establish, own, and operate airports and landing fields inside or outside the county. The governing authority can construct, maintain, and operate airports or landing fields; adopt regulations and establish fees for their use; fix penalties for violations of these regulations; and lease airport facilities to private parties. The governing authority may provide funds for airports or landing fields, acquire easements for lights and markers, and police all airport facilities.¹⁶⁸

A number of airport authorities have been created by local constitutional amendment or local legislation. These authorities are usually permitted to make contracts, obtain and dispose of property, fix and collect charges and tolls, issue revenue bonds, and accept loans and grants.¹⁶⁹

9-1-1 Authority

By resolution, county governing bodies are authorized to create and activate, with other counties and municipalities, multi-jurisdictional authorities to operate emergency 9-1-1 systems. The resolutions that create and activate these authorities must specify the number of members of the authority, the number to be appointed by each participating county and municipality, their terms of office, and their residency requirements. Such authorities are required to elect a chairperson and any other officers as deemed necessary. The authority selects a director, who is responsible for establishing operating standards and procedures and overseeing the operations of the emergency 9-1-1 system. It is responsible for hiring, training, supervising, and disciplining employees. The authority must submit its annual budget and a report of its financial records to the local governing bodies that created the authority.¹⁷⁰

County School Board and Superintendent

Board of Education

In Georgia, the responsibility for the administration and financial support of the public school system is divided between the state and the county (or city) board of education. Except for levying the property tax certified by the board of education, the county has virtually no role in the

provision of education. The state Board of Education has authority to formulate educational and administrative policies and standards for the improvement of public education within the state.¹⁷¹ Management and control of the public schools within each county are the responsibilities of the county's board of education.¹⁷²

The county board of education possesses broad authority. It is the tribunal for hearing and determining all local controversies relating to school law and is given wide discretionary powers in this area. It establishes and makes regulations for the various county schools, including elementary and high school, and it administers kindergarten programs, special education services for students with special needs, vocational programs, early intervention programs for students at risk of not reaching or maintaining an academic grade level, alternative education programs, and summer school programs.¹⁷³ The board of education has extensive authority over school property and facilities, including the complete ownership of and the right to buy and sell school property.¹⁷⁴ It also has authority, within certain limitations, to borrow sufficient amounts of money for the operation of the public school system and may issue bonds for building and equipping schoolhouses and purchasing school sites.¹⁷⁵ Teachers, principals, other certified professional personnel, and all other school employees are appointed by the board of education upon the recommendation of the county superintendent of schools.¹⁷⁶

In order to receive state funds, the county board of education raises money to operate the schools, primarily through taxation. The constitution requires the county governing authority to levy an annual school tax certified to it by the board of education (not exceeding 20 mills per dollar) upon all taxable property in the territory served by the school system, but there are a few school systems that are exempt from the 20 mill cap. The amount of the levy is recommended by the board of education, but the levy is actually made by the county governing authority and collected by the tax commissioner.¹⁷⁷

The local school system must submit to the state Board of Education an annual budget that must conform to a uniform budgeting and accounting system established by the board, and the state board may either accept or reject the budget.¹⁷⁸

The Georgia Constitution and general law provide that members of a county board of education are to be elected by the voters of the school district that the board member represents. The General Assembly may provide by local law for nonpartisan elections. A member is required to

reside in the district that he or she represents. No person who is a member of the state Board of Education, who is employed by the state board or a county board of education, or who is employed by or who serves on the governing body of a private school is eligible to serve as a member of a county board of education. No person who has an immediate family member (spouse, child, sibling, or parent or spouse thereof) sitting on a local board of education or serving as a local school superintendent, principal, assistant principal, or member of the system's administrative staff is eligible to serve as a member of the local board of education. No person who is on the National Sex Offender Registry or the state sexual offender registry shall be eligible for election to or service on a local board of education.¹⁷⁹

Members are elected for terms of four years unless their terms are otherwise provided by local act or constitutional amendment. Vacancies for the remainder of an unexpired term are filled by appointment of the remaining members of the board if the vacancy occurs less than 90 days prior to the general election. However, if the vacancy occurs more than 90 days before the general election, it must be filled by a special election to be held on the date of the next general election.¹⁸⁰

Board members of any local system for which no local act exists receive a per diem as provided in state law per day for attendance at board meetings, plus reimbursement of actual expenses. General law also authorizes provision of group medical and dental insurance for members of the board of education.¹⁸¹

Superintendent of Schools

The county superintendent of schools, who is the communication link between the state superintendent of schools and subordinate school officers, is the executive officer of the board of education as well as the agent in procuring such school equipment and materials as might be ordered. The superintendent ensures that prescribed textbooks are used and keeps a record of all official acts. It is the duty of the county superintendent to enforce all regulations, rules, and instructions of the state superintendent of schools and the county board of education.¹⁸²

Under the constitution and general law, the superintendent is appointed by the board of education. Superintendents are employed under written contracts for terms of not less than one year and not more than three years. Vacancies are filled by appointment by the board.¹⁸³

Regional Commissions

Regional commissions, which are successors to regional development centers, are directly involved in local intergovernmental relations. They have been established in order to

- develop, promote, and assist in establishing coordinated and comprehensive planning in the state;
- assist local governments in participating in an orderly process for coordinated and comprehensive land-use, environmental, transportation, and historic preservation planning in the state;
- assist local governments in preparing and implementing comprehensive plans that will develop and promote the essential public interest of the state and its citizens;
- assist local governments in participating in an orderly process for coordinated and comprehensive planning;
- assist local governments in preparing and implementing comprehensive regional plans that will develop and promote the essential public interest of the state and its citizens;
- advance positive government relations among the state, regional, and local levels; and
- prepare and implement comprehensive regional plans that will develop and promote the essential public interests of the state and its citizens.¹⁸⁴

All Georgia counties are members of a regional commission.¹⁸⁵ Counties in the Atlanta metropolitan area are members of the metropolitan area planning and development commission, the Atlanta Regional Commission, which has enhanced planning and review powers.¹⁸⁶

There are 12 regional commissions in Georgia (see Figure 4-1), and each one is governed by a council consisting of the following:

- the chief elected official of each county in the region for a period of time concurrent with the elected official's term of office;
- one elected official from one municipality in each county for a time period concurrent with the elected official's term of office (in the case of a consolidated government in which there is not another municipality within the county, a second member of the consolidated government shall be appointed to the council);

- three residents of the region appointed by the Governor, one of whom shall be a member of a school board located in the region or a superintendant of schools located within the region and two nonpublic council members, each for terms of two years;
- one nonpublic council member appointed by the Lieutenant Governor for a term of two years;
- one nonpublic council member appointed by the Speaker of the House of Representatives for a term of two years; and
- any additional members determined to be necessary by the Board of Community Affairs for the purposes of complying with laws or otherwise for a term of one year.

Figure 4-1. Regional Commissions, State of Georgia



The council elects from its members a chairperson, vice chairperson, and secretary or treasurer who serve for terms of two years and until their successors are elected and qualified.¹⁸⁷ In addition, the council of each regional commission is responsible for such things as the appointment and removal of a full-time executive director of the regional commission, the exercise of its statutory powers, the establishment of such committees as it deems appropriate, the adoption of an annual budget to support the annual work program, and the determination of the policies and programs to be implemented and operated by the regional commission.¹⁸⁸

Each county and municipality is required to pay annual dues for membership in its regional commission. If a county pays dues only on behalf of residents of the unincorporated areas of the county, the dues must come only from revenues obtained from the county's unincorporated areas.¹⁸⁹ Each regional commission must collect annual dues in the amount of 25 cents for every resident of its member counties. However, in order to be eligible for any minimum funding from state-appropriated funds, each regional commission must assess and collect annual dues in the aggregate, averaging a minimum amount of \$1 for each resident of each county within the regional commission.¹⁹⁰

Regional commissions are authorized to engage in the delivery of direct governmental services for local governments, provided a resolution requesting the same has been approved by the local government and the council of the regional commission. The provision of such services must be on a not-for-profit basis.¹⁹¹

Authorities and Intergovernmental Contracts

Counties are authorized by a number of general and local statutes to create or activate various public authorities for the provision of public services. In addition, under Article IX, Section IV, ¶1 of the Georgia Constitution, counties may enter into intergovernmental contracts with other governments for up to 50 years. The following list contains examples of such authorities and agreements:

- O.C.G.A. §8-3-100—Regional Housing Authority
- O.C.G.A. §12-8-50—Regional Solid Waste Authority
- O.C.G.A. §25-6-1—Mutual Aid Resource Pact (Fire)
- O.C.G.A. §3-7-72—Hospital Authorities
- O.C.G.A. §36-60-2—Wastewater Treatment Service
- O.C.G.A. §36-69-1—Mutual Aid Act (Law Enforcement)

- O.C.G.A. §36-73-1—Regional Facilities
- O.C.G.A. §42-4-90—Regional Jail Authority
- O.C.G.A. §49-3-1—District Departments of Family and Children Services

Regional cooperation portends benefits as local governments join together to provide services that they otherwise might not be able to offer or to achieve a lower cost of delivery than when operating independently.

NOTES

1. Portions of this chapter are drawn from the section on other county officials in *Handbook for Georgia County Commissioners*, 4th ed., ed. Betty J. Hudson and Paul T. Hardy (Athens: Carl Vinson Institute of Government, University of Georgia, 2002).
2. Ga. Laws 2005, 3785; 2004, 4552; 2003, 4492.
3. Ga. Laws 2008, 3605; 2004, 4571; 2004, 4027.
4. *Ibid.*
5. Variations in the powers and duties of the administrator, manager, or controller may occur from county to county due to differences in the language of the local acts authorizing the appointment. To determine more precisely the powers and duties of this officer in a particular county, reference must be made to the applicable local acts.
6. OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) §36-5-22; Ga. Laws 1999, 4345.
7. Ga. Laws 2004, 3679; 2004, 4571; 2004, 4552; 1997, 4136. In regard to tenure and appointment of county attorney, see *Madden v. Bellew*, 260 Ga. 530, 397 S.E.2d 687 (1990); *Brennan v. Chatham County Commissioners*, 209 Ga. App. 177, 433 S.E.2d 597 (1993).
8. The Office of Tax Commissioner was abolished and merged with the Board of Tax Assessors in Dougherty County by local constitutional amendment, Ga. Laws 1974, 1654.
9. *Hill v. Clayton County Board of Commissioners*, 283 Ga. App. 15, 640 S.E.2d 638 (2006); *Brown v. Dorsey*, 276 Ga. App. 851, 625 S.E.2d 16 (2005); *Griffies v. Coweta County*, 272 Ga. 506, 530 S.E.2d 718 (2000); *Boswell v. Bramlett*, 274 Ga. 50, 549 S.E.2d 100 (2001); *Chaffin et al. v. Calhoun et al.*, 262 Ga. 202, 415 S.E. 2d 906 (1992).
10. O.C.G.A. §36-1-21; *Board of Commissioners of Spalding County v. Stewart*, 668 S.E.2d 644 (2008); *Wayne County v. Herrin*, 210 Ga. App. 747, 437 S.E.2d 793 (1993); *Gwinnett County v. Yates*, 265 Ga. 504, 458 S.E.2d 791 (1995).
11. O.C.G.A. §36-81-11.
12. O.C.G.A. §§15-16-10(a), 42-4-1(a).
13. *Elder v. Camp*, 193 Ga. 320, 18 S.E.2d 622 (1942); *Veit v. State*, 182 Ga. App. 753, 357 S.E.2d 113 (1987).

14. O.C.G.A. §15-16-13.
15. O.C.G.A. §§15-16-9, 15-6-61(a)(1), 15-6-86; *Brewster v. Houston County*, 235 Ga. 68, 218 S.E.2d 748 (1975).
16. GA. CONST. art. IX, §1, ¶3(a); O.C.G.A. §§15-16-1(b), 15-6-50(a), 15-16-8, 15-6-54.
17. O.C.G.A. §§15-16-14, 15-16-10(b), 15-6-82, 42-4-4(c); *Adamson v. Leather*, 60 Ga. App. 382, 3 S.E.2d 871 (1939).
18. GA. CONST. art. IX, §1, ¶3(b); art. IX, §2, ¶1. A minimum annual salary based on the county population and an addition to the minimum salary are provided by general law, O.C.G.A. §§15-16-19, 15-16-20, 15-16-20.1, 15-16-20.2. Otherwise, the sheriff's salary is set by local law, and such salary may be greater than that set by general law. *Lawson v. Lincoln County*, 292 Ga. App. 527, 664 S.E.2d 900 (2008); *Houlihan v. Saussy*, 206 Ga. 1, 55 S.E.2d 557 (1949); *Warren v. Walton*, 231 Ga. 495, 202 S.E.2d 405 (1973).
19. *Wolfe v. Huff*, 232 Ga. 44, 205 S.E.2d 254 (1974). See *Chaffin et al. v. Calhoun et al.*, 262 Ga. 202, 415 S.E.2d 906 (1992), in regard to the reduction of a sheriff's budget and the transfer of equipment from the sheriff to the county police. For the state law governing the creation of a county police force, see O.C.G.A. tit. 36, ch. 8.
20. *Wolfe v. Huff*, 232 Ga. 44, 205 S.E.2d 254 (1974). Compare *Clayton v. Taylor*, 223 Ga. 346, 155 S.E.2d 387 (1967).
21. *Wolfe v. Huff*, 233 Ga. 162, 210 S.E.2d 699 (1974); *Chaffin et al. v. Calhoun et al.*, 262 Ga. 202, 415 S.E.2d 906 (1992). See *Board of Commissioners of Randolph County v. Wilson*, 260 Ga. 482, 396 S.E.2d 903 (1990), in which the court upheld the board's refusal to budget funds necessary for the sheriff to have five deputies and ruled that the board is only responsible for budgeting a lump sum that was not an abuse of discretion for the sheriff's office and not a specific amount that would provide the sheriff with sufficient funds to have five deputies.
22. See O.C.G.A. vol. 42, *Index to Local and Special Laws and General Laws of Local Application*.
23. O.C.G.A. §15-16-23; *Freeman v. Barnes*, 282 Ga. App. 611, 640 S.E.2d 611 (2006); *Wayne County v. Herrin*, 210 Ga. App. 747, 437 S.E.2d 793 (1993); *Employees Retirement System v. Lewis*, 109 Ga. App. 476, 136 S.E.2d 518 (1964); *Drost v. Robinson*, 194 Ga. 703, 22 S.E.2d 475 (1942). Compare *Board of Commissioners of Randolph County v. Wilson*, 260 Ga. 482, 396 S.E.2d 903 (1990), which holds that a county commission may decrease "lump sum" budget appropriations for the sheriff's office in a manner that foreseeably leads to a dismissal of deputies. See *Chaffin et al. v. Calhoun et al.*, 262 Ga. 202, 415 S.E.2d 906 (1992); *Boswell v. Bramlett*, 274 Ga. 50, 549 S.E.2d 100 (2001).
24. O.C.G.A. §48-5-311(d)(4).
25. O.C.G.A. §§15-6-59-15-6-74.
26. GA. CONST. art. IX, §1, ¶3(a); O.C.G.A. §§15-6-54, 15-6-56, 15-6-82; *Wallace v. State*, 34 Ga. App. 281, 129 S.E. 299 (1925); *Adams v. Leather*, 60 Ga. App. 382, 3 S.E.2d 871 (1939).
27. O.C.G.A. §§15-6-88, 15-6-88.2.
28. O.C.G.A. §§15-6-61(a), 15-6-86, 36-9-7. See also *Floyd County v. Graham*, 24 Ga. App. 294, 100 S.E. 728 (1919).
29. O.C.G.A. §§15-1-10, 15-6-86, 36-9-5.

30. O.C.G.A. §15-9-30(a).
31. O.C.G.A. §15-9-30(b).
32. O.C.G.A. §§15-9-30.1–15-9-30.7.
33. GA. CONST. art. 9, §1, ¶3(a).
34. O.C.G.A. §15-9-10.
35. O.C.G.A. §15-9-63.
36. O.C.G.A. §§15-9-80, 15-9-81, 36-9-7.
37. GA. CONST. art. IX, §1, ¶3(c); O.C.G.A. §§48-5-21, 48-5-103, 48-5-127.
38. GA. CONST. art. IX, §1, ¶3(a); O.C.G.A. §§48-5-210, 48-5-211.
39. O.C.G.A. §§48-5-180, 48-5-183.
40. O.C.G.A. §§48-5-141, 48-5-142.
41. O.C.G.A. §§48-5-138, 48-5-139, 48-5-154.
42. O.C.G.A. §48-5-140.
43. O.C.G.A. §48-5-145.
44. GA. CONST. art. VI, §1, ¶1; art. VI, §4, ¶1; O.C.G.A. §§15-6-8, 15-11-5, 15-11-28, 19-8-2.
45. GA. CONST. art. VI, §1, ¶6; art. VI, §7, ¶1; art. VI, §7, ¶3; art. VI, §7, ¶4; O.C.G.A. §§15-6-1, 15-6-4.1.
46. GA. CONST. art. VI, §7, ¶5; O.C.G.A. §§15-6-25–15-6-32.
47. GA. CONST. art. VI, §7, ¶5; O.C.G.A. §§15-6-29(c), 45-7-4(a)(20).
48. O.C.G.A. §15-6-24. See *Fulton County v. State*, 282 Ga. 570, 151 S.E.2d 679 (2007); *Chatham County v. Gaundry*, 120 Ga. 121, 47 S.E. 634 (1904).
49. O.C.G.A. §15-6-17.
50. GA. CONST. art. VI, §8, ¶1(d).
51. O.C.G.A. §§15-18-6, 15-18-7.
52. GA. CONST. art. VI, §8, ¶1 (a).
53. GA. CONST. art. VI, §8, ¶1(c); O.C.G.A. §§15-18-10–15-18-12, 15-18-14, 15-18-17–15-18-20.
54. O.C.G.A. §15-18-23. See *Wilson v. Southerland*, 258 Ga. 479, 371 S.E.2d 382 (1988), which held that because the counties of a judicial circuit had consented to the employment of an assistant district attorney in previous years, they were not thereafter obligated to continue to compensate additional district attorneys. In support, see *Cramer v. Spalding County*, 261 Ga. 570, 409 S.E.3d 30 (1991).
55. O.C.G.A. §15-7-2.
56. O.C.G.A. §15-7-4(a).
57. O.C.G.A. §15-7-4(b).
58. O.C.G.A. §§15-7-20, 15-7-22, 15-7-23.
59. O.C.G.A. §§15-18-60–15-18-74.
60. *Ibid.*
61. GA. CONST. art. VI, §10, ¶1(6). The county court of Echols County shall be classified as a magistrate court. The county courts of Baldwin County and Putnam County shall be classified as state courts. O.C.G.A. §§15-10-1, 15-10-2, 36-1-20.
62. O.C.G.A. §15-10-20.
63. O.C.G.A. §15-10-24.

64. O.C.G.A. §§15-10-23, 15-10-23.1; *Rowland v. Tattnall County*, 260 Ga. 109, 390 S.E.2d 217 (1990).
65. O.C.G.A. §15-10-5.
66. GA. CONST. art. I, §1, ¶14.
67. O.C.G.A. §§17-12-23 (a), 17-12-34.
68. O.C.G.A. §17-12-12.1.
69. O.C.G.A. §17-12-20.
70. O.C.G.A. §17-12-23(d).
71. O.C.G.A. §§45-16-24, 45-16-27, 45-16-27.1.
72. O.C.G.A. §§45-16-25, 45-16-25.1, 45-16-32. See O.C.G.A. §45-16-22, which authorizes the county governing authority, after consulting with the coroner, to appoint one or more local medical examiners who shall be licensed physicians or pathologists.
73. O.C.G.A. §§45-16-6, 45-16-66.
74. O.C.G.A. §§45-16-1, 45-16-2.
75. O.C.G.A. §§15-6-82, 45-16-1(a).
76. O.C.G.A. §§45-16-11, 45-16-27(b).
77. O.C.G.A. §§45-16-9, 15-16-21.
78. O.C.G.A. §§45-16-7, 45-16-11.
79. Ga. Laws 1980, 3827; 1966, 3406; 1965, 2497.
80. O.C.G.A. §45-16-80.
81. *Ibid.*
82. O.C.G.A. tit. 36, ch. 7.
83. *Ibid.*
84. *Ibid.*
85. O.C.G.A. §§36-6-14, 36-6-15, 36-6-16, 36-6-22.
86. O.C.G.A. §36-6-1(b).
87. See, for example, Ga. Laws 1991, 3588, 4460; 1986, 5294; 1985, 4768.
88. O.C.G.A. §§15-6-54, 36-6-25, 36-6-12, 36-6-1; 1981 Op. Att’y Gen. No. 81-87. The General Assembly may fix compensation by local law. See O.C.G.A. vol. 42, *Index to Local and Special Laws and General Laws of Local Application*.
89. O.C.G.A. §38-3-27.
90. *Ibid.*; Homeland Security Presidential Directive (HSPD)-5 (2004).
91. O.C.G.A. §36-8-1. Authority for the county to provide police protection is also provided by GA. CONST. art. IX, §2, ¶3(a)(1); *Thompson v. Hornsby*, 235 Ga. 561, 221 S.E.2d 192 (1975).
92. O.C.G.A. §36-8-7.
93. O.C.G.A. §36-8-5; *Wolfe v. Huff*, 232 Ga. 44, 205 S.E.2d 254 (1974).
94. O.C.G.A. §§36-8-2, 36-8-4; *Wolfe v. Huff*, 232 Ga. 44, 205 S.E.2d 254 (1974).
95. O.C.G.A. §§15-12-71–15-12-80, 15-18-6(2). *In re Grand Jury Gwinnett County*, 284 Ga. 510, 668 S.E.2d 682 (2008); *Daniel v. Yow*, 226 Ga. 544, 176 S.E.2d 67 (1970).
96. O.C.G.A. §36-1-7.
97. O.C.G.A. §15-12-78.
98. O.C.G.A. §§42-4-7, 42-4-8.

99. O.C.G.A. §15-12-7.
100. O.C.G.A. §48-5-311(c).
101. O.C.G.A. §15-12-71(b)(2).
102. O.C.G.A. §§15-12-60–15-12-62. In regard to exemptions from jury duty, see O.C.G.A. §15-12-1.
103. O.C.G.A. §15-12-7.
104. O.C.G.A. §§48-5-299, 48-5-306(a); *Smith v. Elbert County Board of Tax Assessors*, 292 Ga. App. 417, 664 S.E.2d 786 (2008); *Rogers v. DeKalb County Board of Tax Assessors*, 269 Ga. 31, 495 S.E.2d 33 (1998).
105. O.C.G.A. §§48-5-290, 48-5-295(a).
106. O.C.G.A. §§48-5-291, 48-5-295(b)–(d), 48-5-296.
107. O.C.G.A. §48-5-294.
108. O.C.G.A. §48-5-298. For limitations on this right to contract, see *Sears, Roebuck and Company v. Parsons*, 260 Ga. 824, 401 S.E.2d 4 (1991), in which the contingent fee provision of the contract to seek out and appraise unreturned property was held to violate public policy.
109. O.C.G.A. §48-5-330. See GA. CONST. art. IX, §5, ¶4, which exempts from the constitutional debt limitation debt to pay in whole or in part the cost of property valuation and equalization programs for ad valorem tax purposes.
110. O.C.G.A. §48-5-295.1.
111. O.C.G.A. §48-5-311; *DeKalb County Board of Tax Assessors v. Kendall, Inc.*, 164 Ga. App. 374, 295 S.E.2d 345 (1982); *Interstate North Sporting Club v. Cobb County Board of Tax Assessors*, 250 Ga. App. 221, 551 S.E.2d 91 (2001).
112. O.C.G.A. §48-5-311(e).
113. O.C.G.A. §48-5-311(a)(4).
114. O.C.G.A. §48-5-311.
115. O.C.G.A. §48-5-311(d)(4).
116. O.C.G.A. §48-5-311.
117. O.C.G.A. §48-5-263(b).
118. O.C.G.A. §48-5-264.
119. O.C.G.A. §48-5-292.
120. O.C.G.A. §48-5-264.1(a).
121. O.C.G.A. §§48-5-261, 48-5-262, 48-5-267.
122. O.C.G.A. §§48-5-263(a), (c), 48-5-268.
123. O.C.G.A. §48-5-262(d).
124. O.C.G.A. §§31-3-1, 31-3-4, 31-3-5, 31-3-5.1, 31-5-9, 31-12-1, 31-12-3, 31-14-10, 31-17-3, 31-19-1, 31-26-2, 31-28-6.
125. O.C.G.A. §31-3-2.
126. *Ibid.*
127. O.C.G.A. §§31-3-7, 31-3-14.
128. O.C.G.A. §§31-3-11, 31-3-12.
129. GA. CONST. art. IX, §4, ¶¶1–3; O.C.G.A. §§31-3-9, 31-3-14.
130. O.C.G.A. §31-3-10.
131. O.C.G.A. §31-3-15.
132. O.C.G.A. §§49-2-6, 49-3-6.

133. O.C.G.A. §49-3-1. With the approval of the state Department of Human Services, two or more counties may form a district department of family and children services.
134. O.C.G.A. §49-3-2.
135. O.C.G.A. §§49-3-3–49-3-5. See O.C.G.A. §49-3-3.1 for reporting requirements regarding the care and custody of children.
136. O.C.G.A. tit. 37, ch. 2.
137. See O.C.G.A. §§ 36-66, 36-67, 36-67A, 50-14.
138. *Ibid.*
139. O.C.G.A. §§20-5-41, 20-5-43, 20-5-45, 20-5-47.
140. O.C.G.A. §§20-5-42, 20-5-44.
141. O.C.G.A. §36-15-4.
142. O.C.G.A. §§36-15-1, 36-15-2.
143. O.C.G.A. §§36-15-5, 36-15-7, 36-15-9.
144. O.C.G.A. §§36-15-6, 36-15-7.
145. O.C.G.A. §§36-15-7, 36-15-8.
146. O.C.G.A. §§36-64-3, 36-64-4.
147. O.C.G.A. §36-64-5.
148. O.C.G.A. §§36-64-6–36-64-11, 36-64-15.
149. GA. CONST. art. IX, §6, ¶3; O.C.G.A. §§36-62-3, 36-62-4, 36-62-5.1, 36-62-7.
150. O.C.G.A. §36-62-6, 36-62-7. For the definition of project, see O.C.G.A. §36-62-2(6).
151. O.C.G.A. §§36-62-6(a)(13), 36-62-9, 36-62-10.
152. O.C.G.A. §36-62-3. This exemption, however, does not apply to sales and use tax on property purchased by the authority or for its use. It also does not apply to property leased for certain types of projects. See O.C.G.A. §36-62-2.
153. O.C.G.A. vol. 42, *Index to Local and Special Laws and General Laws of Local Application*.
154. O.C.G.A. §§36-62-4, 36-62-5, 36-62A-21.
155. O.C.G.A. §§31-7-72, 31-7-75 31-7-85; *Richmond County Hospital Authority v. Richmond County*, 255 Ga. 183, 336 S.E. 2d 562 (1985); *Tift County Hospital Authority v. MRS of Tifton, Ga., Inc.*, 255 Ga. 164, 335 S.E.2d 546 (1985).
156. O.C.G.A. §§31-7-77, 31-7-78–31-7-83, 31-7-88.
157. O.C.G.A. §§31-7-90, 31-7-90.1, 31-7-91, 31-7-92, 31-7-93.
158. O.C.G.A. §§31-7-84, 31-7-72(e)(1). For exemption of certificates and other obligations of a hospital authority, see O.C.G.A. §31-7-79.
159. O.C.G.A. §§31-7-72, 31-7-74. The board should consider a licensed doctor or registered nurse to fill a vacancy if no member of either profession is represented on the board.
160. O.C.G.A. §§8-3-4, 8-3-5. The supreme court has ruled that this law does not violate the constitution. *Telford v. City of Gainesville*, 208 Ga. 56, 65 S.E.2d 246 (1951).
161. O.C.G.A. §§8-3-30, 8-3-32, 8-3-70, 8-3-71, 8-3-72.
162. O.C.G.A. §§8-3-3, 8-3-8, 8-3-11, 8-3-30.
163. O.C.G.A. §§8-3-50, 8-3-51.

164. O.C.G.A. §§8-3-11, 8-3-12, 8-3-155. Exemption of property of the housing authority from taxation is constitutional. *Culbreth v. Southwest Georgia Regional Housing Authority*, 199 Ga. 183, 33 S.E.2d 684 (1945).
165. O.C.G.A. §§8-3-13, 8-3-100, 8-3-102.
166. O.C.G.A. §8-3-106. Some local acts provide for additional commissioners in certain counties.
167. O.C.G.A. § 8-3-111–8-3-116.
168. O.C.G.A. §§6-3-20, 6-3-24, 6-3-25, 6-3-26.
169. O.C.G.A. vol. 42, *Index to Local and Special Laws and General Laws of Local Application*; Ga. Laws 1984, 4935; 2000, 4082.
170. O.C.G.A. §46-5-138.
171. O.C.G.A. §20-2-240. With respect to regional educational service agencies, see O.C.G.A. §§20-2-270–20-2-274.
172. GA. CONST. art. VIII, §5, ¶2; O.C.G.A. §§20-2-50–20-2-71; *Banks County School District v. Blackwell*, 191 Ga. App. 790, 383 S.E.2d 159 (1989); *Payne v. Blackwell*, 259 Ga. 483, 384 S.E.2d 393 (1989).
173. GA. CONST. art. VIII, §5, ¶2; O.C.G.A. §§20-2-150–20-2-156, 20-2-59; *Bacon v. Brewer*, 196 Ga. App. 130, 395 S.E.2d 383 (1990); *Banks County School District v. Blackwell*, 191 Ga. App. 790, 383 S.E.2d 159 (1989); *Payne v. Blackwell*, 259 Ga. 483, 384 S.E.2d 393 (1989).
174. O.C.G.A. §20-2-520; *Bailey v. County Board of Education of Elbert County*, 213 Ga. 308, 99 S.E.2d 124 (1957); *Ingram v. Doss*, 217 Ga. 645, 124 S.E.2d 87 (1962).
175. GA. CONST. art. IX, §5, ¶¶1, 4; O.C.G.A. §§20-2-390, 20-2-430.
176. O.C.G.A. §20-2-211(a).
177. GA. CONST. art. VIII, §6, ¶1. See GA. CONST. art. VIII, §6, ¶2 concerning raising the millage rate; O.C.G.A. §§20-2-160–20-2-168, 48-5-400–48-5-404; *Board of Commissioners of Newton County v. Allgood*, 234 Ga. 9, 214 S.E.2d 522 (1975).
178. O.C.G.A. §20-2-167(c).
179. GA. CONST. art. VIII, §5, ¶2; O.C.G.A. §§20-2-51, 21-2-139(a).
180. O.C.G.A. §§20-2-52, 20-2-54.1.
181. O.C.G.A. §20-2-55.
182. GA. CONST. art. VIII, §5, ¶3; O.C.G.A. §20-2-109.
183. GA. CONST. art. VIII, §5, ¶3; O.C.G.A. §20-2-101.
184. O.C.G.A. §50-8-30.
185. O.C.G.A. §50-8-32.
186. O.C.G.A. §§50-8-80–50-8-103.
187. O.C.G.A. §50-8-34(e).
188. O.C.G.A. §50-8-34(f).
189. O.C.G.A. §50-8-33(b)(1).
190. O.C.G.A. §50-8-33(b)(2).
191. O.C.G.A. §50-8-35(a)(11).