Part One: STRUCTURE OF MUNICIPAL GOVERNMENT

Mayors and Councilmembers: Powers, Duties, and Relationships
Mayors and Council Members: Powers and Duties and their Relationship to Other Municipal Officers, Boards, and Authorities

Powers and Duties of the Mayor and Council Members

The municipal governing authority consists of the city council or city commission, and, depending on the provisions of the city’s charter, the mayor. The governing authority is responsible for two essential types of functions: legislative and administrative.

- Legislative responsibilities involve setting policy for the government by enacting various ordinances, resolutions, and regulations.
- Administrative responsibilities deal with the implementation of the policies and procedures established by the governing body. In many cities, the administrative burden is too great to be borne solely by the mayor and council, so these powers are delegated to a professional manager and policies are carried out by various departments, boards, and commissions in the city.

Powers and Duties of the Mayor

The executive powers of the mayor vary depending on the city’s charter and the form of government the city has.

GMA’s Georgia Model Municipal Charter, 5th Ed., 2014:

Council-Manager Form of Government

In this form of government, an appointed manager is responsible for carrying out executive functions in the city. The city manager may either report primarily to the mayor or to the full council. With a true council-manager form of government, the manager is authorized to appoint and remove department heads, is responsible for preparing the proposed budget for submission to city council, and reports directly to the full council rather than the mayor. While the manager has substantial authority, the mayor and council retain the ultimate executive responsibility and may remove the manager at any time they feel it is appropriate to do so.

International City/County Management Association (ICMA): http://icma.org/en/icma/home
Georgia City-County Management Association (GCCMA): http://www.gccma.com/
Weak Mayor/ Strong Mayor/ Commission Forms of Government

In the weak mayor and strong mayor forms of government, the mayor fulfills the primary executive role. With the weak mayor form, executive authority is diluted by the requirement that the city council must vote to approve certain administrative actions. With the strong mayor form, the mayor may appoint an administrator to assist in carrying out the day-to-day duties associated with oversight of municipal operations and service delivery. Under the commission form of government, the board of commissioners as a whole shares the executive role, although in some cities the mayor may have additional administrative authority, and some cities using the commission form have an appointed administrator.

Powers and Duties of the Mayor

The responsibilities of the mayor include presiding over all meetings of the council, generally insuring that city departments run smoothly, helping to build a sense of community, and providing leadership and services to municipal citizens. The mayor serves as the official spokesperson for the city government. The mayor is often empowered with the authority to vote in the event of a tie, and may or may not have veto power over legislation approved by council. The mayor is also responsible for signing contracts, ordinances and other instruments executed by the governing body which by law are required to be in writing.¹

Depending on the form of government the city has, the mayor’s executive duties range from largely ceremonial (as in the council-manager form of government) to managing day-to-day operations (as with the “strong mayor“/ Mayor-Council form of government). Under the council-manager form of government, the mayor provides general oversight for executive functions but assigns day-to-day administrative duties to an appointed, professional manager.

Powers and Duties of the Mayor Pro-Tem

Many city charters allow the selection of a Mayor Pro-Tem from among the council members. This individual is responsible for fulfilling the duties of the mayor in the event that the mayor is absent. The mayor pro-tem also fills any vacancy in the office of mayor until that office can be filled through a special or general election.

Powers and Duties of Council Members

Council members are empowered to make policy decisions and to approve ordinances, resolutions, and other local legislation to govern the health, welfare, comfort, and safety of the city’s residents. City council sets policy guidelines for the administrative and fiscal operations of the city.
Under the Mayor-Council/“Strong Mayor” form of government, the city council’s administrative powers are very limited. However, under the Mayor-Council/“Weak Mayor” form, city council members may be assigned to committees that review how individual departments carry out programs.

**Compensation**

The municipal charter contains provisions for compensation and expenses for the mayor and council members. State law places limitations and procedural requirements on the adoption of salary adjustments for elected municipal officials. More information about increasing pay for municipal officials can be obtained in the following article available on the GMA website: http://www.gmanet.com/Advice-Knowledge/Articles-and-Resources/Compensation-Increasing-Municipal-Elected-Officia.aspx.

**Vacancies**

Vacancies are created when an elected official qualifies for any other elective office more than 30 days prior to the expiration of the present municipal office. No member of the council (including the Mayor) can hold any other municipal office during the term for which he or she was elected as council member unless he or she first resigns that council position. Vacancies also occur by the death or resignation of the incumbent, by the incumbent ceasing to be a resident, or for other reasons.

Except in the case of death, resignation, or felony conviction, notice must be provided to the person whose office is vacated at least 10 days before filling the vacancy or calling for an election. The decision to fill the vacancy is subject to appeal to the superior court. Vacancies may also be created in the event of a recall election. General law provides the grounds for recall and the manner in which a recall election is held. Vacancies created by recall are filled by special election in the manner provided by law.

**Powers and Duties of the Governing Body as a Whole**

The powers of the governing body include, but are not limited to, setting millage rates for property taxes, approving the city’s budget, approving city expenditures, passing ordinances and resolutions, establishing policies and procedures, hearing rezoning and annexation requests, and making appointments to boards, authorities, and commissions.

**Home Rule: Powers under the Constitution**

Georgia’s municipal home rule powers are outlined in the state constitution and empower local governments with a significant level of control over how local issues are handled. The constitution allows the local governing authority legislative power to
“adopt clearly reasonable ordinances, resolutions, or regulations relating to its property, affairs, and local government for which no provision has been made by general law and which are not inconsistent with the Constitution or any charter provision applicable thereto.”

**Administrative Powers in the Georgia Code**

Georgia Code enumerates the administrative powers of the municipal governing body to be as follows:  

1. the power to establish municipal offices, agencies, and employments;  
2. the power to define, regulate, and alter the powers, duties, and qualifications, compensation, and tenure of all municipal officers, agents, and employees (unless this power is specifically given to another official in the charter);  
3. the power to authorize officers, agents, and employees of the city to serve process, summons, notice, or order, as prescribed by state law, in the event that the offense was committed within the city limits;  
4. the power to establish merit systems, retirement systems, and insurance plans for municipal employees and employees of independent school systems, and to provide a way to pay for such systems and plans;  
5. the power to contract with state departments or agencies or any other political subdivision for joint services or the exchange of services and/or for the joint use of facilities or equipment;  
6. the power to legislate, regulate, and administer all matters pertaining to absentee voting in municipal elections; and  
7. the power to grant franchises for public utilities.

**Taxation and Expenditure of Public Funds**

The governing authority is empowered by the Georgia Constitution to levy and collect taxes and fees within its corporate limits in order to pay for public services and functions as authorized by the constitution or by general law. The mayor and council are responsible for setting the millage rate for property taxes. On behalf of the city, the governing authority also has the power to accept and expend grant funds and obtain loans, to incur debt, to enter into contracts and to issue revenue and other types of bonds.

Cities may find it necessary to borrow funds to meet operating expenses and to fund various projects. The constitution and general laws of Georgia contain detailed, explicit provisions with regard to bonded and other indebtedness. One such provision is the requirement of prior voter approval of general obligation bonds, which are to be backed by the full faith and credit of the municipality. Voter approval is not required for temporary loans, lease-purchase contracts, or revenue bonds.
Budgets and Audits

The budget is the primary tool used by the mayor and city council to guide the delivery of services to the community and to communicate priorities to the public. Each fiscal year, municipal officials clarify goals and set priorities for the upcoming year. The governing authority oversees the budget development process and approves the city’s budget each year. An overview of municipal budgeting can be found here: [http://www.gmanet.com/Advice-Knowledge/Articles-and-Resources/Navigating-the-Budget-Process.aspx](http://www.gmanet.com/Advice-Knowledge/Articles-and-Resources/Navigating-the-Budget-Process.aspx); additional information about the municipal budget process can be found in GMA’s publication entitled, “A Budget Guide for Georgia’s Municipalities”, available on the GMA website: [http://www.gmanet.com/Advice-Knowledge/GMA-Publications/A-Budget-Guide-for-Georgia’s-Municipalities.aspx](http://www.gmanet.com/Advice-Knowledge/GMA-Publications/A-Budget-Guide-for-Georgia’s-Municipalities.aspx).

The governing authority must also insure that periodic, independent audits of the city’s operating budget are completed. Georgia law requires cities with a population over 1,500 or expenditures of $300,000 or more to complete an annual audit of all city financial statements. Cities with a population of 1,500 or less or with expenditures less than $300,000 are required to complete an audit every two years, and the audit must cover both fiscal years. The independent audit must be conducted in accordance with generally accepted auditing standards and the standards applicable to the Government Auditing Standards issued by the Comptroller General of the United States. The auditor reviews financial statements to provide an opinion on the city's financial condition, its control over financial reporting, and to test for the city's compliance with provisions and requirements of federal, state, and local laws, regulations, contracts, and procedures.

Contracts, Purchasing, and Management and Disposition of Property

The Georgia Code states that, “The council or other governing body of a municipal corporation has discretion in the management and disposition of its property.” The city’s authority to enter into contracts comes primarily from home rule powers and from the municipal charter, which usually grant this power to the mayor and council. There are several different types of contracts, including municipal road contracts, public works contracts, and intergovernmental contracts. There are also specific limitations on the power to contract, which, if not adhered to, will render the contract void or illegal.

The proper procurement and management of property is an important responsibility of city officials. Although sound procurement and property management procedures may not be explicitly spelled out in every city’s charter, there are certain basic requirements that all governing bodies should adhere to. First, all contracts made by the city should be in writing and approved by the governing authority. Second, there should be a mandatory requirement that the municipality follow centralized purchasing procedures. Further, the governing body should be authorized to sell and convey or lease real or personal property owned by the city and, in some cases, to sell parcels that have been cut off by improvements. The sale of surplus property is regulated by state law.
Planning and Zoning

The governing authority is responsible for setting policies that will determine how the community will grow and develop, insuring that the unique characteristics of the city are preserved while providing for controlled growth. The goals and objectives for land use planning are formally stated in the city’s comprehensive land use plan. The city may also have a zoning ordinance, which serves as the law governing how development will be controlled in the community. The mayor and council may choose to appoint a Planning and Zoning Commission to make recommendations on land use issues to the city council. Ultimately, the governing authority is responsible for hearing rezone requests and petitions for annexation.

Relationship of the Mayor and Council to Other Municipal Boards, Commissions, and Authorities

The city charter may enumerate specific departments, including public works, parks and recreation, police, fire, and public utilities. The charter may also include a description of departments such as finance, personnel, and planning, as well as a minimum list and description of appointed administrative officials.

Mayors and council members either serve on or make appointments to an array of boards, authorities, and advisory bodies. Many of these offices are empowered with statutory authority to act independently from the municipal governing authority, so it is critical for mayors and council members to understand their relationship to these other offices. It is also important to understand the powers, duties, methods of selection, terms of office, compensation, and expenses related to the offices most commonly found in municipal governments.

Municipal Appointed Boards, Commissions, and Advisory Groups

Appointed bodies assist the elected officials of the government by serving in advisory capacities for specific projects, services, and/or facilities of the government. It is important that appointments to these groups are made carefully so that they will function effectively and remain accountable to the city government and sensitive to the public’s needs and desires.

Parks and Recreation Boards

The municipal governing authority is responsible for adopting resolutions that describe the specific functions, organization, and responsibilities of the parks and recreation department. The department can operate as a line department reporting directly to the city administrator or manager, mayor, or to the entire council. An alternative to this structure is for the department to operate under the direction of a parks and recreation board, the board of education, or another existing board, as the governing body may determine. Some cities without a parks and
recreation board use an advisory committee to provide citizen input to the governing authority and the department head.

If the city has a mayor-council form of government, it is recommended that the parks and recreation department head report directly to the manager. When a county and city operate a parks and recreation department jointly, a policy board with members appointed by each government is recommended.

If a municipality chooses to have a parks and recreation board or advisory committee, the local ordinance or resolution creating it should address the following basic issues.

**The Powers and Duties of the Board**  

The governing authority may authorize the recreation board to maintain and equip parks, playgrounds, recreation centers, and the buildings that are located on these facilities. They may also develop, maintain, and operate all types of recreation facilities and operate and conduct facilities controlled by other authorities. The city may authorize the parks and recreation board to hire playground or community center directors, supervisors, recreation superintendents, or other employees as it deems necessary. The parks and recreation board should be authorized to develop a program of recreational activities and services that is designed to meet the diverse leisure-related interests of all people in the community.

**Number of Board Members; Method for Appointing Members; Term Length; Compensation; Filling Vacancies**

The recreation board should consist of a minimum of five persons and a maximum of nine persons. Board members serve without compensation, and are appointed by the mayor or presiding officer of the municipality. The terms of office of the board shall be for five years or until their successors are appointed and qualified, except that when the appointing authority makes initial appointments or fills vacancies, he or she may vary the initial terms of members so that thereafter, the term of at least one member will expire annually. Immediately after it is appointed, the recreation board must meet and organize by electing one of its members president and designating other officers as necessary. Vacancies on the board that occur for reasons besides expiration of the term are to be filled by the mayor or presiding officer of the governing body only for the unexpired term.

A park or recreation board may accept grants, real estate donations, or any gift of money or personal property or other donations which are to be used for playgrounds or recreation purposes. The acceptance of any grant or donation which will result in additional expense to the municipality for maintenance and improvements must be approved by the governing authority. A municipality may also levy a tax or issue bonds to support the recreation program.
Planning Commission and Zoning Board of Appeals

Because of the home rule powers afforded to local governments in Georgia, there is no state statute requiring a planning commission or zoning board of appeals. The Constitution of the State of Georgia provides that “each municipality may adopt plans and may exercise the power of zoning.” The Zoning Procedures Law states that cities may, through the adoption of an ordinance or resolution, appoint administrative officers, bodies, or agencies as necessary to exercise their zoning powers. The law also outlines the minimum requirements for advertising, public hearings, and other guidelines to insure that the public is afforded due process when cities regulate the use of property through zoning.

Planning Commission

The governing authority is responsible for adopting and updating a comprehensive land use plan which states the overall priorities, goals, and objectives for land use for the present and future. In most cities, however, the governing body is responsible for such a wide range of duties that they often do not have sufficient time to devote to considering land use planning issues. Therefore, most cities have established a planning commission that serves as an advisory board to the mayor and council for land use issues. The local planning commission serves as a buffer between the public and the governing authority.

The planning commission is usually charged with reviewing applications for permits and making recommendations to the mayor and council for approval or denial of permits. In formulating recommendations, the planning commission considers technical information provided by the city’s planning staff and the concerns of local special interest groups. The planning commission must look beyond short term solutions and make recommendations on what is best for the city’s future.

The number of members, length of terms, and process for removing planning commissioners is determined by each city. Members of the planning commission are not compensated for their service, unless the city chooses to pay for travel expenses related to their duties. While training for planning commissioners is not required, it is recommended that planning commission members be encouraged to attend training available through the American Planning Association, the Georgia Planning Association, and/or the Carl Vinson Institute of Government, University of Georgia.

Zoning Board of Appeals and Variances

A city’s zoning board of appeals and variances is established by the municipal governing authority to hear individual cases where the interpretation, administration, or enforcement of the zoning ordinances have caused hardship to property owners. As with the planning commission, the membership, term limits, and process for removing and replacing members of the board of appeals and variances is determined by the governing authority.
Municipal Authorities

Local authorities are units of government created by the local government to accomplish specific objectives, projects, or missions that are for public purposes and in the public interest. Local government authorities can be created in one of two ways: 1) by general enabling act, which allows cities (under certain conditions) to create an authority by adopting and filing a resolution; or 2) by special local law, which is a special piece of local legislation passed by the General Assembly that creates a single, unique local government authority. Since authorities began being formed in Georgia, constitutional changes and state laws have made it easier for local governments to create authorities. Presently, eleven types of authorities, including industrial development authorities and downtown development authorities, can be activated in local governments by general enabling act, i.e., the city only has to file a resolution declaring the need for such an authority.

Beginning in 1995, Georgia law began requiring all authorities to register with the Georgia Department of Community Affairs (DCA). Failure to do so results in the authority being prohibited from incurring debt or issuing any credit obligation. Authorities also are required to provide an annual Report of Registered Authority Finances to DCA. In 2010, a total of 948 authorities were registered with the Department of Community Affairs. More information about authorities can be found on the DCA website at http://www.dca.ga.gov/development/research/programs/lga.asp.

Powers of Authorities

All authorities may:
- purchase, lease, sell, or retain property;
- improve or develop property;
- extend credit or make loans;
- borrow money and issue revenue bonds; and
- enter into contracts and intergovernmental agreements with local governments.

Authorities were originally created to enable local governments to get around strict constitutional debt limitations. The constitution limits local government general obligation debt to 10% of the total assessed value of property subject to taxation in the jurisdiction. A referendum is also required prior to the local government incurring general obligation debt. However, an authority is empowered to issue revenue bonds. The bonds are then repaid out of revenues derived from the project funded with the bonds. The city is neither required nor permitted to use its tax revenues to repay the bonds. Since tax revenues cannot be used to repay revenue bonds, the bonds are not legally considered to be a debt of the city government. (Note: cities can directly issue revenue bonds without creating an authority, but the law narrowly restricts the types of projects for which the bonds may be used, whereas the laws creating authorities have permitted a wider range of uses for revenue bonds.)

Generally, authorities are not required to pay taxes on property they acquire, lease, or otherwise control. 28
Authorities: Pros and Cons

Advantages of creating an authority include:
- the ability of the municipal government to delegate responsibility;
- to have a body that will assist in developing and operating a single purpose facility (such as water and sewer, parking facility, etc.);
- carrying out a focused public purpose, such as economic development;
- financing a project through revenue bonds;
- creates a way to have ongoing oversight of operations after initial development is completed;
- their activities may be less influenced by politics; and
- there is some distance between the city and the authority, which is helpful if controversies arise.

Disadvantages to creating authorities include:
- authorities can become too independent;
- authority boards are often appointed to terms longer than those of the elected officials who appointed them;
- they can become financially self-sufficient from the city from operations of the facilities they develop; and
- they are likely to be less responsive to public opinion and to local governments.

Insuring Accountability

Despite the level of independence of authorities, municipal governing bodies do have oversight powers and controls. For example, the boards of all municipal authorities are comprised of members appointed by the city’s governing authority. For many authorities, a certain number of city officials are either required to serve or may be appointed to serve on the board. The activities of authorities must be consistent with those described in the local Service Delivery Strategy. The enabling legislation for some authorities specifically states that board members serve at the pleasure of the governing authority. The Housing Authority Law states that housing authority directors can be removed by the mayor for inefficiency, neglect of duty, or misconduct in office. Enabling legislation for other types of authorities provides for even more direct oversight powers. Authorities typically have bylaws that govern their activities and describe their organization. Finally, authorities are subject to open meetings and open records laws.

Funding and Support for Authorities

Georgia code provides that a municipality may levy and collect municipal taxes to provide for financial assistance to its Development Authority or to a Joint City-County Development Authority for the purpose of developing trade, commerce, industry, and employment opportunities. The tax is limited to 3 mills per dollar upon the assessed value of the property subject to taxation by the municipality.

Composition of Boards of Directors of Authorities

The composition of the Boards of Directors of authorities varies depending on the type of authority and method of creation, but there are some commonalities. First, membership is always
appointed by the governing authority. In some instances, authority members must be residents of the jurisdiction of the local government appointing them to the Board. Finally, the number of members usually ranges from 5 to 9 members who usually serve staggered terms of 4 to 6 years.

Special requirements are established in the enabling legislation for certain types of authorities. For example, the Hospital Authorities Law requires the city to consider appointing a licensed doctor or registered nurse to the Board. Housing Authorities, depending on the population of the city, must have at least one director that is a resident of a housing project in the city, and city elected officials and employees are prohibited from serving on the Board. And, while at least 3 of the directors of Regional Solid Waste Management Authorities must be elected city officials, Downtown Development Authorities have the option of having a city official on the Board.

**Commonly Used Types of Authorities: Industrial Development Authority**

The municipal governing authority is empowered by general law to create a joint development authority to promote trade, commerce, industry, and employment. A joint development authority may be activated by any two or more municipal corporations, any two or more counties; or one or more municipal corporations and one or more counties. Joint development authorities are subject to the same statutory requirements as development authorities.

The development authority is created to perform a specific purpose, to accomplish a special mission that is in the public interest – i.e., community economic development. It possesses all the powers necessary for it to carry out its purpose, including the authority to purchase, retain, improve, and develop property; enter into contracts and intergovernmental agreements; and borrow money and issue revenue bonds.

A development authority consists of a board of a minimum of seven and a maximum of nine directors appointed by the municipal governing body for staggered four-year terms. Each director must be a taxpayer and city resident who is not an officer or employee of the county. Directors receive no compensation other than reimbursement for actual expenses incurred in performing their duties.

**Downtown Development Authority**

The objective for activating a downtown development authority (DDA) is to revitalize and redevelop municipal central business districts. The push to create DDAs began in the late 1970’s and was motivated by a need to protect downtown areas that were declining due to the development of new commercial areas on the suburban fringes of cities. To activate a DDA, the municipal authority needs only to adopt and file a resolution declaring the need for the authority and specifying the boundaries of the downtown.

DDAs possess all the powers necessary to carry out their purpose. They may accept grants and apply for loans; own, acquire, lease, and improve property; and enter into contracts and intergovernmental agreements.

The DDA consists of a board of seven directors appointed by the municipal governing authority to serve four year terms (for directors appointed or reappointed on or after July 1, 1994).
Directors are appointed by the governing body, and must be taxpayers who live in the city and/or owners or operators of businesses located within the downtown development area and who are taxpayers residing in the county in which the municipal corporation is located, except that one director may reside outside the county provided that he/she owns a business within the downtown development area and is a resident of the State of Georgia. One director may be a member of the governing body of the municipal corporation. No less than four of the directors must be persons who either have or represent a party who has an economic interest in the redevelopment and revitalization of the downtown development area. Directors receive no compensation other than reimbursement for actual expenses incurred in performing their duties. All members of the board of directors, except for the director who is also a member of the city’s governing body, must complete at least eight hours of DDA training within the first 12 months of appointment to the DDA.

**Hospital Authority**

A municipality is empowered to activate a hospital authority to establish and operate hospital facilities within its jurisdiction. A joint hospital authority with a municipality or municipalities and a county (or counties) can also be set up. A hospital authority has all the powers necessary to carry out its purposes, including the authority to make contracts, acquire real and personal property, appoint officers, agents, and employees, and operate, construct, improve, and repair hospital projects. The authority fixes the rates and charges for the use of its facilities, however, it cannot operate for a profit. The authority may also borrow money and issue revenue bonds, which are not debts to the city or county.

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

The hospital authority consists of a board of directors of between five and nine members appointed by the governing authority. The governing authority can determine the length of terms, which are to be staggered. Board members receive no compensation other than reimbursement for actual expenses incurred in performing their duties.

**Housing Authority**

A housing authority can be activated by the adoption of a resolution by the municipal government stating the need for the authority. A housing authority may be created if the governing authority determines that unsanitary or unsafe housing conditions exist in the city or if there is a shortage of safe, sanitary, affordable housing.

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 housing construction, repair, and furnishings, borrow money or accept grants and loans, and issue revenue bonds. Bonds and other obligations incurred by the authority are not debts of the city. Housing authorities may 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.\textsuperscript{42}

In exchange for tax relief from the city, the authority may agree to pay the city for improvements services, and facilities furnished by the city for the benefit of any housing project.\textsuperscript{43} An authority may not construct or operate a housing project for a profit or as a revenue source for the city. Rents must be no higher than necessary, and authorities must comply with statutory requirements for renting and tenant selection.\textsuperscript{44} The city governing authority must provide sufficient money to cover administrative and overhead expenses for the authority’s first year of operation. After that, the city may periodically lend or donate money to the authority.\textsuperscript{45}

A housing authority consists of five commissioners appointed by the governing authority to staggered five-year terms. Commissioners may not be officers or employees of the city. They receive no compensation other than reimbursement for necessary expenses. The authority may employ its own personnel and may use the services of the city attorney or employ outside counsel.\textsuperscript{46}

\begin{quote}
\textit{Airport Authority}
\end{quote}

Cities are authorized, separately or jointly, to acquire, establish, construct, expand, own, lease, control, equip, improve, maintain, operate, regulate, and police airports and landing fields for the use of aircraft, either within or outside the city limits.\textsuperscript{47} The governing authority can construct, maintain, and operate airports or landing fields; adopt regulations and establish fees for their use; set penalties for violation of these regulations; and lease airports to private parties.\textsuperscript{48} The governing authority may provide funds for airports or landing fields, acquire easements for lights and markers, and police all airport facilities.\textsuperscript{49} A governing authority that has established an airport or landing field, or which intends to do so, may vest the authority to construct, equip, maintain, and operate it in an officer, board, or other municipal body. If this is done, construction, equipment, and operation expenses remain the responsibility of the city.\textsuperscript{50}

In 2010, DCA reported that there were 35 registered single and multi-jurisdictional airport authorities in Georgia.\textsuperscript{51} These authorities are generally permitted to make contracts, obtain and dispose of property, set and collect charges and tolls, issue revenue bonds, and accept loans and grants.\textsuperscript{52}

\begin{quote}
\textit{City or Independent School Boards}\textsuperscript{53}
\end{quote}

In Georgia, the responsibility for the administration and financial support of public schools is divided between the state and the local (city or county) board of education. Local governments play virtually no role in the provision of education, but they are responsible for levying the property tax certified by the board of education. The State Board of Education has the authority to formulate educational and administrative policies and standards for the improvement of public education within the state.\textsuperscript{54} Management and control of public schools within each county and city are the responsibility of the board of education.

The state constitution makes no distinction between a county board of education and a city board of education in its grant of authority to manage and control local schools. City charters in
existence before the 1945 constitution and amended since 1945 vary as to the powers granted city boards of education.\textsuperscript{55} Cities that do not currently have a school system are constitutionally forbidden to create a new independent school system.\textsuperscript{56} However, the Georgia Supreme Court has held that territorial expansion of existing city school systems by annexation is not forbidden by the constitution because it is not the creation or establishment of a new independent school system in violation of the constitution.\textsuperscript{57}

There are 21 independent school systems in Georgia. In some circumstances, the city board of education may not have full authority to set the millage rate for the local support of its public schools and to establish a budget for the operation of the schools. However, an argument may be made that the 1992 constitutional amendment requiring all local boards of education to be elected and providing that the management and control of each local school system is vested in the board of education may have the legal effect of vesting in the independent or city board of education the same authority to manage and control its schools as is vested with a county board of education, but there has been no court case testing or deciding this issue.

While the powers and duties of independent school boards vary, there are some general consistencies. School boards are responsible for developing the policies to guide the staff and administration of school in the independent school district. The board can hire teachers and other personnel upon the recommendation of the school superintendent.\textsuperscript{58} The State Board of Education is authorized to set a date by which the local school board must prepare and submit an operating budget to the State School Superintendent.\textsuperscript{59} The local board of education has limited authority to borrow money to operate the school system and may issue bonds for building and equipping schools and purchasing property to build schools. The board of education can purchase, own, and sell property.\textsuperscript{60}

In order to qualify for state funds, the board of education must raise money to operate the schools, which is accomplished primarily through taxation.\textsuperscript{61} Each municipality authorized by law to maintain an independent school system may support and maintain the public common schools within the independent school system by levy of ad valorem taxes at the rate fixed by law upon all taxable property within the limits of the municipality. The board of education of the municipality annually recommends to the governing authority of the municipality the rate of the tax levy. Taxes levied and collected for support and maintenance of the independent school system by the municipal governing authority must be appropriated, when collected, by the governing authority to the board of education or other authority charged with the duty of operating the independent school system. Funds appropriated to an independent school system shall be expended by the board of education only for educational purposes including, but not limited to, school lunch purposes. The term 'school lunch purposes' includes payment of costs and expenses incurred to purchase of school lunchroom supplies; the purchase, replacement, or maintenance of school lunchroom equipment; the transportation, storage, and preparation of foods; and all current operating expenses incurred in the management and operation of school lunch programs in the public common schools of the independent school system. 'School lunch purposes' shall not include the purchase of foods.\textsuperscript{62}

The Georgia Constitution and general law provide that members of the board of education are to be elected by the voters of the school district which the board member represents. A member is
required to live in the district 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 local 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 local board of education.  

Members of local school boards are typically elected to four year terms. 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. If the vacancy occurs more than 90 days before the general election, it must be filled by a special election.

Board members of any local system for which no local act exists receive a per diem of $50 per day for attending board meetings, plus reimbursement for actual expenses. General law also authorizes provision of group medical and dental insurance for members of the board of education.

**School Superintendent**

The local school superintendent serves as the liaison between the State School Superintendent and subordinate local school officers. The superintendent serves as the executive officer of the local board of education and is responsible for procuring school equipment and materials it deems necessary. The superintendent must: 1) insure that the prescribed textbooks are used by students; 2) verify all accounts before an application is made to the local board for an order for payment; and 3) keep a record of all official acts, which, together with all the books, papers, and property appertaining to the office, are to be turned over to his or her successor.

The superintendent’s duties include enforcing all regulations and rules of the State School Superintendent and of the local board according to the laws of the state and the rules and regulations made by the local board that are not in conflict with state laws. He or she must visit every school within the local school system to become familiar with the studies taught in the schools, observe what advancement is being made by the students, counsel with the faculty, and otherwise aid and assist in the advancement of public education.

Georgia Department of Education: [http://www.doe.k12.ga.us/](http://www.doe.k12.ga.us/)
List of Georgia School Districts: [http://georgiainfo.galileo.usg.edu/gaschooldistricts.htm](http://georgiainfo.galileo.usg.edu/gaschooldistricts.htm)

**Regional Commissions**

A Regional Commission is a regional planning organization created and managed under Georgia law to provide technical and planning assistance to its member local governments. There are 12 Regional Commissions in Georgia, and each city and county must belong to a Regional Commission.

**History**

The State of Georgia allowed local governments within a region to join together and assess dues to pay for professional staff to work on projects of mutual benefit within the region. These groups were called "Area Planning and Development Commissions" (APDCs). The Georgia
Planning Act of 1989 reconstituted the APDCs as Regional Development Centers (RDCs). The Planning Act of 1989 authorized RDCs to develop, promote, and assist in the establishment of coordinated and comprehensive planning in the state. The RCs underwent yet another transition in 2009 as a result of House Bill 1216, becoming Regional Commissions.

Functions and Powers

RCs do not have taxing authority, and rely on per capita dues from member local governments. In order to be eligible for state grants and loans, each Regional Commission must assess and collect annual dues averaging a minimum amount of $1.00 for each resident of each county within the regional commission, based upon the most recent estimate of population. RCs provide technical and planning services to member local governments, and also have the authority to contract with service providers to assist communities in developing a more effective and efficient provision of community facilities and services.

Regional Commission Council Membership

Regional Commissions must appoint a council to set policies for the RC. State law requires membership on the council to include the chief elected official of each county within the region; one elected official from one municipality in each county in the region; three residents of the region to be appointed by the Governor for two-year terms; two non-public members appointed for two-year terms, one appointed by the Lieutenant Governor and one appointed by the Speaker of the House; and additional members as deemed necessary.

More information about Regional Commissions can be found on the Georgia Department of Community Affairs website at: http://www.dca.ga.gov/development/PlanningQualityGrowth/programs/rctransition.asp.


Model RC bylaws: http://www.dca.ga.gov/development/PlanningQualityGrowth/DOCUMENTS/Publications/RegionalCommissions/ModelBylaws.doc
NOTES

1 Georgia Model Municipal Charter, 4th Ed., Georgia Municipal Association, p. 50
2 O.C.G.A. 36-35-4
4 O.C.G.A. 45-5-1a
5 O.C.G.A. 21-4-3 (7)b, 21-3-4
6 O.C.G.A. 36-35-3
7 O.C.G.A. 36-34-2
8 Ga. Const., Art. IX, §4
9 Ga. Const., Art IX, §5
10 O.C.G.A. 36-91-20
11 Ga. Const., Art IX, §6; O.C.G.A. 36-38; 36-82; 36-34-6
13 O.C.G.A. 36-60-13
15 O.C.G.A. 36-81-7
16 O.C.G.A. 36-30-2
20 O.C.G.A. 36-64-3
21 O.C.G.A. 36-64-5
22 O.C.G.A. 36-64-6
23 O.C.G.A. 36-64-7, 36-64-8, 36-64-9, 36-64-10, 36-64-11
24 Ga. Const. Art. IX, §2, ¶4
25 O.C.G.A. 36-66-1 through 36-66-5
26 Model Code: Alternatives to Conventional Zoning, Georgia Department of Community Affairs, April 2002, §7-3.
27 The section providing overview information about authorities is adapted from a information developed by the Department of Community Affairs on Local Government Authorities
28 O.C.G.A. 36-62-3
29 O.C.G.A. 31-7-72
30 O.C.G.A. 8-3-50
31 O.C.G.A. 12-8-54
32 O.C.G.A. 36-42-4
33 O.C.G.A. 36-62-5.1
34 O.C.G.A. 36-62-4
35 O.C.G.A. 36-42-2
36 O.C.G.A. 36-42-7
37 O.C.G.A. 31-7-72
38 O.C.G.A. 31-7-84, 31-7-72e
39 O.C.G.A. 31-7-72, 31-7-74
40 O.C.G.A. 8-3-2, 8-3-4
41 O.C.G.A. 8-3-30, 8-3-32, 8-3-70, 8-3-72
42 O.C.G.A. 8-3-3, 8-3-8, 8-3-11, 8-3-30
43 Ga. Const., O.C.G.A. 8-3-8
44 O.C.G.A. 8-3-11, 8-3-12
45 O.C.G.A. 8-3-155
46 O.C.G.A. 8-3-50, 8-3-51
47 O.C.G.A. 6-3-20
48 O.C.G.A. 6-3-25
49 O.C.G.A. 6-3-24, 6-3-26, 6-3-27
50 O.C.G.A. 6-3-25
51 Georgia Department of Community Affairs, 2010 List of Registered Local Government Authorities (online)
53 Portions of this section are from the Georgia School Board Association’s online legal reference.
54 O.C.G.A. 20-2-240, 20-2-270 to -274
55 Ga. Const. Art. VIII, Sec. 5-2
56 Ga. Const. Art. VIII, Sec. 5-1
58 O.C.G.A. 20-2-211
59 O.C.G.A. 20-2-167
62 O.C.G.A. 48-5-405
63 Ga. Const. Art. VIII, Sec. 5, Para. 2; O.C.G.A. 20-2-51
64 O.C.G.A. 20-2-52, 20-2-54.1
65 O.C.G.A. 20-2-55
66 O.C.G.A. 20-2-109
67 Ibid.