



ESTABLISHING REGIONAL COMMISSIONS UNDER HB 1216

FREQUENTLY ASKED QUESTIONS

1. The new Regional Commissions will have a "Council;" how soon will the names of the State appointments be known?

The Offices of the Governor, Lt. Governor and Speaker have been made aware of this need. Each Regional Commission will be notified as soon as DCA has any information to share.

2. A new Council will not have all of its members in place as of July 1, 2009. Can they still conduct business?

Yes. Initially, the Council will be composed of only county and State-appointed representatives- the County Chairmen from throughout the region and the 5 members appointed by the Governor, Lieutenant Governor and the Speaker of the House. The new Regional Commission Councils will become effective on July 1; only those members that are known at that time can hold the initial meeting and conduct business.

The first recommended 'action' for the partially formed Council is to approve bylaws and a process/procedure for selecting municipal (and additional non-public) members to the Council. Once such a process/procedure is approved by the Council, the municipal and additional non-public members can be seated based on these members being selected in accordance with the Council's adopted process/procedure. Once the municipal and additional non-public members are seated, the Regional Commission's Council will be fully formed and ready to conduct business.

3. When should the initial meeting of the Council occur?

Based on the timeline prepared by the Department and distributed to the RDCs, this meeting should occur prior to July 31, 2009.

4. How should the initial meeting of the Council be conducted? What are items that should be included on the agenda for that first meeting?

- a) Convene first meeting, with only County and state appointed members seated
- b) Adoption of bylaws that prescribe a quorum for conduct of business and manner of electing officers.
- c) Approval of the process for selecting municipal and non-public members
- d) Seat municipal (and additional non-public) members of the Council based on these members being appointed in accordance with the Council's approved process
- e) Election of officers
- f) Ratification of the regional boundaries
- g) Approve preferred name for the regional commission
- h) Adoption of a resolution on dues in the aggregate averaging a minimum of \$1.00 per capita
- i) Development of policies to comply with council elections and executive director partisan political activities prescribed in OCGA 50-8-67
- j) Other business as needed
- k) Adjourn

5. What is a projected timeline for completing the transition to Regional Commissions?

By July 31, 2009, the initial meeting should be held (process described in #4, above).

By August 31, 2009, each regional commission must:

Enter into a contract with DCA for services related to implementation of O.C.G.A. 50-8-7.1 et seq.

By September 30, 2009, each regional commission must:

Agree to comply with accounting and audit requirements; OCGA 50-8-38 et seq.;
Agree to comply with contract requirements; OCGA 50-8-35(a)(2); and,
Develop policies governing the transfer or disposal of outstanding assets, liabilities, contracts, staff, records, or debts of any regional development center not existing after July 1, 2009 when the regional commission boundaries contain the boundaries of any former regional development center, OCGA 50-8-47.

By December 31, 2009, each regional commission must:

Adopt, and comply with, personnel policies and practices with specific reference to job descriptions and qualifications as established in OCGA 50-8-35(b); and,
Agree to comply with department approved continuing education program for professional staff members of commissions as prescribed in OCGA 50-8-35(j).

By March 31, 2010, each regional commission must:

Establish performance standards for measurement of activities of the regional commission as established in OCGA 50-8-34.1 et seq.

6. Can “interim” by-laws and other policies be adopted until the new Council is fully functional?

Yes, however they do not have to be specified as “interim.” A Council can reconsider and amend its by-laws at any time unless the by-laws themselves introduce some limitation on this process.

7. What is the process for approval of additional citizen members to be added to a Council in order to meet EDA guidelines?

A letter from the current RDC Board Chair (or in the case of merging RDCs, a joint letter from both Chairs) must be sent to the DCA Commissioner requesting a specific number of additional Council members and explaining the need for these additional members. Some Regional Commission's have already submitted letters and the Commissioner has acted upon the requests.

8. What process should be used for determining the Municipal members when a county has more than one city?

The law does not specify a particular process; however it does say, “The manner of selecting such regional commission council members shall be as prescribed by its bylaws... .” Several scenarios have been suggested, a) The city that is the county seat of the county; b) The most populous city in the county; c) forming a committee of all the cities and let them determine a process and member; d) Rotating the member seat between cities; e) Nominations and voting with each city having one vote or proportioned by population; f) A caucus among the mayors to reach a consensus on the member.

Additionally, the law does not require that the same method of selecting municipal members be used consistently throughout the region; therefore, a Commission could use more than one of the methods identified above.

9. What if a county commission chair is not able to serve, who is eligible to serve as the “elected official” member in lieu of the chairperson?

If the chief elected county official is unable to serve, then his/her substitute on the Council must be another elected county official of that general purpose govt. [e. g. another County Commissioner] - County managers or other non-elected county officials are not eligible.

10. Terms of office for Council members vary: elected officials for their term of office, state appointments have two-year terms, and supplemental members have one-year terms. Does this restrict who can be officers on the Council of a Regional Commission?

The law does not place any limitation on who can serve as Council officers. Each Commission's by-laws should address the potential situation of a Council officer's term expiring and that Council member not being reappointed and the procedure to be used to fill such a vacant officer position.

11. Can the Council have “proxy” members?

The law does not make any provision for “proxy” members. If an attendance issue arises the by-laws often address this matter, if not then the appointing authority should be contacted regarding the problem.

12. Does the selection of a Regional Commission Executive Director have to be approved by DCA?

No, the law specifies:

"Each regional commission shall have an executive director who shall serve at the pleasure of the council and who shall be subject to appointment and removal by a majority vote of the members of the council."

Therefore, it is the responsibility of the Council of the Regional Commission to select an Executive Director.

13. Who decides on the name of the new Regional Commission?

The law (§ 50-8-32 related to the creation of regional commissions) specifies:

"Each such agency and instrumentality shall be known as a regional commission and shall be designated, by name for all purposes, with such identifying words before the term "regional commission" as the Board of Community Affairs may, from time to time in accordance with the provisions of subsection (f) of Code Section 50-8-4, choose and designate by official action."

Each Regional Commission should be prepared to decide on its desired name at the first meeting of its Council, held during the month of July, 2009. The desired name should then be sent to DCA for final approval.

14. How long after July 1, 2009 will it be before the first Performance Audit takes place and what will the rotation schedule be?

These audits will not begin until fiscal year 2011. As soon as DCA and the Dept. of Audits have coordinated on this, a schedule will be provided to the Regional Commissions.

15. If a Regional Commission is approached about contracting with one of its member local government (or governments) to provide 'direct services' to the public does DCA have to approve?

No, the law specifies that:

"The commission shall be permitted to enter into contracts to provide, or to provide directly with the council's approval, governmental services on behalf of the local governments. Direct services shall be provided to a municipality or county only after such municipality or county has passed a resolution requesting such services and the council has approved the municipality's or county's resolution. Contracts for direct services pursuant to this paragraph shall be for one year, subject to renewal. Direct services shall not include human service programs. Contracts for government services may specifically authorize governmental services other than human service programs in writing from time to time and for any specified period of time. Services provided by human services programs may be provided if the regional commission enters into contracts with other authorized entities, including units of local government, for the delivery of goods or services to individual consumers. A commission providing direct services pursuant to this paragraph shall not provide such services on a for profit basis. Regional commissions shall be authorized to provide technical assistance to units of local government in areas of governmental services."

16. Can one Regional Commission contract for services with another Regional Commission?

Yes. The law affords quite a bit of latitude in contracting with the exception of human services. The law specifically states that each commission "... may contract with another commission to provide services for the benefit of one or both commissions." Therefore, one regional commission may contract with another regional commission.

17. What kind of assistance is available from DCA regarding transition to the new Regional Commission structure?

DCA offers assistance both from DCA staff and through the Carl Vinson Institute of Government. You may contact either or both specifying the type of assistance needed and we will make every effort to provide what is needed. Training for newly appointed Regional Commission Council members will be offered after July 1st and a training program for Regional Commission Directors and finance personnel will be offered to prepare the Regional Commissions for their Performance Audits.