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Public Safety

County commissioners provide more county services than ever before, but protecting life and property will always take precedence over other county functions. In fulfilling their public safety responsibilities, counties provide services such as law enforcement, corrections, fire, 9-1-1, emergency management, emergency medical services, and animal control. Although multiple departments may provide these services, a coordinated effort must exist among the various service providers in order to keep the public safety system functioning properly so as to ensure the safety and welfare of the public.

LAW ENFORCEMENT

Sheriff's Office

Law enforcement for counties is primarily provided by the sheriff. Every Georgia county has an elected sheriff. The constitutional and statutory authority of the office of sheriff is statewide. In all but a few counties, the sheriff's office is the sole law enforcement agency serving the unincorporated area and shares law enforcement authority within the cities.¹ Because the sheriff is a "county officer," the commissioners' role with respect to law enforcement is limited to providing reasonable funds in the budget for the sheriff to provide law enforcement for the county.

Police Departments

There are only 13 county police departments in Georgia.² These departments are subject to the direction and control of the county governing authority through a police chief appointed by the county commissioners.

Counties that would like to start a county police department must obtain voter approval through a public referendum before creating a new county police department.³ All existing county police departments were created prior to imposition of this referendum requirement.

Counties served by both a sheriff's office and a county police department usually transfer peacekeeping and law enforcement functions to the county police, while the sheriff continues to carry out his or her other duties, such as maintaining the county jail and serving the courts. The sheriff's authority to fulfill his or her responsibilities is not lessened or diminished by the existence of the county police departments that have been established by county governing authorities to perform additional services within the unincorporated areas of the county.⁴

Accreditation of Law Enforcement Agencies

The Commission on Accreditation for Law Enforcement Agencies (CALEA) is a private, nonprofit organization that was formed by the International Association of Chiefs of Police, National Organization of Black Law Enforcement Executives, National Sheriffs' Association, and Police Executive Research Forum (www.calea.org). CALEA has developed a national set of law enforcement standards for all types and sizes of county police departments and sheriffs' offices.

Although CALEA accreditation is voluntary, many sheriffs, commissioners, and police chiefs seek accreditation because most of the standards identify topics and issues that must be covered by written policies and procedures. Successful accreditation may provide counties a defense or "liability shield" against civil litigation.⁵ Also, CALEA provides a nationally recognized system for improvement.⁶

Not all law enforcement agencies that wish to undergo self-evaluation and improvement are financially willing or able to make the commitment to the CALEA process. The State of Georgia Law Enforcement Certification Program offers a professionally recognized methodology to make systematic improvements to such agencies. Satisfying these standards may also serve as a "stepping stone" toward CALEA accreditation.

The State of Georgia Law Enforcement Certification Program was developed through the collaborative efforts of the Georgia Association of Chiefs of Police, the Georgia Sheriffs' Association, the Georgia Peace Officer Standards and Training Council, the Association County Commissioners of Georgia, the Georgia Municipal Association, and the Georgia Police Accreditation Coalition (www.gachiefs.com/statecertification/index.htm). Although voluntary, the certification provides a comprehensive blueprint for effective, professional law enforcement.

Employment and Training Standards

State law requires county law enforcement officers to become certified by the Peace Officers Standard and Training Council (i.e., “POST certified”), in accordance with the minimum standards of the Georgia Peace Officer Standards and Training Act.⁷ In order to be employed by a county as a peace officer, individuals must complete a basic law enforcement training course and meet other minimal requirements pertaining to age, citizenship, education, criminal background, etc.⁸

Sheriffs must meet certain requirements to be eligible to hold the office. Every newly elected sheriff is required to complete a four-week training session. A sheriff must become certified within six months of assuming office, unless the requirement has been previously met.⁹ As do all Georgia peace officers, sheriffs are required to have additional training every year. A sheriff who fails to complete such training may lose his or her power of arrest and may be suspended from office without pay unless the sheriff qualifies for and obtains a waiver of this training requirement.¹⁰

With limited exception, a police chief must receive executive law enforcement training in addition to the basic required training.¹¹

CORRECTIONS

County Jail

Most counties operate a jail that is run by the sheriff. A county jail may contain the following:

- Persons arrested and waiting for their trial. The county receives no reimbursement from the state for these inmates who are awaiting trial.
- Inmates who have been convicted of a misdemeanor and sentenced to 12 months or less. The county is responsible for the cost of the upkeep of these county inmates.
- Prisoners who have been convicted of a felony, sentenced to serve their time in the state prison system, and are waiting for the Department of Corrections to take them. These prisoners are state inmates awaiting pickup. The state will provide a per diem to cover a portion of the cost to house these inmates if they are not picked up by the state within the first 15 days after the Department of Corrections receives the “sentencing package” from the clerk of court.¹²

- Probationers and parolees who have made a “technical violation” of their probation or parole. Although many of these individuals are felons who would ordinarily be considered state inmates, counties do not receive a per diem from the Department of Corrections for these technical violators.¹³
- Prisoners awaiting an appeal of their conviction.
- Inmates from neighboring counties being temporarily housed because of overcrowding in their “home” facility.
- If an agreement exists, federal prisoners housed on a short-term basis.
- If an agreement with the city exists, city inmates who are serving sentences for violations of city ordinances and other misdemeanors.

Care of Inmates

The sheriff, as the chief jailer, is responsible for the health, safety, and welfare of all prisoners. County governing authorities and sheriffs have been successfully sued for jail conditions that adversely affect the health, welfare, and/or rights of inmates. Because jail conditions or procedures have been the basis of a number of catastrophic awards to those suing the county, no effort should be spared to ensure proper functioning of the county jail.

Georgia law requires the sheriff to provide prisoners with medical aid, heat, blankets, and other essentials.¹⁴ County commissioners must provide the sheriff with adequate funds for food for prisoners so that their strength and health are not impaired as a result of an insufficient diet. If the budget does not provide adequate funds to handle such expenses, the sheriff may personally make the necessary purchases. In this instance, the county is required by law to reimburse the sheriff for such expenditures.¹⁵

The sheriff must also protect the rights of all prisoners held in the county jail. In addition to the basic right to receive food, shelter, and medical aid, the courts have ruled that confined persons enjoy all the rights guaranteed under the U.S. Constitution. Those rights are not limited by a facility’s interest in operating a safe, secure, and orderly facility. Public officials may be liable for any unlawful taking of or failure to protect those rights.

Medical Treatment for Inmates

Medical care for inmates is expensive for a county. If an inmate has medical insurance, a claim may be made against the inmate's insurance for his or her care.¹⁶ Unfortunately, many inmates have no medical insurance. The sheriff is responsible for providing any necessary medical treatment for the inmates. The Georgia Supreme Court has held that the sheriff is authorized to enter into agreements with medical care providers without going through the board of commissioners.¹⁷

Sheriffs and judges cannot release an arrestee on his or her own recognizance while the arrestee is receiving medical treatment in order to avoid the responsibility of the medical bills. The courts have found counties liable for the medical bills of arrestees who were released after being admitted to the hospital.¹⁸ However, the sheriff is entitled to refuse to accept into the jail any person from another agency who has not received medical treatment for obvious physical injuries or conditions of an emergency nature until the arresting agency has obtained a medical release for the individual from a health care facility or provider. However, if there is no health care facility in the county, the sheriff or keeper of the jail must accept the individual, in which case the county governing authority must pay all costs related to the medical release.¹⁹

Inmates of county jails who do not have health insurance or are not eligible for health care benefits are liable for the costs of medical care provided to them, and the assets and property of an inmate may be subject to levy and execution for such costs.²⁰ Alternatively, the sheriff or other keeper of the jail may establish rules for deduction from money credited to an inmate's account to defray the costs of medical treatment requested by an inmate, within certain limits. Amounts collected from an inmate's account are to be reimbursed if the inmate is subsequently acquitted or exonerated of the charges on which he or she was being held.²¹

Jail Standards

The sheriff is responsible not only for the health of the inmates but also for maintaining and protecting the physical facilities of the jail itself. Georgia state statutes provide some guidance or standards for jail operations pertaining to such matters as inmate care, safety and security, and sanitation and health.²² The Georgia Jail Standards Study Commission prepared the *Standards for Georgia Jail Facilities*,²³ which provides voluntary standards, often based on case law, for all areas of jail operation, in-

cluding administration and management, facility planning, programs and activities, classification, screening, facility safety, inmate communications, and visitation procedures. Although these standards remain voluntary, the courts have mandated their adoption in several cases.

Much improvement in the planning, design, construction, and operation of county jails has been achieved recently through specialized jail assistance services offered at no cost to counties through the Georgia Sheriffs' Association. These services are acquired upon the request of a county's sheriff.

Jail Construction and Staffing Fee

To assist in funding the jail, counties may adopt a resolution imposing an additional penalty of 10 percent on all criminal and traffic fines in superior court, state court, probate court, or magistrate court.²⁴ The 10 percent penalty is also imposed on the original amount of any bail or bond posted.²⁵ This money paid by criminal defendants may be used only for jail construction and staffing.

Any city may likewise impose this 10 percent penalty through municipal court if it enters into an intergovernmental agreement with the county for providing the use of the county jail, correctional institution, or other detention facility by city prisoners.²⁶ If the county houses city prisoners, this money may be used to help cover the cost of the city to house its prisoners in the county jail. However, the intergovernmental contract with the city should include the entire cost of housing the city inmates (i.e., the true per diem cost, the cost of medical services, etc.).

The funds generated from this 10 percent penalty must be paid over to the county commissioners from the various courts, including municipal courts, by the tenth day of the month, and the funds must be deposited in a special account called the county jail fund.²⁷ The money may only be used by the county to build, operate, or staff the county jail, county correctional institution, or other county detention facility or to contract for the use of such facilities with other counties, the state, cities, or regional jail authorities.²⁸

County Correctional Institutions

County correctional institutions, sometimes referred to as work camps, are operated in 24 Georgia counties.²⁹ These counties have contracted with the Georgia Department of Corrections to house low-security, long-term inmates sentenced to the state prison (i.e., state prisoners). The state pays the county a per diem to house the inmates, and the county gets the benefit of the labor of these inmates. Correctional institutions

are under the control of a warden, who is appointed by the county governing authority. Although the counties operate, maintain, and staff the institutions, correctional institutions must comply with regulations of the Georgia Department of Corrections. Inmates housed in correctional institutions are required to work on maintenance of roads and parks, work at landfills, serve on local fire crews, and assist in county construction projects.

Jail Training

Any person employed as a jail officer or juvenile correctional officer must successfully complete the required training course within six months after the date of initial employment. Persons employed as jail officers or juvenile correctional officers prior to October 12, 1999, are exempted from this certification requirement.³⁰

FIRE PROTECTION

In Georgia, there are two basic types of fire departments. There are “career departments” that employ full-time paid employees, and there are volunteer departments that rely primarily on volunteers. The majority of career departments can be found in the major urban and suburban areas, while volunteer departments primarily function in less densely populated rural areas.

The basic mission of fire departments is to save lives and protect property. Today’s fire department reflects an all-hazards response organization for multiple emergency events that may include emergency responses to medical calls such as heart attacks and other illnesses, extrication of victims from automobile accidents, rescues and responses to hazardous incidents such as cave-ins and downed power lines, emergency management activities, and disaster response. By law, fire departments have primary responsibility for first-response to chemical incidents with toxic potentials.³¹ Law enforcement–related activities often require the intervention of firefighters, including responses to bombings and other terrorism incidents.

In order to be legally organized, a county fire department (whether comprising full-time, paid staff or volunteers) must

- be established in accordance with the provisions of National Fire Protection Association Standard 1201-1984;
- be capable of providing fire protection 24 hours a day, seven days a week;

- be responsible for a defined area of operations depicted on a map located at the fire station;
- be staffed with a sufficient number of qualified firefighters who are full-time or part-time workers or volunteers who have successfully completed an approved basic fire-fighting course conducted by or through the Georgia Fire Academy;
- possess certain minimum equipment and protective clothing; and
- maintain sufficient insurance coverage on all members to cover injuries sustained when answering fire calls or other emergencies and when participating in scheduled training sessions.³²

In addition, the county fire department must comply with the minimum standards established by the Georgia Firefighter Standards and Training Council. Failure to meet and maintain these requirements may result in the loss of a fire department's certification.³³

Each department should have the following:

- Master planning
- Adequate equipment and facilities
- Effective communications
- Employment and training standards
- Ongoing training
- A fire prevention program
- Knowledge of the fire-rating process
- Sufficient water supply

Fire departments need various types of equipment, including the following:

- Vehicles to transport firefighters to fires
- Vehicles to transport and pump water to fires
- Fire-fighting equipment on the vehicles, such as pumps, ladders, hose, self-contained breathing apparatus, and fire extinguishers
- Protective clothing, such as coats, helmets, and boots

Fire departments depend upon an adequate supply of water for extinguishing fires. Flow and pressure required in order to combat industrial and commercial fires are typically greater than that required for residential fires. In the absence of pressurized systems, counties can establish alternative water-delivery capabilities, including the ability to shuttle or haul water from static water sources such as ponds, streams, lakes, or cisterns. Dry or draft hydrants can facilitate and improve the time required for conducting these activities.

Fire stations should be strategically deployed throughout the community to provide for effective response times to emergencies. The primary purpose of strategic station distribution is to minimize response times and enable firefighters to suppress reported fires in a time-critical manner prior to flashover (i.e., when all flammable contents within a structure spontaneously ignite). From a medical perspective, response time should be structured to allow personnel to intervene and provide life-saving procedures such as CPR during the first four to six minutes of an emergency event.

Fire stations can also be constructed to provide a safe haven for community residents during periods of inclement weather or other natural or man-made disasters. Sufficient space should be provided to allow business to be conducted normally, as well as allow personnel to be able to function on around-the-clock schedules.

The Fire-Rating Process

Fire departments are evaluated for insurance purposes by the Insurance Services Office (ISO). Fire personnel should understand the basis for the department's existing rating and what is required to improve it.

For the purpose of establishing homeowners and fire insurance rates, each fire department is rated or classified by ISO. In making an evaluation, ISO uses the *Fire Suppression Rating Schedule* as a guide for evaluating fire suppression capabilities. The better the ISO rating, the less property owners pay for their property insurance. ISO places departments in one of 10 classes, with Class 1 rating being the highest and Class 10 being the lowest. To meet the minimum level of protection recognized by ISO, a fire department must have at least a Class 9 rating. In evaluating fire departments, the three principal features that ISO representatives measure are fire alarms, fire department, and water supply.

Employment and Training Standards

Fire departments are required to adhere to the training requirements identified by the Georgia Firefighters Standards and Training Council.³⁴

The standards set forth by this agency are not limited to career employees (i.e., full-time rather than volunteer) and include initial training for new firefighters and annual refresher or in-service training. Failure to comply with these mandates will result in a firefighter losing his or her certification and ability to be gainfully employed. As legally organized agencies, fire departments are responsible for providing the required training to maintain individual certification.³⁵

Training requirements for volunteer firefighters differ from those for career personnel. The Georgia Fire Academy provides the training for volunteer departments.

EMERGENCY 9-1-1 SERVICES

Communication is the backbone of an emergency services program. A 9-1-1 emergency telephone system provides a simple single telephone number that citizens can use to access fire, law enforcement, emergency medical, and other services when there is an emergency. A county is not mandated by law to provide 9-1-1 services. However, once a county decides to provide this service, it must follow a number of state and federal laws, rules, and regulations governing provision of 9-1-1 service.³⁶ The 9-1-1 service may be provided by a single county or city or by multiple local governments.

Many counties combine their 9-1-1 system with the dispatching of their local public safety agencies (e.g., fire, law enforcement, ambulance, and emergency management). Combining 9-1-1 call answering and dispatching functions achieves time and cost savings. However, some counties separate the service of answering a 9-1-1 call from the service of sending out or dispatching the requested public safety service. In these cases, the 9-1-1 call is transferred to the appropriate dispatching agency (i.e., the sheriff's office, the city police department, the fire department, etc.). This is particularly true when an independent officer or entity is part of the 9-1-1 system. For instance, some sheriffs may prefer to dispatch their calls. Similarly, many cities may contract with their county to receive 9-1-1 calls, but the 9-1-1 calls are transferred to the city for dispatch.

Counties are encouraged to provide enhanced 9-1-1 services, rather than just basic 9-1-1 service. Enhanced 9-1-1 provides the caller's telephone number and location; basic 9-1-1 does not. Enhanced 9-1-1 also allows easier transfer of calls to another agency.

Funding for 9-1-1 Services

As an alternative to funding 9-1-1 service solely through property tax, counties are authorized to impose a 9-1-1 user fee on telephone and wireless telephone customers in the county. The 9-1-1 user fee is imposed by the county but is collected by landline and wireless telephone companies on behalf of the county.

The maximum 9-1-1 user fee for a landline telephone is \$1.50 per month³⁷ unless two counties create a new joint system, in which case the 9-1-1 user fee is \$2.50.³⁸ The maximum 9-1-1 user fee for a wireless phone is \$1.00 per month if the 9-1-1 system can identify the telephone number of the caller and the base station or cell site.³⁹ The maximum 9-1-1 user fee for a wireless phone is the same as that for a landline phone (i.e., \$1.50 or \$2.50, depending upon whether it is a single-county or multicounty system) if the 9-1-1 system can identify the wireless phone number and location of the cell phone caller (i.e., automatic location identification, or ALI).⁴⁰ The county must reduce the 9-1-1 user fee if the projected 9-1-1 user fee revenues will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by 1.5 times the unexpended revenues in the fund in the previous fiscal year.⁴¹

Before any fee can be collected by the telephone company, the local government must hold either a referendum or a public hearing.⁴² Once collection of the fee begins, local governments have up to 18 months to implement the service.⁴³ All user fees collected must be maintained in a separate account known as the Emergency Telephone System Fund. Any income earned on the money in the fund must be kept in the fund.⁴⁴ The 9-1-1 user fees may only be used for the following purposes:

- *9-1-1 building.* Leasing or purchasing a building to be used for the 9-1-1 center once the county has completed its street address plan.⁴⁵
- *Computer hardware and software.* Lease, purchase, or maintenance of computer hardware and software used at the 9-1-1 center, including computer-assisted dispatch systems.⁴⁶
- *Logging recorders.* Lease, purchase, or maintenance of logging recorders used to record telephone and radio traffic.⁴⁷

- *Emergency telephone equipment.* The lease, purchase, or maintenance of emergency telephone equipment (including necessary computer hardware, software, and database provisioning; addressing; and nonrecurring costs of establishing a 9-1-1 system).⁴⁸
- *Supplies.* Office supplies and other supplies used directly in providing 9-1-1 services, including the printing of 9-1-1 public education materials.⁴⁹
- *Service supplier fees.* 9-1-1 service suppliers' rates and other service suppliers' recurring charges.⁵⁰
- *Wireless companies' cost recovery.* Cost recovery for the wireless companies of up to 30¢ to 45¢ of every dollar collected.⁵¹
- *Salaries.* Actual cost of salaries (including benefits) of county employees hired solely for the operation and maintenance of the 9-1-1 system.⁵²
- *Training.* Actual cost of training county employees who work as dispatchers or directors (i.e., the person who has direct operational or management control of a public safety answering point or who supervises one or more communication officers or employees who answer 9-1-1 calls).⁵³

The 9-1-1 user fee money (and any interest earned on this money) may be used only for the above purposes.⁵⁴ Every year, the county must file a report of its 9-1-1 fee collections and expenditures with the annual audit. This report requires that the county and its auditor certify that the 9-1-1 user fees were expended only for these purposes.⁵⁵ Any county that uses 9-1-1 user fee money for any other purpose may be liable to pay back the amounts that were illegally used to the telephone and wireless phone customers.⁵⁶

State Responsibilities

The Georgia Emergency Management Agency (GEMA) is responsible for helping local governments develop plans for their 9-1-1 systems and secure funding. In addition to developing guidelines for implementing 9-1-1 service, the director of GEMA, with the approval of the governor, can establish minimum standards for training and equipment. GEMA is also the coordinating agency among the local 9-1-1 systems, state agencies, and telecommunication companies.

Training Requirements

Communications officers who respond to 9-1-1 calls and receive, process, or transmit public safety information and dispatch law enforcement officers, firefighters, medical personnel, or emergency management personnel are required to complete a basic training course approved by the Peace Officer Standards and Training Council. Every dispatch center operated by a county to dispatch law enforcement officers, firefighters, emergency medical personnel or emergency management personnel must have on duty at all times at least one communications officer certified in the use of telecommunications devices for the deaf (TDDs). If a county fails to comply with this requirement, it will not be permitted to impose a monthly 9-1-1 charge.⁵⁷

EMERGENCY MANAGEMENT

County commissioners are on the front line when an emergency or disaster strikes. As the level of government closest to the people, the county is the first and primary agency to provide aid and relief to the citizens impacted by the disaster. Emergency management is a critical government function that coordinates available resources to be used in planning for, lessening the impact of, responding to, and recovering from a wide variety of natural or man-made events that can kill or injure significant numbers of people, do extensive damage to property, and generally disrupt community life.

The function of emergency management has radically evolved and drastically expanded from a civil defense function into an all-hazards approach. The current approach addresses a wide range of disasters and emergencies, including severe weather events, hazardous materials and radiological incidents, school violence and terrorism, pandemics, and other possible occurrences that may be unique to individual communities. County elected officials have the primary responsibility for providing emergency management services to their communities as an essential part of their duty to maintain law and order and protect lives and property. The general legal authority for emergency management is found in federal and state law⁵⁸ as well as in presidential decision directives.

County Emergency Management Agency

Each county is required by state law to establish an emergency management agency in order to receive state or federal funding for disaster

relief.⁵⁹ The agency structure, the number of staff, and the complexity of operations vary widely depending on a county's needs and resources. Although some federal funds are available to support county programs, most activities are funded through local revenues.

Assistance from the State and Federal Governments

At the state level, emergency management is the responsibility of GEMA, which carries out its duties in collaboration with local emergency management agencies, the Federal Emergency Management Agency (FEMA), other state agencies, the private sector, and the volunteer community. When an emergency strikes, it is the governor who declares a state of emergency, which puts into play all of the emergency powers that the state and counties may exercise.⁶⁰

When appropriate, the president may also make a federal disaster area declaration. In such a case, the citizens of any county included in the declaration may have access to federal grants and low-interest loans to help them repair and restore their property. Also, any county included in the declaration may be reimbursed some of the costs of recovering from the disaster through FEMA. In order to be eligible for FEMA reimbursement, counties must comply with several requirements, some of which are discussed later in this chapter.

Prepare, Review, and Update Emergency Operations Plan

A county's emergency management agency is required to prepare an Emergency Operations Plan (EOP).⁶¹ The EOP is crucial to the ability of a county to be prepared for and adequately respond to natural and man-made disasters and emergencies. In order to properly prepare a plan, county officials should first conduct a hazard and risk analysis of the county, assess current capabilities, and take the necessary action to ensure that additional resources are available when needed through the use of such measures as mutual aid agreements, which must be in place prior to a disaster in order to qualify for any reimbursement from FEMA. In addition, the plan should be routinely exercised and updated so that it is effective and current. Finally, key emergency management staff from all affected agencies and social service groups such as the Red Cross should receive appropriate training in response and recovery activities.⁶²

Commissioners Participation

County commissioners should be aware of the basics of their EOP. They also need to think about how they would conduct business and plan for how they would continue providing services in the event of an emergency. There are so many urgent and pressing needs during an emergency that

it is often difficult to properly draft and follow appropriate procedures, policies, and agreements in the midst of a crisis. However, having these documents drafted and adopted prior to an emergency may save the county millions of dollars in the event of an emergency.

Emergency Ordinances

One way for commissioners to prepare for an emergency is to adopt ordinances that would govern if the governor were to declare a state of emergency in the county.⁶³ It is much easier to draft these ordinances before an emergency strikes than to wait and try to figure it out in the middle of the emergency.

One of the many requirements for FEMA reimbursement is that the county follow its established procedures in responding to the emergency. In the midst of a disaster, there may not be time to bid out emergency supplies or services according to the county's regular purchasing ordinance or policy. If the county has an established exception in its ordinances for emergency purchases and follows it when buying emergency supplies, the county may be entitled to FEMA reimbursement. If the county does not have an exception and does not follow its regular procedures, then it will be very difficult for it to receive FEMA reimbursement. It is important that commissioners review their purchasing ordinance or policy to make sure that purchases made during an emergency are addressed.

Counties may adopt an ordinance requiring emergency registration of all or certain designated classes of business during the state of emergency and for a recovery period of up to three months.⁶⁴ No business may do business within the county without first registering in conformance with the ordinance. This policy is a good way for county commissioners to protect their citizens from unscrupulous building contractors who go from community to community in the wake of a disaster to take advantage of unsuspecting property owners.

Agreements

Another way for a county to prepare is to have mutual aid agreements in place with neighboring jurisdictions in order to assist one another in the event of an emergency.⁶⁵ Properly executed mutual aid or other intergovernmental agreements are useful when seeking reimbursement from FEMA. It is often much easier to draft these agreements and have them in place before an emergency.

Oftentimes, in a state of emergency, the county needs to use private property as a staging area, distribution area, or shelter. A sample agreement prepared ahead of time that allows the county to use such property

may be a useful tool. If the property owner allows the county to use the property free of charge, then the property owner is granted sovereign immunity (i.e., the property owner cannot be sued successfully for any damages occurring on the property during the emergency).⁶⁶

Governance

Another issue that county commissioners should consider is how the business of running the county will happen during an emergency. Commissioners are supposed to provide for emergency interim successors for county officials (other than constitutional officers, who appoint their own deputies) in the event of a declaration of emergency.⁶⁷

There are special rules that apply only if the governor declares a state of emergency. For instance, if it is imprudent, inexpedient, or impossible to conduct the county's business at the courthouse (or usual place of business), commissioners may meet at any place within the county or outside the county on the call of the chairperson or any two members of the board.⁶⁸ The board should adopt an ordinance or resolution designating the alternative or substitute sites as an emergency temporary location of the county government where public business may be transacted during the state of emergency called by the governor. The emergency temporary location may be in another county or even another state. The commissioners and other county officers have the same powers and functions at the emergency temporary location during the state of emergency as they would under normal circumstances. They may conduct business without following time-consuming procedures and formalities otherwise prescribed by law during the state of emergency.⁶⁹

EMA Directors

A county's emergency management agency is headed by a director appointed by the director of GEMA but nominated by the county commissioners.⁷⁰ The emergency management agency director serves at the pleasure of the county commissioners. State law establishes certain minimum requirements.⁷¹ Some county emergency management agencies are headed by paid, full-time directors, while others are directed by part-time employees or volunteers. It is permissible for a director to also hold other positions, such as fire chief or 9-1-1 director so long as certain minimum state requirements are met.⁷²

ANIMAL CONTROL

County officials often receive complaints about animals. Although taxpayers may complain about the cost of an animal control program, citi-

zens generally expect the local government to not only control rabies but also solve nuisance animal problems. The county's authority to provide animal control services is provided by the Georgia Constitution⁷³ as well as several state statutes.

Rabies

State law requires counties to regulate or license animals in order to control rabies.⁷⁴ The county board of health has primary responsibility for prevention and control of rabies and must appoint a county rabies control officer.⁷⁵ County commissioners are authorized to impose a fee of up to 50¢ per dog receiving a rabies vaccine to be collected by veterinarians in the county and to be used to help pay the salary of the county rabies control officer.⁷⁶

Animal Protection

Many counties have ordinances protecting the welfare of animals. These ordinances require outside animals to have amenities such as adequate shelter and access to food and water. Counties are authorized to enforce provisions of the Georgia Animal Protection Act.⁷⁷ For instance, the county animal control officer may impound an animal that has been subjected to cruelty or inhumane treatment.⁷⁸ When directed by the county commissioners, the county attorney is authorized to obtain an injunction or restraining order.⁷⁹

"Dangerous" and "Vicious" Dogs

Georgia law establishes two categories of dogs that must be confined in special enclosures: "dangerous dogs" and "vicious dogs." These dogs have bitten or have caused severe injury or death to a person without provocation.⁸⁰ Commissioners may adopt an ordinance or resolution to create an animal control board to hold hearings in order to classify dogs as dangerous or potentially dangerous.⁸¹ Counties are also responsible for local enforcement of the Dangerous Dog Control Law within their unincorporated areas⁸² as well as Georgia's law on vicious dogs ("Mercedes' Law").⁸³

A county may contract with a municipality and/or with other counties for joint dog control services.⁸⁴ Counties are required to appoint a dog control officer.⁸⁵ This responsibility may be assigned to a deputy sheriff or the rabies control officer, with the approval of the sheriff or the county board of health, respectively. The dog control officer is required to investigate reports of dangerous or potentially dangerous dogs, classify dogs as dangerous or potentially dangerous, register dangerous and

potentially dangerous dogs within the jurisdiction, verify that the owner is complying with the requirements for confining a dangerous dog, and confiscate and, if necessary, destroy any dangerous dog whose owner fails to comply with the requirements of the law. Counties may charge annual fees in addition to dog-licensing fees for the registration of dangerous and potentially dangerous dogs.⁸⁶

Mandatory Sterilization in Shelters

In recognition of the public health problem created by the uncontrolled breeding of stray cats and dogs, county animal shelters must provide for the sterilization of all dogs or cats adopted from their organizations.⁸⁷ The sterilization may be done by the animal shelter or control agency before adoption, or the person adopting the animal must agree to have it sterilized prior to its sexual maturity. If the county animal shelter or animal control agency performs the sterilization, it may add the cost of the sterilization to the fee charged for the animal. Counties are permitted to adopt more stringent requirements than those required by general law.⁸⁸

Nuisance

Many of the complaints county commissioners receive about animals are related to behavior that interferes with the quality of life of neighbors. Some counties have therefore adopted ordinances aimed at reducing nuisance behaviors.

One problem is animals running at large. Many counties have enacted leash laws requiring any animal that is off its property be under its owner's control (i.e., on a leash). Another tactic employed by animal shelters is to require that anyone wishing to adopt an animal have a properly fenced yard.

Barking dogs are another problem. Some counties have tried to use noise ordinances to combat the aggravation created by barking dogs. Some counties have adopted "anti-tethering" ordinances that prohibit or restrict the amount of time a dog can be chained outdoors.

Livestock

The sheriff is required to impound livestock found to be running at large or straying.⁸⁹ County commissioners are required to establish and maintain a suitable place to keep impounded livestock until they are sold, redeemed, or otherwise disposed of.⁹⁰ Commissioners are also responsible for providing truck transportation of the impounded livestock.

NOTES

1. OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A.) §15-16-10(a)(9).
2. The following 13 counties have county police departments: Athens-Clarke, Clayton, Cobb, Columbus-Muscogee, DeKalb, Dougherty, Floyd, Fulton, Glynn, Gwinnett, Henry, Polk, and Ware.
3. O.C.G.A. §36-8-1(b).
4. Part of this section is drawn from Charles R. Swanson Jr., Leonard Territo, and Robert Taylor, *Police Administration: Structures, Processes, and Behavior*, 5th ed. (New York: MacMillan, 2001).
5. Gary W. Cordner, "Written Rules and Regulations: Are They Necessary?" *FBI Law Enforcement Bulletin* 58, no. 7 (July 1989): 18.
6. Russell Mass, "Written Rules and Regulations: Is the Fear Real?" *Law and Order* 38, no. 5 (May 1990): 36.
7. O.C.G.A. tit. 35, ch. 8.
8. O.C.G.A. §§35-8-9(a), 35-8-8. See also O.C.G.A. §§35-8-20, 35-8-20.1 regarding police chiefs and department heads.
9. O.C.G.A. §15-16-1.
10. O.C.G.A. §15-16-3(e).
11. O.C.G.A. §35-8-20.1.
12. O.C.G.A. §42-5-51(c).
13. O.C.G.A. §17-10-1.
14. O.C.G.A. §42-4-4(a)(2).
15. O.C.G.A. §42-4-4(a)(2), 42-4-32. See *Lumpkin County v. Davis*, 185 Ga. 393, 195 S.E. 169 (1938).
16. See O.C.G.A. §42-4-51.
17. *Board of Commissioners of Spalding County v. Stewart*, 284 Ga. 573, 668 S.E.2d 644 (2008).
18. *Macon-Bibb County Hospital Authority v. Houston County*, 207 Ga. App. 530, 428 S.E.2d 374 (1993).
19. O.C.G.A. §42-4-12.
20. O.C.G.A. §42-4-51(d).
21. O.C.G.A. §42-4-71.
22. O.C.G.A. §§42-4-4, 42-4-31, 42-4-32.
23. Georgia Jail Standards Study Commission, *Standards for Georgia Jail Facilities* (Atlanta: Department of Community Affairs and Georgia State Crime Commission, 1986).
24. O.C.G.A. §§15-21-92, 15-21-93(a)(1).
25. O.C.G.A. §15-21-93(a)(2).
26. O.C.G.A. §15-21-92.
27. O.C.G.A. §15-21-94(a).
28. O.C.G.A. §15-21-95.
29. Georgia Department of Corrections (www.dcor.state.ga.us/Divisions/Corrections/CountyPrisons.html).
30. O.C.G.A. §35-8-24.
31. Emergency Planning and Community Right-to-Know Act of 1986, 42 UNITED STATES CODE ANNOTATED (U.S.C.A.) §§11001-11050.

32. O.C.G.A. §§25-3-22, 25-3-23.
33. O.C.G.A. §25-3-25.
34. O.C.G.A. tit. 25, ch. 4, art. 1.
35. *Ibid.*
36. O.C.G.A. tit. 46, ch. 5, art. 2, part 4.
37. O.C.G.A. §46-5-134(a)(1)(A).
38. O.C.G.A. §46-5-138.1.
39. O.C.G.A. §46-5-134(a)(2)(A).
40. O.C.G.A. §46-5-134(a)(2)(B).
41. O.C.G.A. §46-5-134(d)(5).
42. O.C.G.A. §46-5-133(b)(1).
43. O.C.G.A. §46-5-134(k).
44. O.C.G.A. §46-5-134(d)(2).
45. O.C.G.A. §46-5-134(f)(5).
46. O.C.G.A. §46-5-134(f)(6).
47. O.C.G.A. §46-5-134(f)(8).
48. O.C.G.A. §46-5-134(f)(1).
49. O.C.G.A. §46-5-134(f)(4), (7).
50. O.C.G.A. §46-5-134(f)(2).
51. O.C.G.A. §46-5-134(e), (f).
52. O.C.G.A. §46-5-134(f)(3).
53. O.C.G.A. §§46-5-134(f)(3), 46-5-138.2(a).
54. O.C.G.A. §46-5-134(d)(2), (m)(2).
55. O.C.G.A. §46-5-134(m)(1).
56. O.C.G.A. §46-5-134(m)(2).
57. O.C.G.A. §§35-8-23, 36-60-19. No funds have been appropriated to the Georgia Peace Officer Standards and Training Council for this training. Counties must fund this training for their employees.
58. 42 U.S.C.A. §5121 et. seq.; O.C.G.A. tit. 38, ch. 3, art. 1.
59. O.C.G.A. §38-3-27(e)(1).
60. O.C.G.A. §38-3-51(b).
61. O.C.G.A. §38-3-27.
62. GEMA provides emergency management planning and other types of assistance to local governments. For information, contact the Director of GEMA, 935 E. Confederate Avenue, S.E., P.O. Box 18055, Atlanta, GA 30316-0055; www.gema.state.ga.us.
63. O.C.G.A. §38-3-27; 1989 Op. Att’y Gen. No. 89-56.
64. O.C.G.A. §38-3-56.
65. O.C.G.A. §38-3-29.
66. O.C.G.A. §38-3-32. See O.C.G.A. §38-3-33 regarding use of equipment.
67. O.C.G.A. §38-3-50.
68. O.C.G.A. §38-3-54.
69. O.C.G.A. §§38-3-54, 38-3-55.
70. O.C.G.A. §38-3-27(a)(1).

71. O.C.G.A. §38-3-27(a)(2).
72. See O.C.G.A. §38-3-27(a)(3).
73. GA. CONST. art. IX, §2, ¶3(a)(3).
74. O.C.G.A. §31-19-3.
75. O.C.G.A. §§31-19-1, 31-19-7(a).
76. O.C.G.A. §31-19-7.
77. O.C.G.A. tit. 4, ch. 11, art. 1.
78. O.C.G.A. §4-11-9.2(c).
79. O.C.G.A. §4-11-15.
80. See O.C.G.A. §§4-8-21(1), 4-8-41(6).
81. O.C.G.A. §§4-8-22(d), 4-8-24.
82. O.C.G.A. tit. 4, ch. 8, art. 2.
83. O.C.G.A. tit. 4, ch. 8, art. 3.
84. O.C.G.A. §4-8-22(b).
85. O.C.G.A. §4-8-22(c).
86. O.C.G.A. tit. 4, ch. 8, art. 2.
87. O.C.G.A. §4-14-3.
88. O.C.G.A. §4-14-5.
89. O.C.G.A. §4-3-4(a).
90. O.C.G.A. §4-3-11.