

House Bill 1495

By: Representative Jackson of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a new charter for the City of Sandersville, approved
2 March 28, 1990 (Ga. L. 1990, p. 4823), as amended, particularly by an Act approved
3 May 6, 2015 (Ga. L. 2015, p. 3733), so as to revise the powers of the mayor; to restate
4 provisions related to the mayor pro tempore; to provide for a council-manager form of
5 government; to provide for the selection, qualifications, and duties of the city manager; to
6 update and restate provisions related to the administration of the city government; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act providing for a new charter for the City of Sandersville, approved March 28, 1990
11 (Ga. L. 1990, p. 4823), as amended, particularly by an Act approved May 6, 2015 (Ga. L.
12 2015, p. 3733), is amended by revising Sections 3.21 through 3.24 as follows:

13 "SECTION 3.21.

14 Reserved.

15 SECTION 3.22.

16 Powers and duties of the mayor.

17 The mayor shall:

18 (1) Call special meetings of the city council as provided for in Section 3.13 of this
19 charter;

20 (2) Preside at all meetings of the city council;

21 (3) Be the head of the city for the purpose of service of process and for ceremonial
22 purposes, and be the official spokesperson for the city and the chief advocate of policy;

23 (4) Have power to administer oaths and to take affidavits;

24 (5) Sign as a matter of course on behalf of the city all written and approved contracts,
25 ordinances and other instruments executed by the city which by law are required to be in
26 writing;

27 (6) See that all laws and ordinances of the city are faithfully executed;

28 (7) Perform other duties as may be required by general state law, this charter, or
29 ordinance; and

30 (8) Approve or disapprove ordinances as provided in Section 3.23 of this charter.

31 SECTION 3.23.

32 Submission of ordinances to the mayor; veto power.

33 (a) Every ordinance adopted by the city council shall be presented promptly by the city
34 clerk to the mayor.

35 (b) The mayor shall, within three calendar days of receipt of an ordinance, return it to the
36 city clerk with or without his or her approval, or with his or her disapproval. If the
37 ordinance has been approved by the mayor, it shall become law upon its return to the city
38 clerk; if the ordinance is neither approved nor disapproved, it shall become law at
39 12:00 Noon on the third calendar day after its adoption; if the ordinance is disapproved, the
40 mayor shall submit to the city council through the city clerk a written statement of his or
41 her reasons for his or her veto. The city clerk shall record upon the ordinance the date of
42 its delivery to and receipt from the mayor.

43 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
44 at its next regular meeting, and should the city council then or at its next general meeting
45 adopt the ordinance by an affirmative vote of four of its members, it shall become law.

46 (d) The mayor may disapprove or reduce any item or items of appropriation in any
47 ordinance. The approved part or parts of any ordinance making appropriations shall
48 become law, and the part or parts disapproved shall not become law unless subsequently
49 passed by the city council over the mayor's veto as provided in this section. The reduced
50 part or parts shall be presented to the city council as though disapproved and shall not
51 become law unless overridden by the city council as provided in subsection (c) of this
52 section.

53 SECTION 3.24.

54 Mayor pro tempore.

55 (a) The mayor pro tempore shall be elected as an at-large council position, also know as
56 Post 5, as provided under Section 2.11 and subsection (c) of Section 2.12 of this charter.
57 During any disability or absence of the mayor, the mayor pro tempore shall preside at all
58 meetings of the city council and shall assume the duties and powers of the mayor. Any
59 such disability or absence of the mayor shall be declared by a majority vote of the city

60 council. In the event of a vacancy in the office of the mayor during the last six months of
61 the mayor's term of office, the mayor pro tempore shall serve as mayor until a successor
62 is elected at a special election as provided in subsection (b) of Section 2.12 of this charter
63 and is qualified. The city council shall by majority vote elect a presiding officer from its
64 number for any period in which both the mayor and mayor pro tempore are disabled or
65 absent. Such absence or disability of the mayor pro tempore shall similarly be declared by
66 majority vote of the city council.

67 (b) The mayor pro tempore or selected councilmember shall sign all contracts and
68 ordinances in which the mayor has a disqualifying financial interest as provided in
69 Section 2.16 of this charter."

70 **SECTION 2.**

71 Said Act is further amended by revising Article IV as follows:

72 "ARTICLE IV

73 EXECUTIVE BRANCH AND ADMINISTRATION

74 SECTION 4.10.

75 City manager, appointment, qualifications; compensation.

76 (a) The city council shall appoint a city manager for an indefinite term and shall, in mutual
77 agreement with the city manager, establish the city manager's compensation. The city
78 manager shall be appointed solely on the basis of executive and administrative
79 qualifications. Such qualifications may include:

80 (1) A master's degree with a concentration in public administration, public affairs or
81 public policy and three years' experience in an appointed managerial or administrative
82 position in a local government; or

83 (2) A bachelor's degree and five years of such experience.

84 SECTION 4.11.

85 Removal of city manager.

86 (a) The city council may remove the manager from office in accordance with the following
87 procedures:

88 (1) The city council shall adopt by affirmative vote of a majority of all its members a
89 preliminary resolution which shall state the reasons for removal and may suspend the city
90 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
91 delivered promptly to the city manager;

92 (2) Within five days after a copy of the resolution is delivered to the manager, the city
93 manager may file with the city council a written request for a public hearing. This
94 hearing shall be held within 30 days after the request is filed. The city manager may file
95 with the city council a written reply not later than five days before the hearing; and

96 (3) If the city manager has not requested a public hearing within the time specified in
97 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
98 which may be made effective immediately, by an affirmative vote of a majority of all its
99 members. If the city manager has requested a public hearing, the city council may adopt
100 a final resolution for removal, which may be made effective immediately by an
101 affirmative vote of a majority of all its members at any time after the public hearing.

102 (b) The city manager may continue to receive a salary until the effective date of a final
103 resolution of removal.

104 SECTION 4.12.

105 Acting city manager.

106 By letter filed with the city clerk, the city manager may designate, subject to approval of
107 the city council, a qualified city administrative officer to exercise the powers and perform
108 the duties of city manager during the city manager's temporary absence or physical or
109 mental disability. During such absence or disability, the city council may revoke such
110 designation at any time and appoint another officer of the city to serve until the city
111 manager shall return or the city manager's disability shall cease.

112 SECTION 4.13.

113 Powers and duties of the city manager.

114 The city manager shall be the chief executive and administrative officer of the city. The
115 city manager shall be responsible to the city council for the administration of all city affairs
116 placed in the city manager's charge by or under this charter. As the chief executive and
117 administrative officer, the city manager shall:

- 118 (1) Appoint and, when the city manager deems it necessary for the good of the city,
119 suspend or remove any city employee or administrative officer the city manager appoints,
120 except as otherwise provided by law or personnel ordinances adopted pursuant to this
121 charter. The city manager may authorize any administrative officer who is subject to the
122 city manager's direction and supervision to exercise these powers with respect to
123 subordinates in that officer's department, office or agency;
- 124 (2) Direct and supervise the administration of all departments, offices and agencies of
125 the city, except as otherwise provided by this charter or by law;

- 126 (3) Attend all city council meetings except for closed meetings held for the purposes of
127 deliberating on the appointment, discipline or removal of the city manager and have the
128 right to take part in discussion but not vote;
- 129 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
130 enforcement by the city manager or by officers subject to the city manager's direction and
131 supervision, are faithfully executed;
- 132 (5) Prepare and submit the annual operating budget and capital budget to the city
133 council;
- 134 (6) Submit to the city council and make available to the public a complete report on the
135 finances and administrative activities of the city as of the end of each fiscal year;
- 136 (7) Make such other reports as the city council may require concerning the operations
137 of city departments, offices and agencies subject to the manager's direction and
138 supervision;
- 139 (8) Keep the city council fully advised as to the financial condition and future needs of
140 the city, and make such recommendations to the city council concerning the affairs of the
141 city as the city manager deems desirable; and
- 142 (9) Perform other such duties as are specified in this charter or an employment
143 agreement with the city, or as may be required by the city council.

144 SECTION 4.14.

145 Council interference with administration.

146 Except for the purpose of inquiries and investigations under Section 3.12 of this charter,
147 the mayor, mayor pro tempore, and members of city council shall deal with city officers
148 and employees who are subject to the direction and supervision of the city manager solely
149 through the manager, and the mayor, mayor pro tempore, and members of city council shall
150 not give orders to any such officer or employee, either publicly or privately.

151 SECTION 4.15.

152 Department heads.

153 (a) Except as otherwise provided in this charter or by law, the directors of departments and
154 other officers of the city shall be hired solely on the basis of their respective administrative
155 and professional qualifications.

156 (b) All appointed officers and directors of departments shall receive such compensation
157 as prescribed by ordinance.

158 (c) There shall be a director of each department or agency who shall be its principal
159 officer. Each director shall be subject to the direction and supervision of the city manager
160 and shall be responsible for the administration and direction of the affairs and operations
161 of his or her department or agency.

162 (d) All directors under the supervision of the city manager shall be employees at will and
163 subject to removal or suspension at any time by the city manager. Procedures for such
164 removals shall be in accordance with applicable laws, ordinances and other official city
165 policies.

166 (e) All directors shall be appointed or hired by the city manager.

167 SECTION 4.16.

168 City attorney.

169 The city council shall appoint a city attorney, together with any assistant city attorneys as
170 may be authorized, who shall be a member of the State Bar of Georgia. The city attorney
171 shall serve at the pleasure of the city council and shall be responsible for representing and
172 defending the city in all litigation in which the city is a party; may be the prosecuting
173 officer in the municipal court; shall attend the meetings of the city council as directed; shall
174 advise the city council, mayor, mayor pro tempore, and city manager concerning legal

175 aspects of the city's affairs; and shall perform such other duties as may be required of him
176 or her by virtue of his or her position as city attorney. The city council shall provide for
177 the compensation of the city attorney.

178 SECTION 4.17.

179 City clerk.

180 The city council shall appoint a city clerk who shall not be a councilmember. The city
181 clerk shall be custodian of the official city seal, maintain city council records required by
182 this charter, be the tax collector, and perform such other duties as may be required by the
183 city council.

184 SECTION 4.18.

185 Personnel rules and regulations.

186 The city manager shall recommend and the city council shall adopt rules and regulations
187 consistent with this charter concerning:

- 188 (1) The method of employee selection and probationary periods of employment;
- 189 (2) The administration of a position classification and pay plan, methods of promotion
190 and application of service ratings thereto, and transfer of employees within the
191 classification plan;
- 192 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
193 the order and manner in which layoffs shall be effected;
- 194 (4) Such dismissal hearings as due process may require; and
- 195 (5) Such other personnel policies as may be necessary to provide for adequate and
196 systematic handling of personnel affairs."

197

SECTION 3.

198 All laws and parts of laws in conflict with this Act are repealed.