

House Bill 1334

By: Representatives Burmeister of the 114th and DeLoach of the 119th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for the consolidation of the governments of Richmond County
2 and the City of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L.
3 1995, p. 3648), as amended, so as to create legislative and executive branches of government
4 for the consolidated government of Augusta, Georgia; to provide that the mayor shall be the
5 head of the executive branch and the mayor pro tempore shall be the head of the legislative
6 branch; to remove the mayor from the commission; to change the powers and duties of the
7 mayor and the mayor pro tempore; to provide for the compensation of the mayor pro
8 tempore; to provide for times of service of mayor and mayor pro tempore; to provide that the
9 mayor shall not have the right to vote on any matter before the commission; to provide for
10 the power of the mayor to veto ordinances; to provide for the override of vetoes; to provide
11 for practices, procedures, and time limits; to provide for the preparation and submission of
12 budgets; to change the provisions relating to term limits of the mayor pro tempore; to provide
13 for a county administrator and method of appointment and removal; to provide for a legal
14 department and county attorney and method of appointment and removal; to provide for the
15 appointment of persons to serve as administrator or as director or administrative head of
16 departments and agencies of the consolidated government; to provide for ethics in
17 government; to provide for the suspension of certain elected officials and employees under
18 certain circumstances; to provide for the removal from office or employment of certain
19 elected officials and employees under certain circumstances; to provide for other matters
20 relative to the consolidated government; to provide for a referendum; to provide for the
21 submission of this Act for preclearance pursuant to the federal Voting Rights Act; to provide
22 an effective date; to repeal conflicting laws; and for other purposes.

23 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

24 **SECTION 1.**

25 An Act providing for the consolidation of the governments of Richmond County and the City
26 of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L. 1995,

1 p. 3648), as amended, is amended by striking Section 1 and inserting in lieu thereof a new
 2 Section 1 to read as follows:

3 **"SECTION 1.**

4 The governing authority of Richmond County and the consolidated government known as
 5 Augusta, Georgia, shall be a board of commissioners. Said board shall constitute the
 6 legislative branch of government of Augusta, Georgia, and is designated as the
 7 Augusta-Richmond County Commission, referred to in this Act as the 'commission.' The
 8 members of said board are designated and referred to in this Act as 'commissioners.' The
 9 board shall consist of ten commissioners. The commission shall exercise and be subject
 10 to all of the rights, powers, duties, and obligations imposed by this Act or previously
 11 applicable to the governing authorities of the City of Augusta and Richmond County and
 12 to any general laws, local laws, or constitutional provisions applicable or effective within
 13 the former City of Augusta and Richmond County. The consolidated government of
 14 Augusta, Georgia, and its commission shall constitute a county as well as a municipality
 15 for the purpose of the application of the general laws and Constitution of this state. The
 16 consolidated government shall have a municipal form of government. The commission
 17 may exercise the powers vested in the governing authority of the municipality and
 18 municipalities generally as well as the powers vested in the former governing authority of
 19 the county and counties generally. The executive branch of such government shall be
 20 headed by a chief executive officer to be designated and referred to in this Act as the
 21 'mayor.' Said county-wide government shall be a new political entity, a body corporate and
 22 politic, and a political subdivision of the state to be known as 'Augusta, Georgia,' at times
 23 in this Act called the 'consolidated government' or 'Augusta-Richmond County,' having all
 24 the governmental and corporate powers, duties, and functions heretofore held by and vested
 25 in the City of Augusta and Richmond County, and also the powers, duties, and functions
 26 provided in this charter."

27 **SECTION 2.**

28 Said Act is further amended by striking subsections (b) and (e) of Section 2 and inserting in
 29 lieu thereof new subsections (b) and (e) to read as follows:

30 "(b) All members of the commission shall be full voting members of the commission. The
 31 mayor shall not be a member of the commission and shall not have the right to vote on any
 32 matter before the commission."

33 "(e) The mayor shall be paid an annual salary of \$65,000.00 and shall devote his or her full
 34 time to the duties of the office of mayor. The mayor pro tempore shall be paid an annual
 35 salary of \$32,500.00 and shall devote at least twenty hours per week to the duties of the
 36 office of mayor pro tempore. The other commissioners shall be paid an annual salary of

1 \$12,000.00. Future changes in the salary and expenses of such persons shall be effected
2 in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A."

3 **SECTION 3.**

4 Said Act is further amended by striking Section 4 in its entirety and inserting in lieu thereof
5 a new Section 4 to read as follows:

6 "SECTION 4.

7 (a)(1) The mayor shall be the chief executive officer and the head of the executive
8 branch of the consolidated government of Richmond County and the City of Augusta,
9 known as Augusta, Georgia. The mayor shall possess and exercise the following
10 executive and administrative powers and duties:

11 (A) To serve as the official head of the consolidated government of Richmond County
12 and the City of Augusta, known as Augusta, Georgia, for the service of process and for
13 ceremonial purposes;

14 (B) To administer oaths and to take affidavits;

15 (C) To sign all written contracts entered into by the commission on behalf of the
16 consolidated government of Richmond County and the City of Augusta, known as
17 Augusta, Georgia, and all other contracts and instruments executed by the county or
18 consolidated government which by law are required to be in writing;

19 (D) To ensure that all laws, ordinances, and resolutions of Richmond County and
20 Augusta, Georgia, are faithfully executed;

21 (E) To prepare and submit to the commission a recommended annual operating budget
22 and a recommended capital budget; and

23 (F) To exercise such other powers and perform such other duties as may be required
24 by ordinance or resolution of the commission.

25 (2)(A) Every ordinance, resolution, or other action of the commission intended to have
26 the effect of law shall be presented by the city clerk to the mayor within three days after
27 its adoption by the commission.

28 (B) The mayor shall within ten days of receipt of an ordinance, resolution, or other
29 action of the commission intended to have the effect of law return it to the city clerk
30 with or without the mayor's approval or with the mayor's veto. If the ordinance,
31 resolution, or other action of the commission intended to have the effect of law has
32 been approved by the mayor, it shall become law upon its return to the city clerk. If the
33 ordinance, resolution, or other action of the commission intended to have the effect of
34 law is neither approved nor disapproved by the mayor, it shall become law on the
35 fifteenth day after its adoption by the commission. If the ordinance, resolution, or other

1 action of the commission intended to have the effect of law is vetoed by the mayor, the
2 mayor shall submit to the commission through the city clerk a written statement of the
3 reasons for the veto and, unless such veto is overridden as provided herein, such
4 ordinance, resolution, or other action of the commission intended to have the effect of
5 law shall not become effective. The city clerk shall record upon the ordinance,
6 resolution, or other action of the commission intended to have the effect of law the date
7 of its delivery to and receipt from the mayor.

8 (C) Ordinances, resolutions, or other actions of the commission intended to have the
9 effect of law that are vetoed by the mayor shall be presented by the city clerk to the
10 commission at its next regular meeting and should the commission then adopt the
11 ordinance, resolution, or other action of the commission intended to have the effect of
12 law by an affirmative vote of seven members of the commission, it shall become law.

13 (D) The mayor may veto or reduce any item or items of appropriation in any ordinance,
14 resolution, or other action of the commission intended to have the effect of law. The
15 approved part or parts of such ordinance, resolution, or other action of the commission
16 intended to have the effect of law shall become law. The part or parts of such
17 ordinance, resolution, or other action of the commission intended to have the effect of
18 law that are vetoed shall not become law unless such veto is overridden by the
19 commission as provided herein. The reduced part or parts shall become law as reduced
20 by the mayor unless such reductions are overridden by the commission as provided
21 herein. The reduced part or parts shall be presented to the commission in the same
22 manner as if such part or parts were disapproved.

23 (b) The members of the commission shall elect a mayor pro tempore at their first regular
24 meeting in January; provided, however, that, effective January 1, 2004, the members of the
25 commission shall elect a mayor pro tempore at their first regular meeting in January, 2004,
26 and at such meeting in each even-numbered year thereafter. The mayor pro tempore shall
27 be the head of the legislative branch of such government, shall appoint all standing
28 committees of the commission, shall preside at commission meetings, and shall perform
29 such other duties as may be entrusted to the office of the mayor pro tempore by action of
30 the commission. The mayor pro tempore shall continue to be a full voting member of the
31 commission when serving in the capacity of mayor pro tempore. No person who has
32 served two consecutive full two-year terms of office as mayor pro tempore shall again be
33 eligible to hold office as mayor pro tempore until after the expiration of two years from the
34 conclusion of that person's last term of office as mayor pro tempore.

35 (c) At its first regular meeting in January of each even-numbered year, the commission
36 shall organize itself. The mayor shall appoint one representative to each commission,
37 board, panel, authority, or other entity as he or she deems appropriate to the membership

1 thereof, which appointed representative shall serve as the presiding officer of said
2 commission, board, panel, authority, or other entity. Each commissioner, including those
3 commissioners representing superdistricts, shall also appoint one representative who is a
4 registered voter residing in the district or superdistrict represented by said commissioner
5 to each commission, board, panel, authority, or other entity as he or she deems appropriate
6 to the membership thereof. The terms of such appointees shall be concurrent with the term
7 of office of the appointing official but may be terminated at any time by the appointing
8 official."

9 **SECTION 4.**

10 Said Act is further amended by striking subsection (c) of Section 5 and inserting in lieu
11 thereof a new subsection (c) to read as follows:

12 "(c) In the event the office of mayor pro tempore becomes vacant for any reason, the
13 commission by a majority vote of its full membership shall elect from among its members
14 a successor who shall serve as such until the first meeting in January of the next
15 even-numbered year immediately following the creation of the vacancy, at which time a
16 successor shall be elected."

17 **SECTION 5.**

18 Said Act is further amended by striking Section 6 in its entirety and inserting in lieu thereof
19 a new Section 6 to read as follows:

20 "SECTION 6.

21 Seven members of the commission shall constitute a quorum for the transaction of ordinary
22 business. A quorum shall be established at the start of any meeting. Except as otherwise
23 provided herein, a simple majority vote of the commissioners present shall authorize the
24 commission to take action. All commissioners present shall vote either affirmatively or
25 negatively and shall not abstain or otherwise fail to cast a vote on the matter; provided,
26 however, that a commissioner may be excused from voting on matters in which such
27 commissioner has a conflict of interest that is disclosed as part of the record. A negative
28 vote shall be entered on the record for any commissioner who does not disclose a conflict
29 of interest and who fails to cast a vote. Official action of the commission shall be entered
30 upon its minutes. Any member of the commission shall have the right to request a roll-call
31 vote."

