

House Bill 1760

By: Representatives Snow of the 2nd and Forster of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Fort Oglethorpe, approved April
2 1, 1996 (Ga. L. 1996, p. 3892), so as to abolish the office of city manager; to provide that the
3 office of mayor shall be a full-time position; to provide for the powers and duties of the
4 mayor; to make conforming amendments to the charter; to provide for a referendum; to
5 provide for effective dates and automatic repeal; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing a new charter for the City of Fort Oglethorpe, approved April 1, 1996 (Ga.
10 L. 1996, p. 3892), is amended by striking subsection (a) of Section 1.11 and inserting in its
11 place the following:

12 "(a) The boundaries of this city shall be those existing on the effective date of the adoption
13 of this charter with such alterations as may be made from time to time in the manner
14 provided by law. The boundaries of this city at all times shall be shown on a map, a written
15 description, or any combination thereof, to be retained permanently in the office of the
16 mayor and to be designated, as the case may be: "Official Map (or Description) of the
17 corporate limits of the City of Fort Oglethorpe, Georgia." Photographic, typed, or other
18 copies of such map or description certified by the city clerk shall be admitted as evidence
19 in all courts and shall have the same force and effect as with the original map or
20 description."

21 **SECTION 2.**

22 Said Act is further amended by striking Section 2.27 and inserting in its place the following:

1 "SECTION 2.27.

2 Election of mayor; forfeiture; compensation.

3 The mayor shall be elected and serve for a term of four years and until a successor is elected
4 and qualified. The mayor shall be a qualified elector of this city and shall have been a
5 resident of the city for 12 months preceding the election. The mayor shall continue to reside
6 in the city during the period of service. The mayor shall forfeit the office on the same
7 grounds and under the same procedure as for councilmembers. The compensation of the
8 mayor shall be established in the same manner as for councilmembers."

9 **SECTION 3.**

10 Said Act is further amended by striking Section 2.28 and inserting in its place the following:

11 "SECTION 2.28.

12 Chief executive officer.

13 The mayor shall be chief executive of the city. The mayor shall process all the executive and
14 administrative power granted to the city under the Constitution and laws of the State of
15 Georgia and all the executive administrative powers contained in this charter."

16 **SECTION 4.**

17 Said Act is further amended by striking Section 2.29 and inserting in its place the following:

18 "SECTION 2.29.

19 Powers and duties of mayor.

20 As the chief executive of this city, the mayor shall:

- 21 (1) See that all laws and ordinances of the city are faithfully executed;
- 22 (2) Appoint and remove all department heads and employees of the city, except as
23 otherwise provided in this charter or ordinance;
- 24 (3) Exercise supervision over all executive and administrative work of the city and
25 provide for the coordination of the administrative activities;
- 26 (4) Prepare and submit to the city council a recommended operating budget and capital
27 budget;
- 28 (5) Submit to the city council at least once a year a statement covering the financial
29 conditions of the city and from time to time such other information as the city council
30 may request;

- 1 (6) Recommend to the city council such measures relative to the affairs of the city,
 2 improvement of the government, and promotion of the welfare of its inhabitants as the
 3 mayor may deem expedient;
- 4 (7) Call special meetings of the city council as provided for in subsection (b) of Section
 5 2.19 of this charter;
- 6 (8) Approve and disapprove ordinances as provided in Section 2.30 of this charter;
- 7 (9) Provide for an annual audit of all accounts of the city;
- 8 (10) Require any department or agency of the city to submit written reports whenever
 9 the mayor deems it expedient; and
- 10 (11) Perform such other duties as may be required by law, this charter, or by ordinance."

11 **SECTION 5.**

12 Said Act is further amended by striking Section 2.30 and inserting in its place the following:

13 "SECTION 2.30.

14 Submission of ordinances to the mayor;
 15 veto power.

- 16 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk
 17 to the mayor.
- 18 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the
 19 clerk with or without the mayor's approval or with the mayor's disapproval. If the
 20 ordinance has been approved by the mayor, it shall become law upon its return to the clerk;
 21 if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on
 22 the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
 23 submit to the city council through the clerk a written statement of reasons for the veto. The
 24 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- 25 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at
 26 its meeting. If the city council then or at its next meeting adopts the ordinance by an
 27 affirmative vote of four members, it shall become law.
- 28 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 29 ordinance. The approved part or parts of any ordinance making appropriations shall
 30 become law, and the part or parts disapproved shall not become law unless subsequently
 31 passed by the city council over the mayor's veto as provided in this section. The reduced
 32 part or parts shall be presented to the city council as though disapproved and shall not
 33 become law unless overridden by the council as provided in subsection (c) of this section."

1 to reside in this city during the period of service. The mayor shall forfeit the office on the
 2 same grounds and under the same procedure as for councilmembers. The compensation
 3 of the mayor shall be established in the same manner as for councilmembers.”,
 4 in its entirety.

5 **SECTION 9.**

6 Said Act is further amended by striking subsections (d) and (e) of Section 3.10 and inserting
 7 in their place the following:

8 “(d) There shall be a director of each department or agency who shall be its principal
 9 officer. Each director shall, subject to the direction and supervision of the mayor, be
 10 responsible for the administration and direction of the affairs and operations of that
 11 director’s department or agency.

12 (e) All employees and directors are under the supervision of the mayor.”

13 **SECTION 10.**

14 Said Act is further amended by striking Section 3.14 and inserting in its place the following:

15 “SECTION 3.14.

16 Position classification and pay plans.

17 The mayor shall be responsible for the preparation of a position classification and pay plan
 18 which shall be submitted to the city council for approval. Such plan may apply to all
 19 employees of the city and any of its agencies, departments, boards, commissions, or
 20 authorities. When a pay plan has been adopted, the city council shall not increase or
 21 decrease the salary range applicable to any position except by amendment of such pay plan.
 22 For purposes of this section, all elected and appointed city officials are not city employees.”

23 **SECTION 11.**

24 Said Act is further amended by striking Section 6.25 and inserting in its place the following:

25 “SECTION 6.25.

26 Submission of operating budget
 27 to city council.

28 On or before a date fixed by the city council but not later than 90 days prior to the
 29 beginning of each fiscal year, the mayor shall submit to the city council a proposed
 30 operating budget for the ensuing fiscal year. The budget shall be accompanied by a

1 message from the mayor containing a statement of the general fiscal policies of the city,
 2 the important features of the budget, explanations of major changes recommended for the
 3 next fiscal year, a general summary of the budget, and such other pertinent comments and
 4 information. The operating budget and the capital budget hereinafter provided for, the
 5 budget message, and all supporting documents shall be filed in the office of the city clerk
 6 and shall be open to public inspection."

7 **SECTION 12.**

8 Said Act is further amended by striking subsection (a) of Section 6.26 and inserting in its
 9 place the following:

10 "(a) The city council may amend the operating budget proposed by the mayor, except that
 11 the budget as finally amended and adopted must provide for all expenditures required by
 12 state law or by other provisions of this charter and for all debt service requirements for the
 13 ensuing fiscal year, and the total appropriations from any fund shall not exceed the
 14 estimated fund balance, reserves, and revenues."

15 **SECTION 13.**

16 Said Act is further amended by striking Section 6.29 and inserting in its place the following:

17 "SECTION 6.29.
 18 Capital budget.

19 (a) On or before the date fixed by the city council, but not later than 90 days prior to the
 20 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
 21 improvements plan with a recommended capital budget containing the means of financing
 22 the improvements proposed for the ensuing fiscal year. The city council shall have power
 23 to accept, with or without amendments, or reject the proposed plan and proposed budget.
 24 The city council shall not authorize an expenditure for the construction of any building,
 25 structure, work, or improvement unless the appropriations for such project are included in
 26 the capital budget, except to meet a public emergency as provided in Section 2.24.

27 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 28 year not later than the first day of December of each year. No appropriations provided for
 29 in a prior capital budget shall lapse until the purpose for which the appropriation was made
 30 shall have been accomplished or abandoned; provided, however, the mayor may submit
 31 amendments to the capital budget at any time during the fiscal year, accompanied by the
 32 recommendations. Any such amendments to the capital budget shall become effective only
 33 upon adoption by ordinance."

