

Senate Bill 572

By: Senator Cheeks of the 23rd

AS PASSED SENATE**A BILL TO BE ENTITLED****AN ACT**

1 To amend an Act providing for the consolidation of Richmond County and the City of
 2 Augusta, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to change the
 3 provisions relating to voting members of the commission; to change the provisions relating
 4 to the powers and duties of the mayor; to provide for the veto of ordinances, resolutions, and
 5 other actions of the commission; to provide for the overriding of vetoes; to provide for
 6 practices and procedures; to change the provisions relating to the mayor pro tempore and the
 7 selection, powers, and duties thereof; to change the provisions relating to committees and the
 8 appointment and service of members thereof; to change the provisions relating to quorums
 9 of the commission and voting by the commission; to change provisions relating to the law
 10 department; to make recommendations and provisions relating to an administrator and
 11 department heads; to provide for an effective date; to repeal conflicting laws; and for other
 12 purposes.

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

SECTION 1.

14 An Act providing for the consolidation of Richmond County and the City of Augusta,
 15 approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by striking
 16 subsection (b) of Section 2 and inserting in lieu thereof the following:

17 "(b) All members of the commission other than the mayor shall be full voting members of
 18 the commission. The mayor shall be a member of the commission. The mayor shall have
 19 a right to vote only to break a tie vote on any matter."
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SECTION 2.

21 Said Act is further amended by striking paragraph (2) of subsection (a) of Section 4 and
 22 inserting in lieu thereof the following:

23 "(2)(A) The mayor shall have the right to veto ordinances, resolutions, or other actions
 24 of the commission. Every ordinance, resolution, or other action of the commission
 25

1 shall be presented by the city clerk to the mayor within three days after its adoption by
2 the commission.

3 (B) The mayor shall within ten days of receipt of an ordinance, resolution, or other
4 action of the commission return it to the city clerk with or without the mayor's approval
5 or with the mayor's veto. If the ordinance, resolution, or other action of the
6 commission has been approved by the mayor, it shall become law upon its return to the
7 city clerk. If the ordinance, resolution, or other action of the commission is neither
8 approved nor disapproved by the mayor, it shall become law on the fifteenth day after
9 its adoption by the commission. If the ordinance, resolution, or other action of the
10 commission is vetoed by the mayor, the mayor shall submit to the commission through
11 the city clerk a written statement of the reasons for the veto and, unless such veto is
12 overridden as provided herein, such ordinance, resolution, or other action shall not
13 become effective. The city clerk shall record upon the ordinance, resolution, or other
14 action of the commission the date of its delivery to and receipt from the mayor.

15 (C) Ordinances, resolutions, or other actions of the commission that are vetoed by the
16 mayor shall be presented by the city clerk to the commission at its next meeting.
17 Should the commission then or at its next general meeting adopt the ordinance,
18 resolution, or other action by an affirmative vote of seven members of the commission,
19 such ordinance, resolution, or other action shall become law."

20 SECTION 3.

21 Said Act is further amended by striking subsection (b) of Section 4 of said Act and inserting
22 in lieu thereof the following:

23 "(b) There shall be a mayor pro tempore. The mayor pro tempore shall be a member
24 elected to the commission from Commission District 9 or Commission District 10 and the
25 office of mayor pro tempore shall rotate each two years between the members of the
26 commission elected from such districts. Effective January 1, 2003, the commission
27 member representing Commission District 9 shall be the mayor pro tempore for an initial
28 term ending on December 31, 2003. Effective January 1, 2004, the commission member
29 representing Commission District 10 shall be the mayor pro tempore for a term of two
30 years expiring on December 31, 2005. Thereafter, the office of mayor pro tempore shall
31 rotate biennially between the members of the commission representing Commission
32 District 9 and Commission District 10, each such member shall serve for a term of two
33 years as mayor pro tempore, and the terms of the mayor pro tempore shall begin on the first
34 day of January of each even-numbered year."

SECTION 4.

Said Act is further amended by striking subsection (c) of Section 4 of said Act and inserting in lieu thereof the following:

"(c) At its first regular meeting in January of 2003 and thereafter in January of each even-numbered year, the commission shall organize itself. All committees shall be created and abolished by the mayor and the number of members of each such committee shall be as directed by the mayor. The mayor pro tempore shall appoint the members to all such committees. The mayor shall not be a voting member of any committee."

SECTION 5.

Said Act is further amended by striking in its entirety subsection (c) of Section 5, which subsection provided for the manner of filling a vacancy in the position of elected mayor pro tempore.

SECTION 6.

Said Act is further amended by striking Section 6 and inserting in lieu thereof the following:

"SECTION 6.

Seven members of the commission shall constitute a quorum for the transaction of ordinary business, and an affirmative vote of five members shall be required for the commission to take action. Any abstention by a member shall be entered as a vote against the matter or proposition unless such member has a conflict of interest in the matter or proposition being considered. Official action of the commission shall be entered upon its minutes. Any member of the commission shall have the right to request a roll-call vote."

SECTION 7.

Said Act is further amended by striking subsection (e) of Section 13 and inserting in lieu thereof the following:

"(e) The commission may create a law department, to employ one or more full-time attorneys, to employ such clerical assistance as deemed necessary and appropriate, and to supply an office, office equipment, a law library, and such other equipment and supplies as may be necessary. Neither the mayor nor any member of the commission shall seek or receive legal advice or services from any member of the law department or any other attorney retained or employed by the commission on any personal legal matter not related to the duties of his or her office."

SECTION 8.

Said Act is further amended by adding to Section 13 a new subsection (i) to read as follows:

"(i) The General Assembly recommends and encourages the commission to take appropriate action to ensure that the position of administrator exists, that the administrator is appointed by the mayor and confirmed by the commission, and that the administrator should report only to the mayor. The General Assembly further recommends and encourages the commission to take appropriate action to ensure that all department heads should have the qualifications and authority to properly administer their respective departments. The General Assembly further recommends that the administrator should also have the authority to hire and fire all Augusta-Richmond County department heads, except for the Augusta attorney, the clerk of the commission, the equal opportunity officer, and the internal auditor, but recommends that any such decision to hire or fire a department head could be overturned upon the affirmative vote of not less than seven members of the commission. The county administrator should be terminated only by a vote of not less than seven members of the commission."

SECTION 9.

This Act shall become effective on January 1, 2003.

SECTION 10.

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