

House Bill 925

By: Representative Holland of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Sylvester, approved June 30, 1964
2 (Ga. L. 1964, Ex. Sess., p. 2116), as amended, so as to provide for an appointment of a city
3 manager; to provide for the method of appointment and removal of the city manager; to
4 establish the qualifications, powers, and duties of the city manager; to modify the powers of
5 the mayor; to increase the compensation of the mayor and council; to provide for all related
6 matters; to repeal conflicting laws; and for other 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 Sylvester, approved June 30, 1964 (Ga. L.
10 1964, Ex. Sess., p. 2116), as amended, is amended by striking Section 2-9 and inserting a
11 new Section 2-9 to read as follows:

12 "SECTION 2-9.

13 Function; authority of mayor; right to vote.

14 The mayor shall be the presiding officer of council and shall be entitled to vote on any
15 question before the city council and be counted toward a quorum as any other
16 councilmember. The mayor shall be head of the city for the purpose of service of process
17 and for ceremonial purposes and be the official spokesperson for the city and the chief
18 advocate of policy. The mayor shall have the power to administer oaths and to make
19 affidavits; and to sign as a matter of course on behalf of the city all written and approved
20 contracts, ordinances, and other instruments executed by the city which by law are required
21 to be in writing."

22 **SECTION 2.**

23 Said Act is further amended by striking Section 2-10 in its entirety.

1 manager shall furnish a fidelity bond in the amount of \$100,000.00, conditioned upon the
2 faithful performance of his or her duties, with a corporation licensed to do business in this
3 state as a surety. Such bond shall be filed with the city clerk after being approved by the
4 mayor and members of the city council.

5 (c) The city manager shall have the following powers and duties:

6 (1) The city manager shall appoint and, when he or she deems it necessary for the good
7 of the city, supervise, suspend, or remove all city employees and administrative officers
8 so appointed, except as otherwise provided by law or personnel ordinances adopted
9 pursuant to this charter; provided, however, that the mayor and council shall have the sole
10 power and authority to appoint, suspend, or remove the city attorney, city engineer, judge
11 of the city police court, and all members of boards, commissions, or authorities which the
12 mayor and council have created or shall create or of which the city is or shall be a
13 member; provided, further, that the city manager shall not appoint, suspend, or remove
14 any city government department head without the prior approval of the mayor and the
15 members of the city council. For the purpose of this section, a department head shall
16 include, but not be limited to, the city clerk, chief of police, fire chief, city general
17 superintendent, building inspector, ordinance enforcement officer, and the heads of the
18 street, water, gas, and electrical departments. Any city employee or administrative officer
19 suspended or removed under this paragraph may, within five working days of said
20 suspension or removal, file a written request with the city clerk requesting that the mayor
21 and the council review such action. After such written request is filed, the mayor and
22 council may veto any such suspension or removal within 30 days thereof;

23 (2) The city manager shall direct and supervise the administration of all departments,
24 offices, and agencies of the city, except as otherwise provided by this charter or by state
25 law;

26 (3) The city manager shall attend all public city council meetings and special meetings
27 held by the city council and shall have the right to take part in the discussion but may not
28 vote. Nevertheless, the city manager shall not be authorized to attend any executive
29 session dealing with the city manager or his or her office unless authorized to do so by
30 the affirmative vote of four councilmembers or three councilmembers and the mayor;

31 (4) The city manager shall see that all laws, provisions of this charter, and acts of the
32 mayor and council, subject to enforcement by him or her or by officers subject to his or
33 her direction and supervision, are faithfully executed;

34 (5) The city manager shall prepare and submit the annual operating budget and capital
35 budget to the mayor and council. With prior approval of the mayor and council, he or she
36 shall be authorized to make expenditures and purchases in accordance with the operating
37 budget;

- 1 (6) The city manager shall submit to the mayor and council and make available to the
2 public a complete report on the finances and administrative activities of the city as of the
3 end of each fiscal year;
- 4 (7) The city manager shall make such reports as the mayor and council may require
5 concerning the operations of city departments, offices, and agencies subject to his or her
6 direction and supervision;
- 7 (8) The city manager shall keep the mayor and council fully advised as to the financial
8 condition and future needs of the city and shall make such recommendations to the mayor
9 and council concerning the affairs of the city as he or she deems desirable and as the
10 mayor and council may require;
- 11 (9) The city manager shall perform such other duties as are specified in this charter or
12 may be required by mayor and council; and
- 13 (10) The city manager shall propose the salaries and compensation of all employees of
14 the city, except those enumerated in paragraph (1) of subsection (c) of this section,
15 provided that no proposed raise in salary or compensation of such employee shall become
16 effective until it is approved by the mayor and council at a regular meeting of the mayor
17 and council.
- 18 (d) During the temporary absence or disability of the city manager, the mayor and council
19 may revoke such designation of the city manager at any time and appoint another officer
20 of the city to serve until the city manager shall return or his or her disability ceases. The
21 mayor and council shall have the power to appoint the mayor to serve as acting city
22 manager during the temporary absence or disability of the city manager or during such time
23 as the office of such city manager shall remain vacant. Should the mayor and council so
24 appoint the mayor as acting city manager and the mayor so serve, the mayor shall not be
25 entitled to receive the salary of the city manager. For the purpose of this section, the
26 disability of the city manager shall include being suspended from his or her duties by the
27 mayor and council. The acting city manager shall cease exercising the powers and duties
28 of the city manager upon the appointment of a city manager or upon the revocation of said
29 acting city manager's appointment by the mayor and council. In those instances in which
30 the mayor has been appointed acting city manager, the mayor shall cease exercising the
31 powers and duties of the city manager upon the appointment of a city manager or upon the
32 revocation of said acting city manager's appointment by the mayor and council. The acting
33 city manager shall take the same oath as the city manager but need not furnish a fidelity
34 bond.
- 35 (e) The city council may remove the city manager from office in accordance with the
36 following procedures:

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

5 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
6 she may file with the mayor and council a written request for a public hearing. This
7 hearing shall be held within 30 days after the request is filed. The city manager may file
8 with the mayor and council a written reply not later than five days before the hearing;

9 (3) If the city manager has not requested a public hearing within the time specified in
10 paragraph (2) of this subsection, the mayor and council may adopt a final resolution for
11 removal, which may be made effective immediately, by an affirmative vote of four
12 councilmembers or three councilmembers and the mayor. If the city manager has
13 requested a public hearing, the mayor and council may adopt a final resolution for
14 removal, which may be made effective immediately, by an affirmative vote of four
15 councilmembers or three councilmembers and the mayor at any time after the public
16 hearing;

17 (4) The city manager shall continue to receive his or her salary and benefits until the
18 effective date of a final resolution of removal; and

19 (5) The city manager may be removed from office for cause or without cause. If
20 removed without cause, he or she shall be entitled to receive his or her regular salary and
21 benefits for a period of 90 days from the effective date of the final resolution of removal."

22 SECTION 6.

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