

House Bill 803

By: Representative Houston of the 139<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to establish a new charter for the City of Nashville, approved March 17,  
2 1978 (Ga. L. 1978, p. 4017), as amended, so as to provide for the selection of a mayor pro  
3 tem; to provide for a city manager; to provide for selection, appointment, and removal of  
4 such city manager; to provide for duties and responsibilities of such city manager; to provide  
5 for a bond for such city manager; to provide for compensation of such city manager; to  
6 provide for the filling of vacancies in the office of city manager; to limit members of the city  
7 council from interference in city administration; to provide for the appointment of a city  
8 judge; to provide for the appointment of a city auditor; to provide for the appointment and  
9 removal of department heads and others by the city manager; to provide for related matters;  
10 to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 An Act to establish a new charter for the City of Nashville, approved March 17, 1978  
14 (Ga. L. 1978, p. 4017), as amended, is amended by striking Section 2-6 and inserting in lieu  
15 thereof a new Section 2-6 to read as follows:

16 style="text-align:center">"SECTION 2-6.

17 style="text-align:center">Mayor pro tem generally.

18 There shall be a mayor pro tem who shall be selected annually by the mayor, with the  
19 consent of the city council, from among the membership of the council."

**SECTION 2.**

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2 Said Act is further amended by adding a new Section 5-1.1 to read as follows:

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**"SECTION 5-1.1.**

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**City manager.**

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(a) There shall be a city manager for the City of Nashville who shall be appointed by a majority vote of the city council to serve at the pleasure of the city council. The city manager shall be chosen by the council solely on the basis of executive and administrative qualifications with special reference to actual experience in or knowledge of accepted practice with respect to the duties of the office set forth in this section. At the time of appointment, the city manager need not be a resident of the city or state, but, during such city manager's tenure of office, shall reside within the city. No council member shall receive such appointment during the term for which such council member shall have been elected nor within one year after the expiration of such council member's term.

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- (b) The city council may remove the city manager at any time by a majority vote of its members. If requested, a public hearing shall be granted by the council within 30 days following notice of removal. During the interim, the council may suspend the manager from duty, but shall continue the manager's salary and, if the removal becomes final, shall pay said salary for one calendar month following the final removal date.
- (c) The city manager shall be the chief administrative officer of the city, may head one or more departments, and shall be responsible to the city council for the proper administration of all affairs of the city. The city manager shall have the power and shall be required to:
- (1) Appoint and, when necessary for the good of the city, suspend or remove all officers and employees of the city except as otherwise provided by this charter or by law. The city manager may authorize the head of a department or office to appoint, suspend, or remove subordinates in such department or office;
  - (2) Prepare an annual budget and submit such budget to the council together with a message describing the important features and be responsible for its administration after adoption;
  - (3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative activities of the city council for the preceding year;
  - (4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as the city manager deems desirable;
  - (5) Recommend to the council a standard schedule of pay for each appointed office and position in the city service, including minimum, intermediate, and maximum rates;

- 1 (6) Recommend to the council from time to time the adoption of such measures as the  
2 city manager may deem necessary or expedient for the health, safety, or welfare of the  
3 community or for the improvement of administrative services;
- 4 (7) Direct and supervise the administration of all departments, offices, and agencies of  
5 the city, except as otherwise provided in this charter or by law;
- 6 (8) Consolidate or combine offices, positions, departments, or units under the jurisdiction  
7 of the city manager with the approval of the council;
- 8 (9) Attend all meetings of the council unless excused therefrom and take part in the  
9 discussion of all matters coming before the council. The city manager shall be entitled  
10 to notice of all regular and special meetings of the council;
- 11 (10) Supervise the purchase of all materials, supplies, and equipment for which funds are  
12 provided in the budget, let contracts necessary for the operation or maintenance of the  
13 city services for amounts up to and including \$500.00, and receive sealed bids for  
14 purchases or contracts in excess of \$500.00 and present them to the council;
- 15 (11) See that all laws and ordinances are duly enforced;
- 16 (12) Investigate the affairs of the city or any department or division thereof, investigate  
17 all complaints in relation to matters concerning the administration of the government of  
18 the city and in regard to service maintained by the public utilities in the city, and see that  
19 all franchises, permits, and privileges granted by the city are faithfully observed;
- 20 (13) Devote his or her entire time to the discharge of all official duties; and
- 21 (14) Perform such other duties as may be required by the council not inconsistent with  
22 this charter, law, or ordinances.
- 23 (d) Neither the city council nor any of its members shall direct or request the appointment  
24 of any person to or removal of any person from office by the city manager or any of the  
25 city manager's subordinates or, in any manner, take part in the appointment or removal of  
26 officers and employees in the administrative services of the city. Except for the purposes  
27 of inquiry, the council and its members shall deal with the administration solely through  
28 the city manager, and neither the council nor any member thereof shall give orders to any  
29 subordinates of the city manager, either publicly or privately.
- 30 (e) In the case of accident, disaster, or other circumstances creating a public emergency,  
31 the city manager may award contracts and make purchases for the purpose of meeting said  
32 emergency; but the city manager shall promptly file with the city council a certificate  
33 showing such emergency and the necessity for such action, together with an itemized  
34 account of all expenditures.
- 35 (f) The city manager shall furnish a surety bond to be approved by the city council. Such  
36 bond shall be conditioned upon faithful performance of all of the city manager's duties.  
37 The premium of the bond shall be paid by the city.

- 1 (g) The city manager shall receive such compensation as the city council shall fix from  
 2 time to time by ordinance or resolution.
- 3 (h) Any vacancy in the office of city manager shall be filled within 60 days after the  
 4 effective date of such vacancy."

5 **SECTION 3.**

6 Said Act is further amended by striking Section 5-6 and inserting in lieu thereof a new  
 7 Section 5-6 to read as follows:

8 "SECTION 5-6.

9 Appointment of department heads and others.

10 All department heads and the city clerk and city attorney shall be appointed by the city  
 11 manager."

12 **SECTION 4.**

13 Said act is further amended by striking subsection (a) of Section 5-8 and inserting in lieu  
 14 thereof a new subsection (a) to read as follows:

- 15 "(a) The mayor, members of the city council, and the judge of the Municipal Court of the  
 16 City of Nashville shall be subject to impeachment and removal from office for:
- 17 (1) Violation of any of the criminal laws of the state, except minor traffic offenses;
  - 18 (2) Violation of their oaths of office;
  - 19 (3) Violation of Section 5-4 or Section 5-5 of this charter or both such Sections;
  - 20 (4) Willful neglect or failure to perform the duties of his or her office; or
  - 21 (5) Private misconduct as renders his or her office a subject of reproach to the public or  
 22 makes him or her unfit to discharge the duties of his or her office and prevents the true  
 23 performance thereof."

24 **SECTION 5.**

25 Said Act is further amended by striking subsection (a) of Section 6-2 and inserting in lieu  
 26 thereof a new subsection (a) to read as follows:

- 27 "(a) No person shall be qualified or eligible to serve as judge unless he or she shall have  
 28 obtained the age of twenty-one years and shall be a member of the State Bar of Georgia,  
 29 The judge shall be appointed by the mayor with the consent of the city council and shall  
 30 serve at the discretion of the city council, to be relieved of his or her duties only by a  
 31 majority vote of the city council and mayor. The compensation of the judge shall be fixed  
 32 by the mayor and city council."

1 **SECTION 6.**

2 Said Act is further amended by adding a new Section 7-7 to read as follows:

3 "SECTION 7-7.

4 City auditor.

5 The mayor shall select the city auditor or auditing firm with the consent of the city  
6 council."

7 **SECTION 7.**

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