

House Bill 800 (AS PASSED HOUSE AND SENATE)

By: Representative Parham of the 94th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act providing a new charter for the City of Milledgeville, approved December
2 15, 1900 (Ga. L. 1900, p. 345), as amended, particularly by an Act approved August 19, 1916
3 (Ga. L. 1916, p. 819), and an Act approved March 5, 1976 (Ga. L. 1976, p. 2820), so as to
4 change provisions relating to the form of government of the City of Milledgeville; to revise,
5 restate, and modernize certain provisions of said Act; to define certain terms; to prescribe the
6 powers and duties of the city council; to prescribe the powers and duties of the mayor; to
7 provide for the office of mayor pro tem and the powers and duties of that office; to provide for
8 for the office of city manager and the powers and duties of that office; to provide for
9 departments and agencies and officers and employees of the city; to provide for certain fiscal
10 affairs of the city; to provide for related matters; to repeal conflicting laws; and for other
11 purposes.

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

13 **SECTION 1.**

14 An Act providing a new charter for the City of Milledgeville, approved December 15, 1900
15 (Ga. L. 1900, p. 345), as amended, particularly by an Act approved August 19, 1916 (Ga. L.
16 1916, p. 819), and an Act approved March 5, 1976 (Ga. L. 1976, p. 2820) is amended by
17 striking the following sections:

- 18 (1) Section 21A, relating to powers of the mayor (which section corresponds to Section
19 7A of the 2000 edition of the Charter of the City of Milledgeville as compiled and
20 published by the Municipal Code Corporation of Tallahassee, Florida, hereinafter referred
21 to as the "M.C.C. Charter");
22 (2) Section 21B, relating to purchasing procedures, as added by said 1976 amending Act
23 (corresponding to Section 7B of the M.C.C. Charter);
24 (3) Section 21C, relating to definition of the term "city council," as added by said 1976
25 amending Act (corresponding to Section 7C of the M.C.C. Charter);

(4) Section 22, relating to selection and service of city officers, as amended by said 1916 amendatory Act (corresponding to Section 20 of the M.C.C. Charter); and

(5) Section 23, relating to the city clerk and treasurer, as amended by said 1916 amendatory Act (corresponding to Section 21 of the M.C.C. Charter),
and inserting in place thereof new Sections 21.1 through 21.11, 22, 23, and 23.1 to read as follows:

"SECTION 21.1.

Except as otherwise provided by law or this Act, the city council shall be vested with all the powers of government of this city. The 'city council' or 'council' shall be defined in this Act as the six elected members of the board of aldermen.

SECTION 21.2.

The mayor shall:

- (1) Preside at all meetings of the city council;
 - (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
 - (3) Have power to administer oaths and to take affidavits;
 - (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
 - (5) Appoint members of citizen advisory boards and commissions with the advice and consent of the city council;
 - (6) Represent the city in intergovernmental relations;
 - (7) Vote on matters before the city council only in the event of a tie;
 - (8) Appoint city council committees, with each councilmember chairing at least one committee, and all ad hoc committees; and
 - (9) Present an annual state of the city message.

SECTION 21.3.

The mayor pro tem shall be elected from among the councilmembers by a majority vote. The councilmember shall serve a one-year term and may succeed himself or herself.

SECTION 21.4.

During the absence of physical or mental disability of the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason any one of the city councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor

1 so long as such absence or disability shall continue. Any such absence or disability shall
2 be declared by majority vote of all city councilmembers. The mayor pro tem or selected
3 city councilmember shall sign all contracts and ordinances in which the mayor has a
4 disqualifying financial interest.

5 SECTION 21.5.

6 The city council shall appoint a city manager by a majority vote of all councilmembers for
7 an indefinite term and shall fix the manager's compensation. The manager shall be
8 appointed solely on the basis of executive and administrative qualifications.

9 SECTION 21.6.

10 (a) The city council may remove the manager from office in accordance with the following
11 procedures:

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

16 (2) Within five days after a copy of the resolution is delivered to the manager, the
17 manager may file with the city council a written request for a public hearing. This hearing
18 shall be held within 30 days after the request is filed. The manager may file with the
19 council a written reply not later than five days before the hearing; and

20 (3) If the manager has not requested a public hearing within the time specified in
21 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
22 which may be made effective immediately, by an affirmative vote of a majority of all its
23 members. If the manager has requested a public hearing, the city council may adopt a
24 final resolution for removal, which may be made effective immediately, by an affirmative
25 vote of a majority of all its members at any time after the public hearing.

26 (b) The manager shall continue to receive a salary until the effective date of a final
27 resolution of removal.

28 SECTION 21.7.

29 The council shall designate by a majority vote of all councilmembers a person or persons
30 to perform the functions and duties of the city manager during his or her absence,
31 disability, or suspension. Vacancies in the office of city manager shall be filled by the city
32 council as early as practicable, and, until such a vacancy is filled, the city council shall
33 have full powers to make a temporary appointment of a qualified person to perform the
34 functions and duties of the manager's office.

SECTION 21.8.

As the chief executive and administrative officer, the manager shall:

(1) Appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter.

The manager may authorize any administrative officer who is subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;

(4) See that all laws, provisions of this charter, and acts of the city council subject to enforcement by the manager or by officers subject to the manager's direction and supervision are faithfully executed;

(5) Prepare and submit the annual operating budget and capital budget to the city council;

(6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;

(8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city; and

(9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 21.9.

Except for the purpose of inquiries and investigations, neither the mayor nor the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager except through the manager, and neither the mayor nor the city council or its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 21.10.

2 The city council shall set the fiscal year of the city by ordinance. The fiscal year shall
3 constitute the budget year and the year for financial accounting and reporting of each and
4 every office, department, agency, and activity of the city government.

SECTION 21.11.

6 It shall be the duty of the city manager or the city manager's designee to obtain competitive
7 bids for the purchase of any real or personal property with a fair market value of more than
8 \$5,000.00, except in cases in which an emergency exists or other circumstances require that
9 an immediate purchase be made and such facts are so stated in a resolution adopted by the
10 city council authorizing such purchase. It shall be the duty of the city manager to advertise
11 such purchases to be made in excess of \$5,000.00, stating in the advertisement a general
12 description of the property to be purchased; the date, time, and location for the opening of
13 bids; and the location and times at which additional bid specifications, property
14 specifications, and bid blanks may be obtained.

SECTION 22.

16 (1) Except as otherwise provided in this charter, the city council, by ordinance, shall
17 prescribe the functions or duties of and establish, abolish, alter, consolidate, or leave vacant
18 all non-elective offices, positions of employment, departments, and agencies of the city,
19 as necessary for the proper administration of the affairs and government of this city.

20 (2) Except as otherwise provided by this charter or by law, the directors of departments
21 and other appointed officers of the city shall be appointed solely on the basis of their
22 respective administrative and professional qualifications.

23 (3) All appointive officers and directors of departments shall receive such compensation
24 as prescribed by ordinance.

25 (4) There shall be a director of each department or agency who shall be its principal
26 officer. Each director shall, subject to the direction and supervision of the city manager, be
27 responsible for the administration and direction of the affairs and operations of that
28 director's department or agency.

29 (5) All appointive officers and directors under the supervision of the city manager shall
30 be nominated by the city manager with confirmation of appointment by a majority of the
31 members of the city council. All appointive officers and directors shall be employees at-
32 will and subject to removal or suspension at any time by the city manager unless otherwise
33 provided by law or ordinance.

SECTION 23.

2 The city manager shall appoint a city clerk who shall not be a councilmember. The offices
3 of the city clerk and treasurer may be held by the same person. It shall be the duty of the
4 clerk or others authorized by the city manager to receive payments, taxes, license fees,
5 occupation taxes, regulatory fees, and other fines and assessments due the city. The city
6 clerk shall attend all council meetings; be custodian of the official city seal and city
7 records; maintain city council records required by this charter; and perform such other
8 duties as may be required. It shall be the duty of the treasurer to maintain fund accounts
9 and to provide reports to the city manager on the state of the city treasury.

SECTION 23.1.

The city council shall appoint by a majority vote of the councilmembers a city attorney and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; and shall advise the city council and city manager, in writing, when so requested, concerning legal aspects of the city's affairs. The city attorney shall prepare all contracts, bonds, and other writings and endorse an approval of the form and correctness thereof at the request of the city manager or city council. The city attorney shall perform such other duties as may be required by virtue of the person's position as city attorney."

SECTION 2.

22 This Act shall become effective upon its approval by the Governor or upon its becoming law
23 without such approval.

SECTION 3.

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