

House Bill 1375 (AS PASSED HOUSE AND SENATE)

By: Representatives Bannister of the 70th, Post 1, Heard of the 70th, Post 3, Mitchell of the 61st, Post 3, Dix of the 70th, Post 2, Williams of the 61st, Post 2, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Snellville, approved April 28, 2001
2 (Ga. L. 2001, p. 4566), so as to change provisions relating to vacancies, conflicts of interest,
3 powers, quorum, and voting; to change the powers of the mayor and provide for a city
4 manager and the powers and duties thereof; to provide for administrative affairs; to correct
5 a cross-reference; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing a new charter for the City of Snellville, approved April 28, 2001 (Ga. L.
9 2001, p. 4566), is amended by striking subsection (b) of Section 2.12 and inserting in its
10 place the following:

11 *"(b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be*
12 *filled for the remainder of the unexpired term, if any, by appointment by the mayor and*
13 *confirmed by the city council if less than 12 months remain in the unexpired term,*
14 *otherwise by a special election as provided for in Section 5.14 of this charter and in*
15 *accordance with Titles 21 and 45 of the O.C.G.A. or other such laws as are or may*
16 *hereafter be enacted."*

17 **SECTION 2.**

18 Said Act is further amended by striking paragraph (5) of subsection (b) of Section 2.14 and
19 inserting in its place the following:

20 *"(5) Represent other private interests in any action or proceeding against this city or any*
21 *portion of its government; or"*.

22 **SECTION 3.**

23 Said Act is further amended by striking Section 2.17 and inserting in its place the following:

1 "SECTION 2.17.

2 Eminent domain.

3 The city council is hereby empowered to acquire, construct, operate, and maintain public
 4 ways, parks, public grounds, cemeteries, markets, market houses, public buildings,
 5 libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems,
 6 other utilities, airports, hospitals, and charitable, educational, recreational, sport, curative,
 7 corrective, detentional, penal, and medical institutions, agencies, and facilities, and any
 8 other public improvements inside or outside the city, and to regulate the use thereof, and
 9 for such purposes, property may be condemned under procedures established under general
 10 law applicable now or as provided in the future."

11 **SECTION 4.**

12 Said Act is further amended by striking Section 2.21 and inserting in its place the following:

13 "SECTION 2.21.

14 Quorum; voting.

15 The mayor and three councilmembers shall constitute a quorum and shall be authorized to
 16 transact business of the city council. When the mayor pro tem. is presiding in the mayor's
 17 absence, the mayor pro tem. and three councilmembers shall constitute a quorum. Voting
 18 on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the
 19 journal, but any member of the city council shall have the right to request a roll call vote
 20 and such vote shall be recorded in the journal. Except as otherwise provided in this charter,
 21 the affirmative vote of three members of the city council shall be required for the adoption
 22 of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative
 23 vote. When the mayor or a councilmember does not vote after being disqualified as
 24 required by this charter, any state law, or local ordinance, such lack of vote shall not be
 25 counted as either an affirmative or negative vote. Once a quorum is established, the
 26 quorum cannot be defeated by the subsequent departure of the mayor or a councilmember."

27 **SECTION 5.**

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

29 "SECTION 2.29.

30 Powers and duties of mayor; city's chief executive officer.

1 The mayor shall:

2 (1) Preside at all meetings of the city council;

3 (2) Be the head of the city for the purpose of service of process and for ceremonial
4 purposes and be the official spokesperson for the city and the chief advocate of policy;

5 (3) Have the power to administer oaths and to take affidavits;

6 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
7 ordinances, and other instruments executed by the city which by law are required to be
8 in writing;

9 (5) Vote on matters before the city council and be counted toward a quorum as any other
10 councilmember;

11 (6) Fulfill such other executive and administrative duties as the city council shall by
12 ordinance establish; and

13 (7) Perform such other duties as may be required by law, this charter, or by ordinance."

14 **SECTION 6.**

15 Said Act is further amended by striking subsections (d) and (e) of Section 3.10 and inserting
16 in their places the following:

17 "(d) *Directors to be principal officers.* There shall be a director of each department or
18 agency who shall be its principal officer. Each director shall, subject to the direction and
19 supervision of the city manager, be responsible for the administration and direction of the
20 affairs and operations of his or her department or agency.

21 (e) *Delegation of authority.* The mayor and council may, by ordinance, delegate its
22 authority regarding the administrative affairs of the city unless such delegation is
23 prohibited in this charter or by the general laws or Constitution of the State of Georgia."

24 **SECTION 7.**

25 Said Act is further amended by striking "PERSONNEL ADMINISTRATION" immediately
26 preceding Section 3.14 and by striking Sections 3.14 and 3.15 and inserting in their places
27 the following:

28 "SECTION 3.14.

29 City manager.

30 (a) A city manager shall be appointed by the mayor with the confirmation of the city
31 council. The city manager shall be the chief administrative officer of the city and manage
32 and direct the daily operations of the city government in accordance with local ordinances,
33 law, and policies prescribed by the city council. The city manager shall direct the

1 administrative activities of the city; act as focal point for strategic planning, programming,
 2 and budgeting; supervise all city employees; serve as a liaison among the city staff and
 3 governing body; assist the general public; and serve on any boards or committees created
 4 by the council.

5 (b) The city manager shall specifically:

6 (1) Discipline, suspend, or remove all employees, excluding the city clerk, as further
 7 provided by this charter or state law. The city manager may delegate said authority to the
 8 head of a department or office regarding his or her subordinates;

9 (2) Appoint and hire, when necessary for the good of the city, all employees to fill a
 10 vacancy or approved position; provided, however, that the mayor shall appoint and hire
 11 the city clerk. The city manager shall make a recommendation regarding that position;

12 (3) Prepare and submit to the city council for approval personnel policies and
 13 procedures;

14 (4) Prepare and submit to the city council for approval a position classification and pay
 15 plan;

16 (5) Prepare and administer the annual operating and capital improvements budgets and
 17 any other budget and submit same to the city council;

18 (6) Prepare and submit to the city council, as of the end of the fiscal year, a complete
 19 report on the finances and administrative activities of the city for the preceding year;

20 (7) See that all laws, ordinances, and policies are duly enforced; and

21 (8) Perform other such duties as may be required by the city council not inconsistent with
 22 state laws, city ordinances, or this charter.

23 (c) The city manager's duties and responsibilities may be further defined or provided by
 24 a class specification or job description or as assigned or designated by the city council.

25 (d) Except for the purposes of inquiries and investigations, the mayor, the city council, and
 26 councilmembers shall deal with city officers and employees who are subject to the
 27 direction and supervision of the city manager solely through the city manager; and the
 28 mayor, the city council, or councilmembers shall not give orders to any such city officer
 29 or employee, either publicly or privately.

30 (e) The city manager shall serve at the pleasure of the mayor and city council and may be
 31 suspended or removed by a vote of four members of the city council."

32 SECTION 8.

33 Said Act is further amended by striking Section 5.14 and inserting in its place the following:

34 "SECTION 5.14.

35 Vacancies; special election.

1 Vacancies shall be filled pursuant to Section 2.12 of this charter. Any required special
 2 election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
 3 O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended."

4 **SECTION 9.**

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

6 "SECTION 6.25.

7 Submission of operating budget.

8 On or before a date fixed by the city council, but not later than 60 days prior to the
 9 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 10 operating budget for the ensuing fiscal year. The budget shall be accompanied by a
 11 message from the city manager containing a statement of the general fiscal policies of the
 12 city, the important features of the budget, explanations of major changes recommended for
 13 the next fiscal year, a general summary of the budget, and such other comments and
 14 information as he or she may deem pertinent. The operating budget and the capital
 15 improvements budget hereinafter provided for, the budget message, and all supporting
 16 documents shall be filed in the office of the city clerk and shall be open to public
 17 inspection."

18 **SECTION 10.**

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

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

26 **SECTION 11.**

27 Said Act is further amended by striking subsection (a) of Section 6.29 and inserting in its
 28 place the following:

29 "(a) On or before the date fixed by the city council, but no later than 30 days prior to the
 30 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 31 capital improvements budget with his or her recommendations as to the means of financing
 32 the improvements proposed for the ensuing fiscal year. The city council shall have power

1 to accept, with or without amendments, or reject the proposed program and proposed
2 means of financing. The city council shall not authorize an expenditure for the
3 construction of any building, structure, work, or improvement unless the appropriations for
4 such project are included in the capital improvements budget, except to meet a public
5 emergency as provided in Section 2.24 of this charter."

6 **SECTION 12.**

7 Said Act is further amended by striking paragraph (3) of Section 6.31 and inserting in its
8 place the following:

9 "(3) It is made or authorized by the mayor and such approval is entered in the city
10 council journal of proceedings pursuant to Section 2.20 of this charter."

11 **SECTION 13.**

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