

House Bill 1828

By: Representatives Morris of the 120<sup>th</sup>, Parrish of the 102<sup>nd</sup>, Barnard of the 121<sup>st</sup>, Post 1, Oliver of the 121<sup>st</sup>, Post 2, and DeLoach of the 127<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Metter, approved April 21, 1997  
2 (Ga. L. 1997, p. 4308), so as to change provisions relating to the powers and duties of the  
3 mayor; to provide for a council-manager form of government; to provide for a city manager;  
4 to provide for the duties of the city manager; to provide for other matters relative to the  
5 foregoing; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to provide a new charter for the City of Metter, approved April 21, 1997 (Ga. L.  
9 1997, p. 4308), is amended by striking Sections 2.28 and 2.29 in their entirety and inserting  
10 in lieu thereof the following:

11 "SECTION 2.28.

12 Chief executive officer.

13 The mayor shall be the chief executive of this city. The mayor shall possess all of the  
14 executive powers granted to the city under the Constitution and laws of the State of  
15 Georgia and all the executive powers contained in this charter.

16 SECTION 2.29.

17 Powers and duties of mayor.

18  
19 The mayor shall be the chief executive officer of the city and shall serve as the city's  
20 spokesperson and representative, the presiding officer of the city council, and the  
21 organization's chief policy advocate. The mayor shall sign all deeds and contracts, except  
22 deeds made for property sold under execution at public sale, which shall be signed by the  
23 marshal or chief of police, and be clothed with veto power as hereinafter set out. The  
24 mayor shall keep the council advised from time to time of the general condition of the city

1 and shall recommend such measures as the mayor may deem necessary or expedient for the  
 2 welfare of the city. The mayor shall preside over the meetings of the city council and may  
 3 call the council together at any time when deemed necessary by the mayor and shall also  
 4 devote all the time necessary to the discharge of the duties of mayor of the city."

5 **SECTION 2.**

6 Said Act is further amended by inserting at the end of Article II a new Section 2.32 to read  
 7 as follows:

8 "SECTION 2.32.  
 9 Form of government.

10 The city of Metter shall operate under the council-manager form of government, the details  
 11 of which shall be set forth by ordinance."

12 **SECTION 3.**

13 Said Act is further amended by striking subsections (d) and (e) of Section 3.10 and inserting  
 14 in lieu thereof the following:

15 "(d) There may be a director of each department or agency who shall be its principal  
 16 officer. Each director shall, subject to the direction and supervision of the city manager, be  
 17 responsible for the administration and direction of the affairs and operations of that  
 18 director's department. In the case where a director is not appointed, the supervisors will be  
 19 responsible for that department.

20 (e) The city manager, city clerk, chief of police, fire chief, supervisors, directors, and all  
 21 other employees other than volunteers will be appointed in accordance with the city's  
 22 personnel policies as adopted by ordinance, except where the city council may have  
 23 approved alternative employment terms by resolution. Appeals and grievance procedures  
 24 will be followed as set forth in said ordinance or resolution."

25 **SECTION 4.**

26 Said Act is further amended by deleting Section 3.12A and inserting in lieu thereof the  
 27 following:

28 "SECTION 3.12A.  
 29 Reserved."

1 **SECTION 5.**

2 Said Act is further amended by striking in its entirety Section 3.13 and inserting in lieu  
3 thereof the following:

4 "SECTION 3.13.

5 City manager.

6 The city council shall appoint a city manager in accordance with the terms and provisions  
7 of a council-manager ordinance and other provisions of this charter. The city manager  
8 shall be the chief administrative officer of the city and shall be responsible for  
9 implementing the directives of the mayor and council, for providing overall guidance of  
10 all departments, coordinating special projects as needed, and performing such other duties  
11 as may be stipulated by the council. The city manager shall be bonded in an appropriate  
12 amount to be fixed by the mayor and council for the faithful performance of the duties of  
13 city manager and shall take an oath before the mayor and council that such city manager  
14 will, to the best of his or her abilities, faithfully perform the duties of the office of city  
15 manager without favor or partiality."

16 **SECTION 6.**

17 Said Act is further amended by striking Section 3.15 and inserting in lieu thereof the  
18 following:

19 "SECTION 3.15.

20 City treasurer.

21  
22 The city council may appoint a city treasurer to collect all taxes, licenses, fees, and other  
23 moneys belonging to the city subject to the provisions of this charter and the ordinances  
24 of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes  
25 and sale or foreclosure for nonpayment of taxes by the city. The city treasurer shall also be  
26 responsible for the general duties of a treasurer and fiscal officer. This position shall  
27 normally be filled by the city clerk, but, at the election of the mayor and council, may be  
28 filled by the city manager or other appointed designee."

29 **SECTION 7.**

30 Said Act is further amended by striking Sections 3.17 and 3.18 and inserting in lieu thereof  
31 the following:

1 "SECTION 3.17.

2 Chief of police.

3 The city manager shall appoint a chief of police, who shall not be a councilmember, in  
 4 accordance with the city's personnel policy and Section 3.10 of this charter. The chief of  
 5 police is responsible for being the chief law enforcement officer of the City of Metter. It  
 6 shall be the duty of the chief of police to prosecute all offenders against the laws of the  
 7 state committed within the corporate limits of the City of Metter. In case any crime is  
 8 committed in the presence of the chief of police or comes to his or her knowledge, it shall  
 9 be his or her duty to prosecute the same. It shall be the duty of the chief of police to levy  
 10 and collect all executions for taxes, fines, licenses, permits, or other money due the city;  
 11 to advertise and conduct all sales of property under execution or other process, execute  
 12 deeds, or other conveyances used in such cases; and perform such other service as the city  
 13 manager shall require and as outlined in the city's personnel policy. Before entering upon  
 14 the duties of the office, the chief of police shall take and subscribe an oath before the  
 15 mayor and council that such chief of police will to the best of his or her ability faithfully  
 16 perform the duties of the office of chief of police without favor or partiality. The chief of  
 17 police will be bonded at an appropriate amount as fixed by the city manager.

18 PERSONNEL ADMINISTRATION

19 SECTION 3.18.

20 Position classification and pay plans.

21  
 22 The city manager shall be responsible for the preparation of a position classification and  
 23 pay plan which shall be submitted to the city council for approval. Such plan may apply  
 24 to all employees of the city and any of its agencies, departments, boards, commissions, or  
 25 authorities. When a pay plan has been adopted, the city council shall not increase or  
 26 decrease the salary range applicable to any position except by amendment of such pay  
 27 plan."

28 SECTION 8.

29 Said Act is further amended by striking the second sentence of Section 6.24 and inserting in  
 30 lieu thereof the following:

31 "The budget shall be accompanied by a message from the city manager containing a  
 32 statement of the general fiscal policies of the city, the important features of the budget,  
 33 explanations of major changes recommended for the next fiscal year, a general summary

1 of the budget, and such other comments and information as the city manager may deem  
2 pertinent."

3 **SECTION 9.**

4 Said Act is further amended by striking Section 6.28 in its entirety and inserting in lieu  
5 thereof a new Section 6.28 to read as follows:

6 "SECTION 6.28.

7 Capital improvements budget.

8 (a) On or before the date fixed by the city council, but no later than 30 days prior to the  
9 beginning of each fiscal year, the mayor, city manager, or other person so designated shall  
10 submit to the city council a proposed capital improvements budget with such person's  
11 recommendations as to the means of financing the improvements proposed for the ensuing  
12 fiscal year. The city council shall have the power to accept, with or without amendments,  
13 or reject the proposed program and proposed means of financing. The city council shall not  
14 authorize an expenditure for the construction of any building, structure, work, or  
15 improvement unless the appropriations for such project are included in the capital  
16 improvements budget, except to meet a public emergency as provided in Section 2.24 of  
17 this charter.

18 (b) The city council shall adopt by ordinance the final capital improvements budget for the  
19 ensuing fiscal year not later than the fifteenth day of September of each year. No  
20 appropriation provided for in a prior capital improvements budget shall lapse until the  
21 purpose for which the appropriation was made shall have been accomplished or abandoned;  
22 provided, however, the mayor or city manager may submit amendments to the capital  
23 improvements budget at any time during the fiscal year, accompanied by such mayor's or  
24 city manager's recommendations. Any such amendments to the capital improvements  
25 budget shall become effective only upon adoption by ordinance."

26 **SECTION 10.**

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