

Senate Bill 421

By: Senators Unterman of the 45th, Johnson of the 1st and Moody of the 27th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 45 of Title 36 of the Official Code of Georgia Annotated, relating to
2 municipal training, so as to eliminate the board of the Harold F. Holtz Municipal Training
3 Institute; to clarify the training of municipal clerks; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Chapter 45 of Title 36 of the Official Code of Georgia Annotated, relating to municipal
8 training, is amended by striking the entire chapter in its entirety and inserting in lieu thereof
9 a new Chapter 45 to read as follows:

10 "CHAPTER 45

11 ARTICLE 1

12 36-45-1.

13 This article shall be known and may be cited as the 'Georgia Municipal Training Act.'

14 36-45-2.

15 The General Assembly finds and declares that it is in the best interests of the citizens of this
16 state to require newly elected members of a municipal governing authority to attend a
17 course of training and education on matters pertaining to the administration and operation
18 of municipal government ~~during a period prescribed by the board~~. The purpose of such
19 course shall be to instruct such individuals in the powers, duties, and responsibilities of
20 their positions of public trust.

21 36-45-3.

22 As used in this article, the term:

23 (1) ~~'Board' means the Board of the Harold F. Holtz Municipal Training Institute.~~

24 (2) 'Institute' means the Harold F. Holtz Municipal Training Institute.

1 ~~(3)~~ (2) 'Municipal governing authority' means the governing authority of a municipal
2 corporation.

3 ~~(4)~~ (3) 'State' means the State of Georgia and any department, board, bureau,
4 commission, or other agency thereof.

5 ~~(5)~~ (4) 'Vinson Institute' means the Carl Vinson Institute of Government of the
6 University of Georgia.

7 36-45-4.

8 (a) All persons elected as members of a municipal governing authority who were not
9 serving as members of a municipal governing authority on July 1, 1990, shall enroll in,
10 attend, and satisfactorily complete a course of training and education on matters pertaining
11 to the administration and operations of municipal governments. Such course of training
12 and education shall include, but not be limited to, orientation in local government finance
13 and budgeting; methods of taxation; planning; public works and utilities; parks and
14 recreation; environmental management; public safety; personnel management;
15 responsiveness to the community; the ethics, duties, and responsibilities of members of a
16 municipal governing authority or a chief executive officer; and such other matters as may
17 be deemed necessary and appropriate by the ~~board~~ Vinson Institute.

18 (b) All expenses incurred by a newly elected member of a municipal governing authority
19 related to the course of training and education authorized and required by subsection (a)
20 of this Code section, including the reasonable costs of housing, travel, and meals, shall be
21 paid from public funds appropriated for such purposes. All expenses not paid for by state
22 funds shall be paid from municipal funds by the municipal governing authority whose
23 newly elected member or members shall attend such course.

24 36-45-5.

25 (a) There is created and established the Harold F. Holtz Municipal Training Institute.
26 Except as otherwise provided in Code Sections 36-45-4 and 36-45-20, all costs of operating
27 and conducting the institute shall be paid for from public funds appropriated for such
28 purposes.

29 (b) ~~The board shall have the power, duty, and authority~~ Vinson Institute shall establish, in
30 consultation with the Georgia Municipal Association, a committee of elected municipal
31 officials to design, implement, and administer the course of training and education required
32 by Code Sections 36-45-4 and 36-45-20.

33 (c) The course of training and education required by Code Sections 36-45-4 and 36-45-20
34 shall be conducted by the institute under such rules, regulations, procedures, policies,

1 requirements, and standards as prescribed from time to time by the ~~board~~ committee
 2 established in subsection (b) of this Code section.

3 (d) The ~~board~~ committee established in subsection (b) of this Code section shall establish
 4 guidelines and procedures to permit any person elected or appointed as a member of a
 5 municipal governing authority after January 1 of a calendar year or any person who is
 6 unable to attend or complete the course of training and education when offered by the
 7 institute due to medical disability, providential cause, or any other reason deemed sufficient
 8 by ~~the board~~ such committee, to comply with the requirements of Code Sections 36-45-4
 9 and 36-45-20.

10 (e) The ~~board~~ committee established in subsection (b) of this Code section shall perform
 11 such other duties and have such other powers and authority as may be necessary and proper
 12 or as prescribed by general law.

13 ~~36-45-6.~~

14 ~~(a) The institute shall be under the direction and supervision of the board of the Harold F.~~
 15 ~~Holtz Municipal Training Institute. The board shall have the power and duty to organize~~
 16 ~~and advise the institute so that the institute is operated in accordance with the provisions~~
 17 ~~of this article.~~

18 ~~(b) The institute is assigned to the Department of Community Affairs for administrative~~
 19 ~~purposes only, as prescribed in Code Section 50-4-3.~~

20 ~~36-45-7.~~

21 ~~The board shall consist of nine members and shall be composed of the commissioner or~~
 22 ~~designee of the Department of Community Affairs, the director of the Carl Vinson Institute~~
 23 ~~of Government or designee of the University of Georgia, and seven members appointed by~~
 24 ~~the Governor. Members of the board appointed by the Governor after January 1, 1999, shall~~
 25 ~~serve for four-year terms.~~

26 ~~36-45-8.~~

27 ~~(a) The board, on behalf of the institute, may accept appropriations, grants, gifts,~~
 28 ~~donations, or contributions from the federal government, the state government, any county,~~
 29 ~~municipal, or local government; any board, bureau, commission, agency, or establishment~~
 30 ~~of any such government; any other organization, firm, or corporation, public or private; and~~
 31 ~~any individual or groups of individuals in furtherance of the services, purposes, duties,~~
 32 ~~responsibilities, or functions vested in the board and institute.~~

33 ~~(b) The board is authorized to make such contracts, leases, or agreements as may be~~
 34 ~~necessary and convenient to carry out the duties and purposes for which the board is~~

1 ~~created. The board is authorized to enter into contracts, leases, or agreements with any~~
 2 ~~person, firm, or corporation, public or private, upon such terms and for such purposes as~~
 3 ~~may be deemed advisable by the board.~~

4 36-45-9.

5 On or before February 1 of each year, the board Vinson Institute shall file a report to the
 6 Governor, the ~~chairman~~ chairperson of the Senate State and Local Governmental
 7 Operations Committee, and the ~~chairman~~ chairperson of the House Committee on State
 8 Planning and Community Affairs ~~Committee of the House of Representatives~~. The report
 9 shall include a summary of the accomplishments of the institute during the preceding
 10 calendar year, including, but not limited to, the total number of members of a municipal
 11 governing authority who attended the course of training and education offered by the
 12 institute; an outline of the institute's programs for the current calendar year; an evaluation
 13 of the programs and services offered by the institute; and recommendations, if any, for
 14 legislation as may be necessary to improve the programs and services offered by the
 15 institute.

16 ARTICLE 2

17 36-45-20.

18 (a) For purposes of this article, the term 'clerk of the governing authority of a municipality'
 19 means an individual holding the office of city clerk pursuant to a municipal charter and
 20 who is normally employed in that capacity for 40 hours per week.

21 (b) Any person hired or appointed to serve as the clerk of the governing authority of a
 22 municipality shall attend and complete a course of training on matters pertaining to the
 23 basic performance of his or her official duties. A city official who is an acting city clerk
 24 or who carries the dual responsibilities of both city manager and city clerk is exempt from
 25 such training. ~~Such training shall be conducted by the Harold F. Holtz Municipal Training~~
 26 ~~Institute, created under Article 1 of this chapter.~~

27 (c) The personnel of the Carl Vinson Institute of Government are authorized to work with
 28 the members of the Georgia Municipal Clerks and Finance Officers Association; and the
 29 Georgia Municipal Association; ~~and the Harold F. Holtz Municipal Training Institute~~ in
 30 establishing and operating the training course provided for in subsection (b) of this Code
 31 section.

32 (d) All reasonable expenses of attending the training ~~classes~~ course required by this Code
 33 section shall be paid from funds appropriated by the municipal governing authority for such
 34 purposes."

1 **SECTION 2.**

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

4 **SECTION 3.**

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