

House Bill 1434 (AS PASSED HOUSE AND SENATE)

By: Representative Mills of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Flowery Branch, approved April
2 11, 1979 (Ga. L. 1979, p. 3404), as amended, particularly by an ordinance filed with the
3 Secretary of State on February 17, 2005 (Ga. L. 2005, p. 4274), so as to change the powers
4 and duties of the mayor; to provide for a city manager; to provide for the appointment of a
5 city clerk; to provide for the appointment of a city attorney; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act providing a new charter for the City of Flowery Branch, approved April 11, 1979
10 (Ga. L. 1979, p. 3404), as amended, particularly by an ordinance filed with the Secretary of
11 State on February 17, 2005 (Ga. L. 2005, p. 4274), is amended by striking Section 2.4 in its
12 entirety and inserting in its place the following:

13 **"Section 2.4. The mayor; powers and duties.** The mayor shall be the chief elected
14 officer of the city and as such shall have the following powers and duties:

15 (a) To preside at all meetings of the city council and be recognized as the official head and
16 spokesperson of the city for service of process and ceremonial purposes;

17 (b) To vote on matters before the city council only in case of a tie, or if his or her vote is
18 necessary to constitute a sufficient number to transact business;

19 (c) To sign, for and on behalf of the city, all contracts, ordinances, instruments, and other
20 documents authorized by the city council and which are required to be in writing, unless
21 otherwise directed or authorized by the city council; and

22 (d) To fulfill such other duties as authorized by the city council."

23 **SECTION 2.**

24 Said Act is further amended by adding the following article:

"ARTICLE VIII

APPOINTED OFFICERS

1
2
3 **Section 8.1. City manager.** The city manager shall be the chief administrative officer of
4 the city and is responsible for the implementation of all policies, programs, contracts,
5 ordinances, and resolutions as approved and directed by the city council.

6 (a) The city manager shall be appointed by majority vote of the city council.

7 (b) The city manager shall satisfy all qualifications prescribed by the city council.

8 (c) No person holding an elective office in the City of Flowery Branch shall be eligible for
9 appointment during the term of office for which he or she was elected or within three years
10 after the expiration of his or her term of office.

11 (d) Whenever the office of city manager is vacant, an acting city manager may be
12 appointed by majority vote of the city council.

13 (e) The city manager or acting city manager shall be an employee at will and may be
14 removed by a majority vote of the city council.

15 (f) The city council shall fix the city manager's compensation.

16 (g) The city manager shall be responsible for:

17 (1) The management and coordination of the operations and activities of the various
18 departments of the city;

19 (2) The appointment, discipline, and removal of department heads;

20 (3) The preparation of the proposed annual budget with the assistance of all department
21 heads for the adoption by the city council;

22 (4) Keeping the city council fully advised at all times as to the financial condition and
23 needs of the city;

24 (5) Conducting studies and investigations and making reports thereon to the city council
25 concerning the operations of the departments, offices, and agencies of the city;

26 (6) Requiring any department, board, commission, or agency under the city manager's
27 supervision to submit written reports and to provide other information deemed necessary;

28 (7) Prescribing, requiring, publishing, and implementing standards of administrative
29 management, and operating practices and procedures to be followed and adhered to by
30 all offices, departments, boards, commissions, authorities, and other agencies of the city
31 which are subject to the city manager's supervision;

32 (8) Acting as the purchasing agent of the city; and

33 (9) Such responsibilities as may be from time to time required by the city council which
34 are not inconsistent with state laws, city ordinances, or this charter.

35 (h) Except for the purpose of inquiry and investigation, the mayor and council members
36 shall deal with city employees who are subject to the supervision of the city manager solely

1 through the city manager and shall not give orders or directions to any such employee,
 2 either publicly or privately, directly or indirectly.

3 **Section 8.2. City clerk.**

4 (a) The city clerk shall be appointed by majority vote of the city council.

5 (b) The city clerk shall be responsible for:

6 (1) Keeping and preserving the city seal and all records of the operations and activities
 7 of the city;

8 (2) Attending meetings of the city council and preparing minutes of its proceedings at
 9 such meetings;

10 (3) Attesting the mayor's signature on deeds, contracts, agreements, ordinances, and
 11 resolutions;

12 (4) Preparing and certifying copies of official records in his or her office, for which fees
 13 may be prescribed by state law or city ordinance;

14 (5) Providing administrative support to the mayor, council members, and city manager;
 15 and

16 (6) Performing such other duties as may be directed by the city council.

17 **Section 8.3. City attorney.**

18 (a) The city attorney shall be appointed by majority vote of the city council.

19 (b) The city attorney shall be an active member of the State Bar of Georgia in good
 20 standing and shall satisfy any other qualifications prescribed by the city council.

21 (c) The city attorney shall be responsible for representing and defending the city in all
 22 litigation in which the city is a party; shall attend the meetings of the city council as
 23 directed; shall advise the mayor, council members, other officers, and employees of the city
 24 concerning legal aspects of the city's affairs; and shall perform such other duties as may
 25 be required by virtue of his or her position as city attorney or as may be prescribed by the
 26 city council."

27 **SECTION 3.**

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