

Senate Bill 543

By: Senator Schaefer of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Clayton, in Rabun County, approved August 17,
2 1909 (Ga. L. 1909, p. 600), as amended, so as to provide for special and emergency meetings
3 of the mayor and council and notice of same; to provide for the appointment, term,
4 compensation, and duties of certain officers of the city; to provide for the exercise of the veto
5 power by the mayor and the override of vetoes by the city council; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to incorporate the City of Clayton, in Rabun County, approved August 17, 1909
10 (Ga. L. 1909, p. 600), as amended, is amended by revising Section 4 by adding at the end
11 thereof the following:

12 "Any three members of the city council may convene a special or emergency meeting of
13 the mayor and council by notifying either the city clerk or the city manager. Such
14 notification shall be made in a manner sufficient to provide public notice unless conditions
15 warrant an emergency session. The mayor and councilmembers shall be notified
16 individually and personally by the city clerk or city manager. The mayor or mayor pro
17 tempore shall preside. In the absence or disqualification of the mayor or mayor pro
18 tempore, any councilmember may preside over said meeting."

19 **SECTION 2.**

20 Said Act is further amended by revising Section 11 as follows:

21 "Sec. 11. Be it further enacted by the authority aforesaid, That at the first meeting of the
22 mayor and council in each year, or as soon thereafter as practicable, they shall appoint a
23 city clerk, city manager, city treasurer, chief of police, city marshal or code enforcement
24 officer, city attorney, city judge, city accountant, public works director, and such other
25 officers as the mayor and council deem necessary for and in the good government of said

1 city. The appointed term of each of the aforementioned positions shall be for the calendar year
2 in which the appointment occurs. Candidates for these terms shall be recommended by the
3 mayor, but, if the recommended candidate does not receive a majority vote of the council,
4 the names of other candidates shall be received from any council member present at the
5 meeting and a new vote shall be taken until a candidate receives a majority. The mayor
6 may vote in the case of a tie. The appointment of individuals to the offices named shall not
7 be the enactment of an ordinance or resolution and the mayor shall not be authorized to
8 veto actions taken concerning appointments. Each of said officers shall take such oaths,
9 perform such duties, and give such bonds as the mayor and council may by ordinance
10 prescribe; provided that all bonds of officers shall be made payable to the City of Clayton.
11 The mayor and council shall have power and authority to suspend and remove said officers,
12 in their discretion; it shall be their duty to fix the salary or compensation of said mayor and
13 council, and the city council shall provide for compensation for appointed officers, agents,
14 and employees of said city by appropriate ordinance. The city council may, by ordinance,
15 prescribe functions and duties, establish, abolish, alter, or leave vacant all appointed or
16 non-appointed positions or departments, or enact personnel policies as is necessary for the
17 proper administration of city government. All expenditures of the mayor and council shall
18 be paid out of the city treasury by an order drawn by the city clerk, countersigned by the
19 mayor, or, in his or her absence, by the mayor pro tempore, after the mayor and council
20 have allowed and audited the same."

21 **SECTION 3.**

22 Said Act is further amended by revising Section 12 as follows:

23 "Sec. 12. Be it further enacted by the authority aforesaid, That the mayor and three
24 councilmembers shall constitute a quorum for the transaction of any business before the
25 body, and a majority of the votes cast shall determine questions before them; provided that
26 every question so determined or order passed shall receive not less than three votes. On
27 all questions before the city council, the mayor or mayor pro tempore, if the mayor pro
28 tempore is presiding, shall be entitled to vote only in case of a tie. The mayor shall have
29 the veto power and may veto any ordinance or resolution of the city council. Such veto
30 shall be recorded with the city clerk in writing within three days of the passage of such
31 ordinance or resolution. The veto shall include the reason for the mayor withholding his
32 or her assent. The city clerk shall record upon receipt of such veto the date and time of its
33 delivery from the mayor. Ordinances or resolutions vetoed by the mayor shall be presented
34 by the city clerk to the city council at its next meeting. If the city council then adopts the
35 ordinance or resolution by the affirmative vote of three councilmembers, it shall become
36 approved."

1 **SECTION 4.**

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