

House Bill 1507 (AS PASSED HOUSE AND SENATE)

By: Representatives Drenner of the 86th and Henson of the 87th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Clarkston, approved April 21, 1967
2 (Ga. L. 1967, p. 3391), as amended, so as to provide for certain powers of the mayor; to
3 provide for the election and terms of the mayor and councilmembers; to provide for the
4 appointment of a city manager, qualifications, compensation, removal, vacancy, powers, and
5 council interference; to provide for submission for preclearance under Section 5 of the
6 federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act creating a new charter for the City of Clarkston, approved April 21, 1967 (Ga. L.
11 1967, p. 3391), as amended, is amended by revising Section 2.03 as follows:

12 "SECTION 2.03.

13 Mayor as presiding officer.

14 The mayor shall preside at meetings of the council, shall have a vote in case of a tie in any
15 vote of the city council, and shall have veto power; the mayor shall have five days after
16 meetings of the council in which to file with the clerk in writing his dissent, but the
17 councilmembers may pass the ordinance, order, or resolution, notwithstanding the veto, by
18 a vote of two-thirds of the councilmembers, to be taken by ayes and nays, and entered upon
19 the minutes; shall be the ceremonial head of the city, shall sign ordinances and resolutions
20 on their final passage; shall sign deeds, bonds, and contracts when authorized by the
21 council to do so; shall be the officer to accept process against the city, and shall perform
22 other duties imposed by this Act and by ordinances not inconsistent with this Act."

23 **SECTION 2.**

24 Said Act is further amended by revising Section 2.01 as follows:

25 "SECTION 2.01.

26 Election of Mayor and Councilmembers.

27 The person serving as mayor and the councilmembers serving on the effective date of this
 28 section shall continue to serve for the remainder of their terms and until their successors
 29 are duly elected and qualified. On the Tuesday next following the first Monday in 2011,
 30 and quadrennially thereafter, there shall be an election to elect the successors to the three
 31 councilmembers whose terms expire at the end of that year. On the Tuesday next
 32 following the first Monday in 2013, and quadrennially thereafter, there shall be an election
 33 to elect the mayor and the successors to the three councilmembers whose terms expire at
 34 the end of that year. The candidate for mayor receiving a majority of votes cast shall be
 35 elected mayor. The candidates for councilmembers receiving the greatest, second greatest,
 36 and third greatest number of votes cast for councilmembers shall be elected. Elections
 37 shall be conducted in accordance with Chapter 2 of Title 21, the Georgia Election Code."

38 **SECTION 3.**

39 Said Act is further amended by repealing in its entirety Section 2.09.

40 **SECTION 4.**

41 Said Act is further amended by revising Section 3.02 as follows:

42 "SECTION 3.02.

43 City manager; appointment; qualifications; compensation;
 44 removal; vacancy, powers' council interference.

45 (a) The city council shall appoint a city manager for an indefinite term and shall fix the
 46 city manager's compensation. The city manager shall be appointed solely on the basis of
 47 that person's executive and administrative qualifications.

48 (b) The city manager is employed and terminable pursuant to the terms of a written
 49 employment contract to be entered into between the city and the city manager.

50 (c) The mayor shall exercise the powers and perform the duties of city manager during the
 51 city manager's temporary absence or physical or mental disability.

52 (d) The city manager shall be the chief executive and administrative officer of the city.

53 The city manager shall be responsible to the city council for the administration of all city

54 affairs placed in the city manager's charge by or under this charter. As the chief executive
55 and administrative officer, the city manager shall:

56 (1) Appoint and, when the city manager deems it necessary for the good of the city,
57 suspend or remove all city employees and administrative officers the city manager
58 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
59 to this charter. The city manager may authorize any administrative officer who is subject
60 to the city manager's direction and supervision to exercise these powers with respect to
61 subordinates in that officer's department, office, or agency;

62 (2) Direct and supervise the administration of all departments, offices, and agencies of
63 the city, except for the chief of police and the police department and as otherwise
64 provided by this charter or by law;

65 (3) Attend all city council meetings, except for closed meetings held for the purposes of
66 deliberating on the appointment, discipline, or removal of the city manager, and have the
67 right to take part in discussion, but the city manager may not vote;

68 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
69 enforcement by the city manager or by officers subject to the city manager's direction and
70 supervision, are faithfully executed;

71 (5) Prepare and submit the annual operating budget and capital budget to the city
72 council;

73 (6) Submit to the city council and make available to the public a complete report on the
74 finances and administrative activities of the city as of the end of each fiscal year;

75 (7) Make such other reports as the city council may require concerning the operations
76 of city departments, offices, and agencies subject to the city manager's direction and
77 supervision;

78 (8) Keep the city council fully advised as to the financial condition and future needs of
79 the city, and make such recommendations to the city council concerning the affairs of the
80 city as the city manager deems desirable; and

81 (9) Perform other such duties as are specified in this charter or as may be required by the
82 city council.

83 (e) Except for the purpose of inquiries and investigations, the mayor and members of the
84 city council shall deal with city officers and employees who are subject to the direction and
85 supervision of the city manager solely through the city manager, and neither the city
86 council nor its members shall give orders to any such officer or employee, either publicly
87 or privately."

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SECTION 5.

89 The governing authority of the City of Clarkston shall cause, through its legal counsel, this
90 Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of
91 1965, as amended, within 45 days after the date on which this Act is approved by the
92 Governor or otherwise becomes law without such approval.

93

SECTION 6.

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