

Senate Bill 189

By: Senators Jones of the 10th and Davenport of the 44th

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Stockbridge, approved April 4,  
2 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of  
3 government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain  
4 provisions of said Act; to revise certain provisions related to the powers and duties of the  
5 mayor; to revise certain provisions related to vetoes; to provide for the office of city  
6 administrator and establish powers and duties of said position; to provide for related matters;  
7 to provide an effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L.  
11 1991, p. 4359), as amended, is amended by striking Sections 3.21, 3.22, 3.23 and inserting  
12 in lieu thereof new Sections 3.21, 3.22, 3.23 and by adding a new Section 4.16 to read as  
13 follows:

14 "SECTION 3.21.

15 Chief executive officer; delegation of powers.

16 The mayor shall be the chief executive of this city, a member of and the presiding officer  
17 of the city council, and responsible for the efficient and orderly administration of the city's  
18 affairs as expressly provided by the Constitution and laws of the State of Georgia and in  
19 this charter. The mayor shall have the authority to delegate any one or more executive  
20 powers to the mayor pro tempore or city administrator.

## SECTION 3.22.

## Powers and duties of mayor.

As the chief executive of this city, the mayor shall have the following powers and duties:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Preside at all meetings of city council;
- (3) Be the head of the city to accept service of process on behalf of the city;
- (4) Represent the city for ceremonial purposes;
- (5) Appoint members of committees formed by the city council as well as the chairpersons and officers of said committees;
- (6) Exercise supervision over the city administrator and in the event of a disagreement about the scope of the mayor's power provided in this section, the city administrator shall act in conformance with the instructions of the mayor and the matter shall be expeditiously brought before the council for a final determination;
- (7) Require the city administrator to submit written reports on a quarterly basis not to exceed four per year unless otherwise authorized by the council;
- (8) Require the city administrator to meet with the mayor at a time and place designated for consultation and advice upon the affairs of the city;
- (9) Except as otherwise provided by this charter or general law, make recommendations to the council regarding the appointment of department heads by nominating at least two qualified candidates for any open department head position. In the event the council rejects all recommendations, the mayor shall interview and shall make additional recommendations to the council until the position is filled. So that the responsibilities of the position will be carried out and the business of the city continue uninterrupted, the mayor may nominate and the council may appoint a person to serve as an interim department head for a period of up to 60 days;
- (10) With the assistance of the city administrator, prepare and submit to the council a recommended annual operating budget and recommended capital budget which may be adopted only by ordinance and in accordance with state law;
- (11) Submit to the council at least every quarter a statement covering the financial conditions of the city;
- (12) Call special meetings of the city council as provided for in Section 3.13 of this charter;
- (13) Participate in the discussion of all matters brought before the city council and vote on such matters only in the case of a tie vote;

55 (14) Recommend to the city council such measures relative to the affairs of the city,  
 56 improvement of the government, and promotion of the welfare of its inhabitants as the  
 57 mayor may deem expedient;

58 (15) Approve or disapprove ordinances and resolutions as provided in Section 3.23 of  
 59 this charter;

60 (16) Sign as a matter of course all written contracts, ordinances, resolutions,  
 61 proclamations, and other instruments executed by the city which by law are required to  
 62 be in writing; and

63 (17) Perform such other duties as may be required by general state law and by ordinance  
 64 or resolution of the city council which are not in conflict with general state law or this  
 65 charter.

66 SECTION 3.23.

67 Submission of ordinances and resolutions to the mayor; veto power.

68 (a) Presentment after adoption. Every ordinance and resolution adopted by the city council  
 69 shall be presented by the city clerk to the mayor within three days after its adoption.  
 70 Except as provided in subsection (b) of this section, all powers, duties, and actions  
 71 applicable to ordinances under this section are also applicable to any action or resolution  
 72 of the city council to acquire real property on behalf of the city.

73 (b) Ordinances generally. Within ten days after the adoption of an ordinance, the mayor  
 74 shall return the ordinance to the city clerk with or without his or her approval and signature  
 75 or with his or her disapproval. If the ordinance has been approved by the mayor, it shall  
 76 become law upon its return to the city clerk or in accordance with the effective date  
 77 specified in the ordinance. If the ordinance is returned to the clerk neither approved nor  
 78 disapproved or is not returned to the clerk at all within ten days after adoption it shall  
 79 become law on the eleventh day after its adoption by the city council. If the ordinance is  
 80 disapproved, the mayor shall submit to the city council through the city clerk a written  
 81 statement of the reasons for the veto at the same time that the ordinance is returned to the  
 82 clerk. The failure to provide a written statement of the reasons for the veto will not  
 83 invalidate the veto. The city clerk shall record upon the ordinance the date of its delivery  
 84 to and receipt from the mayor.

85 (c) Resolutions regarding acquisition of property. As a narrow exception to the general  
 86 proposition that resolutions are not subject to mayoral veto, resolutions regarding  
 87 acquisition of property shall be subject to the following procedure: within ten days after the  
 88 adoption of a resolution regarding the acquisition of property, the mayor shall return the  
 89 resolution to the city clerk with or without his or her approval and signature or with his or

90 her disapproval. If the resolution has been approved by the mayor, it shall become law  
91 upon its return to the city clerk or in accordance with the effective date specified in the  
92 resolution. If the resolution is returned to the clerk neither approved nor disapproved or  
93 is not returned to the clerk at all within ten days after adoption it shall become law on the  
94 eleventh day after its adoption by the city council. If the resolution is disapproved, the  
95 mayor shall submit to the city council through the city clerk a written statement of the  
96 reasons for the veto at the same time that the resolution is returned to the clerk. The city  
97 clerk shall record upon the resolution the date of its delivery to and receipt from the mayor.

98 (d) Override of veto: generally. Ordinances and resolutions vetoed by the mayor shall be  
99 presented by the city clerk to the city council at its next regular meeting along with the  
100 mayor's written basis for said veto within the time set forth above and, except as otherwise  
101 provided in this section, should the city council override the veto of the ordinance with four  
102 or more councilmembers voting in favor thereof, it shall become law. The mayor shall not  
103 be counted as or considered a member of the city council for the purpose of any veto  
104 override vote. No subsequent veto shall be permitted.

105 (e) Override of veto: ordinances and resolutions regarding acquisition of property. Any  
106 ordinance or resolution regarding the acquisition of real property shall require the  
107 affirmative vote of all five councilmembers to override the mayor's veto. The mayor shall  
108 not be counted as or considered a member of the city council for the purpose of any veto  
109 override vote. No subsequent veto shall be permitted.

110 (f) Items of appropriation. The mayor may disapprove or reduce any item or items of  
111 appropriation in any ordinance or resolution. The approved part or parts of any ordinance  
112 or resolution making appropriations shall become law, and the part or parts disapproved  
113 shall not become law unless subsequently passed by the city council over the mayor's veto  
114 as provided in this section. The reduced part or parts shall be presented to the city council  
115 as though disapproved and shall not become law unless overridden by the council voting  
116 with at least four members of the council voting in favor to override. The mayor shall not  
117 be counted as or considered a member of the city council for the purpose of any veto  
118 override vote.

119 (g) Required presence of councilmembers. In the event the minimum number of  
120 councilmembers necessary to override a veto are not present as required above, the matter  
121 shall continue to be noticed and shall be voted upon at the next general meeting where a  
122 minimum number of councilmembers are present."

123 "SECTION 4.16.

124 City administrator.

125 (a) Within 60 days of a vacancy in the position of city administrator, the mayor shall  
126 recommend to the council at least two qualified candidates for the position of city  
127 administrator. In the event the council rejects the mayor's recommended candidates, the  
128 mayor shall have an additional 15 days to interview qualified candidates and make  
129 additional recommendations to the council. The council may accept or reject the mayor's  
130 additional recommended candidates.

131 (b) The council shall employ a city administrator pursuant to a written contract and shall  
132 fix the city administrator's compensation therein. Said administrator shall serve at the  
133 pleasure of the mayor and city council. The city administrator shall be employed without  
134 regard to political beliefs and solely on the basis of said individual's executive and  
135 administrative qualifications with special reference to his or her educational background  
136 and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

137 (c) Powers and duties of city administrator. The city administrator shall be the chief  
138 administrative officer of the city. The administrator must devote all of his or her working  
139 time and attention to the affairs of the city and shall be responsible to the mayor and city  
140 council for the administration of all city affairs placed in the administrator's charge by or  
141 under this charter. As the chief administrative officer, the administrator shall have the  
142 following powers and duties:

143 (1) Assist the mayor as needed with preparation of the annual operating budget and  
144 capital budget to be presented to the city council;

145 (2) Act as a liaison between the mayor and city council and the public by responding to  
146 inquiries and resolving conflicts;

147 (3) Represent the mayor and city council at various meetings and social functions as  
148 directed;

149 (4) Develop materials for meetings of the city council; attend all council meetings, unless  
150 excused there from; attend committee meetings when requested; make recommendations  
151 to the city council as needed; and implement decisions made by the council. The city  
152 administrator shall be given notice of all regular and special meetings of the council;

153 (5) Administer policies and programs as approved by the city council by directing  
154 departments in the procedures necessary for implementation;

155 (6) Supervise the purchase of all materials, supplies, and equipment after soliciting bids  
156 from qualified contractors, which are necessary for the operation and maintenance of the  
157 city services, for amounts up to and including \$10,000.00 for which funds are provided

158 in the budget; receive written bids from at least three qualified contractors for purchases  
159 or contracts in excess of \$10,000.00; and present all bids to the mayor and council;

160 (7) Keep the council advised of the financial and administrative affairs affecting the city;  
161 prepare progress reports; submit to the city council and the mayor and make available to  
162 the public a complete report on the finances and administrative activities of the city as of  
163 the end of each fiscal year; and make such recommendations as may be deemed desirable;

164 (8) Develop short-term and long-term plans for city operations and act as city's principal  
165 liaison on economic development activities;

166 (9) Recommend to the governing body from time to time adoption of such measures as  
167 may be deemed necessary or expedient for the health, safety, or welfare of the community  
168 or for the improvement of administrative services;

169 (10) Investigate the affairs of the city or any department or division thereof; investigate  
170 all complaints in relation to matters concerning the administration of the government of  
171 the city and with regard to services maintained by the public utilities in the city; and see  
172 that all franchises, permits, and privileges granted by the city are faithfully observed;

173 (11) Provide reports and information to the media as requested and upon approval of the  
174 mayor;

175 (12) Supervise all department heads and city employees;

176 (13) Execute documents on behalf of the mayor where so authorized in a written  
177 document describing the authority granted and executed by the mayor;

178 (14) Appoint and employ all necessary employees of the city, provided that excepted  
179 from the power of this appointment and employment are those officers and employees  
180 who, by this charter, are appointed or elected by the mayor or city council;

181 (15) Direct and supervise all department heads and city employees and the  
182 administration of all departments, offices, and agencies of the city, except as otherwise  
183 provided by this charter or by law;

184 (16) Make recommendations to the mayor and city council regarding qualified  
185 candidates to fill open positions within the city;

186 (17) Exercise supervision and control of all departments and all divisions created in this  
187 charter or that hereafter may be created by the council except as otherwise provided in  
188 this charter or general law;

189 (18) Suspend with or without pay for up to 30 days in accordance with the city's  
190 personnel policy and general law, where applicable, any city employee serving under the  
191 supervision of the city administrator;

192 (19) Remove employees below the level of a department head in accordance with the  
193 city's personnel policy and general law, without the consent of the city council and  
194 without assigning any reason therefor;

195 (20) Recommend the suspension, termination, or other reprimand of a department head  
 196 nominated by the mayor and appointed by the city council, which the city administrator  
 197 must present to the mayor within two business days thereof in writing; and, absent a  
 198 written objection from the mayor within five calendar days of the notice of same to the  
 199 mayor from the city administrator, said personnel action shall be imposed;

200 (21) Make such other reports as the mayor or city council may require concerning the  
 201 operations of city departments, offices, and agencies subject to the administrator's  
 202 direction and supervision; and

203 (22) Perform other such duties as may be required by the mayor and council which are  
 204 specified in this charter or as may be required by the city council and which are not  
 205 inconsistent with the city charter, laws, ordinances, or resolutions.

206 (d) Council interference with administration. Except for the purpose of inquiries and  
 207 investigations made pursuant to this charter, the mayor, city council, and individual  
 208 members of city council shall deal with city employees who are subject to the direction and  
 209 supervision of the city administrator solely through the city administrator. Neither the  
 210 mayor nor any individual councilmember shall give orders to any such employee, either  
 211 publicly or privately. In the event of an emergency arising at the time of the death,  
 212 incapacity, or unavailability of the city administrator, the following persons in this order  
 213 of succession may direct city employees, may authorize expenditures, execute expenditure  
 214 documents, and execute checks and may perform necessary functions and exercise  
 215 necessary powers: mayor and then mayor pro tempore. For purposes of this subsection,  
 216 'unavailability' in general means that it is not possible for city employees responding to the  
 217 emergency to contact and receive a response from the city administrator or enumerated  
 218 successor by telephone or electronic means for a consecutive period of four hours or  
 219 greater, or that the city administrator or enumerated successor is incapable of responding  
 220 for a consecutive period of four hours or greater. Additionally, if an emergency occurs  
 221 which needs immediate attention and the mayor has attempted to contact the city  
 222 administrator by telephone and electronic means but has been unsuccessful in establishing  
 223 contact and thereafter the mayor consults with the department head in charge of the  
 224 department which the mayor believes is most appropriate to respond to the emergency,  
 225 then, based on the succession rules stated above, the mayor may exercise the  
 226 aforementioned duties necessary to respond to such emergency until the city administrator  
 227 becomes available and able to perform the duties required for such emergency."

228 **SECTION 2.**

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

231

**SECTION 3.**

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