

House Bill 244 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act reincorporating the City of Arlington in the County of Calhoun and Early,
2 State of Georgia, approved April 10, 1971 (Ga. L. 1971, p. 3885), as amended, particularly
3 by an Act approved May 16, 2007 (Ga. L. 2007, p. 3622), so as to provide for duties of the
4 mayor; to provide for administrative departments and officers thereof; to provide for
5 appointment, qualifications, and compensation of a city manager; to provide for powers and
6 duties of the city manager; to prohibit certain council interference with administration; to
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act reincorporating the City of Arlington in the County of Calhoun and Early, State of
11 Georgia, approved April 10, 1971 (Ga. L. 1971, p. 3885), as amended, particularly by an Act
12 approved May 16, 2007 (Ga. L. 2007, p. 3622), is amended by revising Sections 2.28 and
13 2.29 as follows:

14 **"SECTION 2.28.**

15 Reserved.

16 **SECTION 2.29.**

17 Powers and duties of mayor.

18 The mayor shall:

- 19 (1) Preside at all meetings of the city council;
- 20 (2) Be the head of the city for the purpose of service of process and for ceremonial
- 21 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 22 (3) Have power to administer oaths and to take affidavits;

- 23 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 24 ordinances, and other instruments executed by the city which by law are required to be
 25 in writing; and
 26 (5) Vote on all matters before the city council and be counted toward a quorum as any
 27 other councilmember."

28 **SECTION 2.**

29 Said Act is further amended by revising subsections (d) and (e) of Section 3.10 as follows:

30 "(d) There shall be a director of each department or agency who shall be its principal
 31 officer. Each director shall, subject to the direction and supervision of the city manager,
 32 be responsible for the administration and direction of the affairs and operations of that
 33 director's department or agency.

34 (e) All appointed officers, directors, and department heads under the supervision of the
 35 city manager shall be nominated by the city manager with confirmation of the appointment
 36 by the city council. All appointed officers, directors, and department heads shall be
 37 employees at will and subject to removal or suspension at any time by the city manager
 38 unless otherwise provided by law or ordinance."

39 **SECTION 3.**

40 Said Act is further amended by redesignating Sections 3.12 through 3.14 as Sections 3.15
 41 through 3.17, respectively, and adding new Sections 3.12 through 3.14 to read as follows:

42 **"SECTION 3.12.**

43 City manager; appointment; qualifications; compensation.

44 The city council shall appoint a city manager for an indefinite term and shall fix the city
 45 manager's compensation. The city manager shall be appointed solely on the basis of
 46 executive and administrative qualifications. The city manager is employed at will and may
 47 be summarily removed from office at any time by the city council.

48 **SECTION 3.13.**

49 Powers and duties of city manager.

50 The city manager shall be the chief executive and administrative officer of the city. The
 51 city manager shall be responsible to the city council for the administration of all city affairs
 52 placed in the city manager's charge by or under this charter. As the chief executive and
 53 administrative officer, the city manager shall:

- 54 (1) Appoint all city employees except appointed officers, directors, and department
 55 heads, who shall be appointed as provided in subsection (e) of Section 3.10 of this
 56 charter, and suspend or remove all city employees, appointed officers, directors, and
 57 department heads as provided by subsection (e) of Section 3.10 of this charter, except as
 58 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
 59 city manager may authorize any administrative officer who is subject to the city
 60 manager's direction and supervision to exercise these powers with respect to subordinates
 61 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 as otherwise provided by this charter or by law;
- 64 (3) Attend all city council meetings except for closed meetings held for the purposes of
 65 deliberating on the appointment, discipline, or removal of the city manager and have the
 66 right to take part in discussion but not to vote;
- 67 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 68 enforcement by the city manager or by officers subject to the city manager's direction and
 69 supervision, are faithfully executed;
- 70 (5) Prepare and submit the annual operating budget and capital budget to the city
 71 council;
- 72 (6) Submit to the city council and make available to the public a complete report on the
 73 finances and administrative activities of the city as of the end of each fiscal year;
- 74 (7) Make such other reports as the city council may require concerning the operations
 75 of city departments, offices, and agencies subject to the city manager's direction and
 76 supervision;
- 77 (8) Keep the city council fully advised as to the financial condition and future needs of
 78 the city and make such recommendations to the city council concerning the affairs of the
 79 city as the city manager deems desirable; and
- 80 (9) Perform other such duties as are specified in this charter or as may be required by the
 81 city council.

82 **SECTION 3.14.**

83 Council interference with administration.

84 Except for the purpose of inquiries and investigations authorized by Section 2.15 of this
 85 charter, the city council or its members shall deal with city officers and employees who are
 86 subject to the direction and supervision of the city manager solely through the city
 87 manager, and neither the city council nor its members shall give orders to any such officer
 88 or employee, either publicly or privately."

89

SECTION 4.

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