

House Bill 523 (AS PASSED HOUSE AND SENATE)

By: Representative Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Oxford, Georgia, approved April 13,
2 2001 (Ga. L. 2001, p. 4195), so as to change the form of government from a mayor-council
3 form of government to a city manager-council form of government; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act creating a new charter for the City of Oxford, Georgia, approved April 13, 2001 (Ga.
8 L. 2001, p. 4195), is amended in Section 2.29 of Article II as follows:

9 "SECTION 2.29.

10 Powers and duties of mayor.

11 As the chief executive of this city, the mayor shall:

- 12 (1) Preside at all meetings of the city council;
- 13 (2) Be the head of the city for the purpose of service of process and for ceremonial
14 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 15 (3) Have the power to administer oaths and to take affidavits;
- 16 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
17 ordinances, and other instruments executed by the city which by law are required to be
18 in writing and are not otherwise delegated to the city manager;
- 19 (5) Vote on matters before the mayor and council and be counted toward a quorum as
20 any other councilmember;
- 21 (6) Have prepared and submitted to the council a recommended annual operating budget
22 and recommended capital budget; and
- 23 (7) Assign councilmembers to their committees of responsibilities each year at the first
24 scheduled council meeting;
- 25 (8) Fulfill such other executive and administrative duties as the mayor and council shall
26 establish by ordinance."

27 **SECTION 2.**

28 Said Act is amended further by striking Article III and inserting a new Article III to read as
 29 follows:

30 "ARTICLE III

31 ADMINISTRATIVE AFFAIRS

32 SECTION 3.10.

33 City manager.

34 (a) Appointment and qualification. The mayor shall appoint, subject to confirmation by
 35 the council, an officer whose title shall be the 'city manager.' The city manager shall be
 36 appointed without regard to political beliefs and solely on the basis of his or her education
 37 and experience in the accepted competencies and practices of local government
 38 management. The appointment is reconfirmed at the beginning of each fiscal year.

39 (b) Chief administrative officer. The city manager shall be the chief administrative officer
 40 of the government of the city. The city manager must devote all of his or her working time
 41 and attention to the affairs of the city and shall be responsible to the mayor and council for
 42 the proper and efficient administration of the affairs of the city over which said officer has
 43 jurisdiction.

44 (c) Powers and duties enumerated. The city manager shall have the power and it shall be
 45 his or her duty to:

46 (1) See that all laws and ordinances are enforced;

47 (2) Appoint and employ all necessary employees of the city, provided that the power of
 48 this appointment shall not include officers and employees who by this charter are
 49 appointed or elected by the mayor and the council or departments not under the
 50 jurisdiction of the city manager;

51 (3) Remove those employees over whom he or she has the power to appoint and employ
 52 under paragraph (2) of this subsection without the consent of the council and without
 53 assigning any reason therefor;

54 (4) Exercise supervision and control of all departments and all divisions created in this
 55 charter or that may hereafter be created by the council except as otherwise provided in
 56 this charter;

57 (5) Attend all meetings of the council, without a right to vote, but with a right to take part
 58 in the discussions as determined by the chairperson; provided, however, that regardless
 59 of the decision of the chairperson, the city manager may take part in any discussion and
 60 report on any matter requested and approved by the council at such meeting. The city
 61 manager shall be entitled to notice of all special meetings;

62 (6) Recommend to the council, after prior review and comment by the mayor, for
 63 adoption such measures as the city manager may deem necessary or expedient;

- 64 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
65 public utility franchise are faithfully kept and performed and upon knowledge of any
66 violation thereof to call the same to the attention of the city attorney, whose duty it shall
67 be forthwith to take such steps as are necessary to protect and enforce the same;
- 68 (8) Make and execute all lawful contracts on behalf of the city as to matters within the
69 city manager's level of authorization as established by the council to the extent that such
70 contracts are funded in the city's budget, except such as may be otherwise provided by
71 law; provided, however, that no contract purchase or obligation requiring a budget
72 amendment shall be valid and binding until after approval of the council;
- 73 (9) Sign all orders, checks, and warrants for payment of money within the city manager's
74 level of authorization as established by the council to the extent that such contracts are
75 funded in the city's budget, except such as may be otherwise provided by law; provided,
76 however, that no such order, check, or warrant requiring a budget amendment shall be
77 valid and binding until after approval of the council;
- 78 (10) Act as budget officer to prepare and submit to the council, after review and
79 comment by the mayor, prior to the beginning of each fiscal year a budget of proposed
80 expenditures for the ensuing year, showing in as much detail as practicable the amounts
81 allotted to each department of the city government and the reasons for such estimated
82 expenditures;
- 83 (11) Keep the council at all times fully advised as to the financial condition and needs
84 of the city;
- 85 (12) Make a full written report to the council each month showing the operations and
86 expenditures of each department of the city government for the preceding month, and a
87 synopsis of such reports shall be published by the city clerk;
- 88 (13) Fix all salaries and compensation of city employees in accordance with the city
89 budget and the city pay and classification plan; and
- 90 (14) Perform such other duties as may be prescribed by this charter or required by
91 ordinance or resolution of the council.
- 92 (d) Council interference with administration. Except for the purpose of inquiries and
93 investigations, the council or its members shall deal with city officers and employees who
94 are subject to the direction or supervision of the city manager solely through the city
95 manager, and neither the council nor its members shall give orders to any such officer or
96 employee, either publicly or privately.
- 97 (e) Removal. The mayor and council may remove the city manager from office, with or
98 without cause, in accordance with the following procedures:
- 99 (1) The council shall adopt by affirmative vote of a majority of all its members a
100 preliminary resolution removing the city manager and may suspend the city manager

101 from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered
102 promptly to the city manager;

103 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
104 she may file with the council a written request for a public hearing. This hearing shall
105 be held at a council meeting not earlier than 15 days nor later than 30 days after the
106 request is filed. The city manager may file with the council a written reply not later than
107 five days before the hearing;

108 (3) The council may adopt a final resolution of removal, which may be made effective
109 immediately by affirmative vote of four of its members at any time after five days from
110 the date when a copy of the preliminary resolution was delivered to the city manager if
111 he or she has not requested a public hearing, or at any time after the public hearing if he
112 or she has requested one;

113 (4) The city manager shall continue to receive his or her salary until the effective date
114 of a final resolution of his or her removal. The action of the council in suspending or
115 removing the city manager shall not be subject to review by any court or agency; and

116 (5) If the city manager is suspended in accordance with subsection (a) of this section or
117 becomes disabled and is unable to carry out the duties of the office or if the city manager
118 dies, the acting city manager shall perform the duties of the city manager until the city
119 manager's disability is removed or until the city manager is replaced. Removal of the city
120 manager because of disability shall be carried out in accordance with the provisions of
121 this subsection.

122 (f) Acting city manager.

123 (1) The mayor with the approval of the council may appoint himself or herself or any
124 person to exercise all powers, duties, and functions of the city manager during the city
125 manager's suspension, temporary absence from the city, or disability.

126 (2) In the event of a vacancy in the office of city manager, the mayor may designate with
127 the approval of the council a person as acting city manager who shall exercise all powers,
128 duties, and functions of the city manager until a city manager is appointed.

129 SECTION 3.11.

130 Department heads.

131 (a) Except as otherwise provided in this charter, the mayor and council by resolution shall
132 prescribe the functions or duties of and establish, abolish, or alter all nonelective offices,
133 positions of employment, departments, and agencies of the city and establish professional
134 qualifications as necessary for the proper administration of the affairs and government of
135 the city.

136 (b) Except as otherwise provided by this charter or by law, all appointed officers of the
137 city shall be appointed solely on the basis of their respective administrative and
138 professional qualifications.

139 (c) All appointed officers shall receive such compensation as prescribed by ordinance or
140 resolution.

141 (d) The mayor may suspend or remove any and all appointed city officials, but such
142 suspension or removal shall not be final for 21 calendar days following the mayor giving
143 written notice of such action and the reasons therefor to the appointed city official involved
144 and to the city council. The appointed city official involved may appeal within 21 days to
145 the council which, after a hearing, may override the mayor's action by a vote of four
146 councilmembers.

147 SECTION 3.12.

148 Boards, commissions.

149 (a) The mayor and council shall create by ordinance or resolution such boards,
150 commissions, and authorities to fulfill any functions the mayor and council deem necessary
151 and shall by ordinance or resolution establish the composition, period of existence, duties,
152 and powers thereof.

153 (b) All members of boards, commissions, and authorities of the city shall be appointed by
154 the mayor and council for such terms of office and in such manner as shall be provided by
155 ordinance or resolution, except where other appointing authority, terms of office, or manner
156 of appointment is prescribed by this charter or by law.

157 (c) The mayor and council by ordinance or resolution may provide for the compensation
158 and reimbursement for actual and necessary expenses of the members of any board,
159 commission, or authority.

160 (d) Except as otherwise provided by this charter or by law, no member of any board,
161 commission, or authority shall hold any elective office in the city.

162 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
163 unexpired term in the manner prescribed in this article for original appointment, except as
164 otherwise provided by this charter or by law.

165 (f) No member of a board, commission, or authority shall assume office until he or she has
166 executed and filed with the clerk of the city an oath obligating himself or herself to
167 faithfully and impartially perform the duties of his or her office, such oath to be prescribed
168 by ordinance or resolution and administered by the mayor.

169 (g) Any member of a board, commission, or authority may be removed from office for
170 cause by a vote of four members of the city council.

171 (h) Except as otherwise provided by this charter or by law, each board, commission, or
172 authority of the city may elect one of its members as chairperson and one member as vice
173 chairperson and may elect as its secretary one of its own members or may appoint as
174 secretary an employee of the city, provided that the mayor and council did not especially
175 appoint a chairperson at the time of appointment. Each board shall pass rules and
176 regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems
177 appropriate and necessary for the fulfillment of its duties or the conduct of its affairs.
178 Copies of such rules and regulations shall be filed with the clerk of the city.

179 SECTION 3.13.

180 City attorney.

181 The mayor and council shall appoint a city attorney at the first scheduled meeting of the
182 calendar year for a term of one year, together with such assistant city attorneys as may be
183 authorized, and shall provide for the payment of such attorney or attorneys for services
184 rendered to the city. The city attorney shall be responsible for representing and defending
185 the city in all litigation in which the city is a party; may be solicitor in the municipal court;
186 shall attend the meetings of the council as directed; shall advise the city council, the mayor,
187 and other officers and employees of the city concerning legal aspects of the city's affairs;
188 and shall perform such other duties as may be required of him or her by virtue of his or her
189 position as city attorney.

190 SECTION 3.14.

191 City clerk.

192 The mayor and council shall appoint a city clerk at the first scheduled meeting of the
193 calendar year for a term of one year who shall not be a councilmember. The city clerk shall
194 be custodian of the official city seal; maintain city council records required by this charter;
195 and perform such other duties as may be required by the city council.

196 SECTION 3.15.

197 City treasurer.

198 The mayor and council may appoint a city treasurer at the first scheduled meeting of the
199 calendar year for a term of one year to collect all taxes, licenses, fees, and other moneys
200 belonging to the city subject to the provisions of this charter and the ordinances of the city
201 and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or
202 foreclosure for nonpayment of taxes by the city. The city treasurer shall also be
203 responsible for the general duties of a treasurer and fiscal officer.

204 SECTION 3.16.

205 Chief of police.

206 The mayor and council shall appoint a chief of police at the first scheduled meeting of the
207 calendar year for a term of one year to perform the duties as the administrative officer of
208 the police department and have all the powers of an arresting officer within the City of
209 Oxford; he or she shall further have all the powers usual and incident to such office; he or
210 she shall have the power to serve all papers, summons, and citations and execute all writs
211 and executions directed by the municipality and the State of Georgia; he or she shall
212 perform all duties prescribed by state law and by this charter, and carry out such other
213 duties as the mayor and council may lawfully direct. The municipality through the mayor
214 and council shall have the power to hire additional police officers to assist the chief of
215 police in his or her duties and to act in his or her stead.

216 SECTION 3.17.

217 Municipal judge.

218 The mayor and council shall appoint a municipal judge at the first scheduled meeting of
219 the calendar year for a term of one year whose duty it shall be to try all cases of violation
220 of the city ordinances and perform such functions and acts as may be laid upon him or her
221 by the provisions of this charter, or shall be from time to time placed upon him or her by
222 the ordinances or bylaws adopted by the mayor and council of the City of Oxford.

223 SECTION 3.18.

224 Position classification and pay plans.

225 The city clerk shall be responsible for the preparation of a position classification and pay
226 plan which shall be submitted to the mayor and council for approval. Such plan may apply
227 to all employees of the city and any of its agencies, departments, boards, commissions, or
228 authorities. When a pay plan has been adopted, the mayor and council shall not increase
229 or decrease the salary range applicable to any position except by amendment of such pay
230 plan. For purposes of this section, all elected and appointed city officials are not city
231 employees.

232 SECTION 3.19.

233 Personnel policies.

234 The mayor and council shall adopt rules and regulations consistent with this charter
235 concerning:

236 (1) The method of employee selection and probationary periods of employment;

- 237 (2) The administration of the position classification and pay plan, methods of promotion
238 and application of service ratings thereto, and transfer of employees within the
239 classification plan;
- 240 (3) Hours of work, vacation, sick leave, other leaves of absence, overtime pay, and the
241 order and manner in which layoffs shall be effected;
- 242 (4) Such dismissal hearings as due process may require; and
- 243 (5) Such other personnel notices as may be necessary to provide for adequate and
244 systematic handling of personnel affairs."

245

SECTION 3.

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