

Senators Balfour of the 9th and Unterman of the 45th offered the following substitute to HB 555:

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a new charter for the City of Lawrenceville, approved March 28,
2 1986 (Ga. L. 1986, p. 4961), as amended, so as to amend the duties of the mayor; to provide
3 for the establishment of a position of city manager; to provide for the duties and
4 responsibilities of the city manager; to provide for related matters; to repeal conflicting laws;
5 and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to create a new charter for the City of Lawrenceville, approved March 28, 1986
9 (Ga. L. 1986, p. 4961), as amended, is amended by revising Section 2.29 as follows:

10 "SECTION 2.29.

11 Powers and duties of mayor.

12 The mayor shall have the following powers and duties:

- 13 (1) To preside at meetings of the city council;
- 14 (2) To be the head of the city for purposes of service of process and for ceremonial
15 purposes and to be the official spokesman for the city and the chief advocate of policy;
- 16 (3) To see that all laws and ordinances of the city are faithfully executed;
- 17 (4) To recommend to the council such measures relative to the affairs of the city,
18 improvement of the government, and promotion of the welfare of its inhabitants as such
19 officer may deem expedient;
- 20 (5) To administer oaths and to take affidavits;
- 21 (6) To sign as a matter of course on behalf of the city all written and approved contracts,
22 ordinances, and other instruments executed by the city which by law are required to be
23 in writing;

- 24 (7) To vote on matters before the city council and be counted toward a quorum as any
 25 other council member upon the occurrence of one of the following events:
- 26 (A) Only two members of the city council are present at a properly called regular,
 27 special, or emergency meeting of the mayor and council; or
- 28 (B) To cast a tie-breaking vote;
- 29 (8) To work with the city manager to prepare and submit to the city council a
 30 recommended annual operating budget and recommended capital budget;
- 31 (9) To work with the city manager to provide for an annual audit of all accounts of the
 32 city; and
- 33 (10) To fulfill such other executive and administrative duties as the city council shall by
 34 ordinance establish."

35 **SECTION 2.**

36 Said Act is further amended by revising Article 3 as follows:

37 "ARTICLE 3

38 Administrative affairs.

39 SECTION 3.10.

40 City manager.

41 The mayor and council shall appoint a city manager who shall not be a councilmember.
 42 The city manager shall be responsible for the day-to-day operations of the city, shall
 43 prepare an annual budget for consideration by the mayor and council, shall provide
 44 financial reports on the fiscal condition of the city to the mayor and council on at least a
 45 quarterly basis, shall oversee and authorize purchases and expenditures by the city, and
 46 shall have such other powers and duties as the mayor and council prescribe by ordinance.
 47 The city manager shall not be subject to annual reappointments.

48 SECTION 3.11.

49 City clerk.

50 The mayor and council shall appoint a city clerk who shall not be a councilmember. The
 51 city clerk shall be responsible to the mayor and council for the administration of all city
 52 affairs placed in the clerk's charge. The city clerk shall have such powers and duties as the
 53 mayor and council prescribe by ordinance. The city clerk shall not be subject to annual
 54 reappointments.

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SECTION 3.12.

City general superintendent.

The mayor and council shall appoint a city general superintendent. Said superintendent shall be responsible to the mayor and council for all management and engineering affairs placed in the superintendent's charge. The superintendent shall have such powers and duties as the mayor and council prescribe by ordinance. The superintendent shall not be subject to annual reappointments.

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SECTION 3.13.

City attorney.

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The mayor and council shall appoint a city attorney together with such assistant city attorneys as may be authorized and shall provide for the payment of such attorney or attorneys for service rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by the city attorney by virtue of holding the position as city attorney.

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SECTION 3.14.

Administrative and service departments.

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(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties, and establish, abolish, or alter all nonelective administration of the affairs and government of this city.

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

(c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall be responsible for the administration and direction of the affairs and operations of the respective department or agency.

(e) All directors under the supervision of the city manager shall be nominated by the city manager with confirmation of appointment by the city council.

SECTION 3.15.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary, and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

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

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

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

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

(f) No member of a board, commission, or authority shall assume office until the member has executed and filed with the clerk of the city an oath obligating the member to faithfully and impartially perform the duties of the member's office, such oath to be prescribed by ordinance and administered by the mayor.

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

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson, and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

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SECTION 3.16.

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Position classification and pay plans.

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The city manager shall be responsible for the preparation of a position classification and

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pay plan which shall be submitted to the city council for approval. Such plan may apply

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to all employees of the city and any of its agencies, departments, boards, commissions, or

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authorities. When a pay plan has been adopted, the city council shall not increase or

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decrease the salary range applicable to any position except by amendment of such pay plan.

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For purposes of this action, all elected and appointed city officials are not city employees.

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SECTION 3.17.

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Personnel policies.

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The city council shall adopt rules and regulations consistent with this charter concerning:

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(1) The method of employee selection;

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(2) The administration of the position classification and pay plan, methods of promotion,

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and application of service ratings thereto, and transfer of employees within the

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classification plan;

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(3) Hours of work, vacation, sick time, and other leaves of absence, overtime pay, and

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the order and manner in which layoffs shall be effected; and

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(4) Such other personnel notices as may be necessary to provide for adequate and

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systematic handling of personnel affairs."

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SECTION 3.

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