

House Bill 1187

By: Representatives Braddock of the 19th and Maxwell of the 17th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Hiram, approved February 27, 1956
2 (Ga. L. 1956, p. 2620), as amended, so as to create the position of city manager and define
3 the powers and duties of said position; to provide for related matters; to provide for an
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 An Act creating a new charter for the City of Hiram, approved February 27, 1956 (Ga. L.
8 1956, p. 2620), as amended, is amended by revising Section 6, relating to the form of city
9 government, elections, and terms, to read as follows:

10 "Section 6. (a) The legislative authority of the government of the City of Hiram, Georgia,
11 except as otherwise specifically provided in this charter, shall be vested in a city council
12 to be composed of a mayor and five councilmembers. The mayor and councilmembers
13 shall be elected in a manner as provided under state law. The mayor and councilmembers
14 shall be elected at large from council posts designated as Post 1, Post 2, Post 3, Post 4, and
15 Post 5. The mayor shall be considered a councilmember for all purposes, except as his or
16 her powers are restricted elsewhere in this charter. All references in city ordinances to the
17 'mayor and council' shall be construed to mean the 'city council' as referred to in this
18 charter.

19 (b) There shall be a municipal general election biennially in odd-numbered years on the
20 Tuesday next following the first Monday in November.

21 (c) There shall be elected the mayor and two councilmembers at one election and at every
22 other election thereafter which shall be held according to the sequence presently in place
23 in the City of Hiram, Georgia. The remaining councilmember seats shall be filled at the
24 election alternating with the first election so that a continuing body is created.

25 (d) The members of the city council shall serve for terms of four years and until their
26 respective successors are elected and qualified. The term of office of each member of the

27 city council shall begin on the first day of January immediately following the election of
 28 such member unless general law authorizes or requires the term to begin at the first
 29 organizational meeting in January or upon some other date."

30

SECTION 2.

31 Said Act is further amended by revising Section 8, relating to vacancies, to read as follows:

32 "Section 8. In the event the office of the mayor shall become vacant by death, resignation,
 33 removal, or otherwise, said vacancy shall be filled by an election ordered by the council
 34 to take place, be held, and conducted according to laws of the State of Georgia from the
 35 time such vacancy occurs. The clerk of said city shall cause notice of the holding of said
 36 election, and the time and place thereof, to be published once a week for two weeks prior
 37 to said election in the newspaper in which sheriff's advertisements for Paulding County,
 38 Georgia, are published; provided, however, that in the event such vacancy occurs within
 39 six months preceding the expiration of term of office of said mayor, then in that event, the
 40 said vacancy shall be filled by the mayor pro tem, or by any councilmember elected by the
 41 council for that purpose; and provided, further, that in the event such vacancy should occur
 42 within three months prior to a regular annual election to be held as required by the laws of
 43 the State of Georgia, then, in that event no special election shall be called or held, and the
 44 vacancy will be filled by the mayor pro tem, or by any councilmember elected by the
 45 council for that purpose, who shall serve until such regular annual election, and the
 46 vacancy shall be filled by election of a mayor for the remainder of the unexpired term. In
 47 the event the office of one or more of the councilmembers shall become vacant by death,
 48 resignation, removal, or otherwise, said vacancy shall be filled by the mayor and council
 49 by the election of any citizen of said city eligible to hold such office, who shall serve until
 50 the next annual election when a councilmember shall be elected to fill the remainder of the
 51 unexpired terms."

52

SECTION 3.

53 Said Act is further amended by revising Section 13, relating to the installation of the mayor
 54 and councilmembers and the oath of office, to read as follows:

55 "Section 13. (a) The mayor and councilmembers shall be installed in office by taking and
 56 subscribing the following oath: 'I do solemnly swear that I will faithfully discharge the
 57 duties devolved upon me as mayor and councilmember (as the case may be) of the City of
 58 Hiram, Georgia; that I will faithfully execute and enforce the laws of said city to the best
 59 of my ability, skill, and knowledge; and that I will do all in my power to promote the
 60 general welfare of the inhabitants of said city and common interest thereof.'

61 (b) The mayor and councilmembers shall also take all other oaths as required by the laws
62 of the State of Georgia.

63 (c) All oaths of office or other oaths required to be taken by the mayor or councilmembers
64 shall be administered by the mayor or city attorney or the clerk, or the municipal judge or
65 judges of the City of Hiram, Georgia or the judge of the Probate Court of Paulding County,
66 Georgia, or any other person allowed by the laws of the State of Georgia to administer such
67 oaths."

68 **SECTION 4.**

69 Said Act is further amended by revising Section 14, relating to powers and duties of the
70 mayor, to read as follows:

71 "Section 14. The mayor shall be the chief elected officer of the city and as such shall have
72 the following powers and duties:

73 (1) To preside at all meetings of the city council and be recognized as the official head
74 and spokesperson of the city for service of process and ceremonial purposes;

75 (2) To vote on matters before the city council only in case of a tie;

76 (3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments,
77 and other documents authorized by the city council and which are required to be in
78 writing, unless otherwise directed or authorized by the city council;

79 (4) To administer oaths and to take affidavits; and

80 (5) To fulfill such other duties as authorized by the city council."

81 **SECTION 5.**

82 Said Act is further amended by revising Section 15, relating to further powers and duties of
83 the mayor, to read as follows:

84 "Section 15. (a) *City manager; general powers.* The city council shall, by majority vote
85 of its members, appoint a city manager for an indefinite term and shall set his or her
86 compensation in an employment contract. The city manager shall be appointed solely on
87 the basis of that person's executive and administrative qualifications, including relevant
88 experience.

89 (b) *Powers and duties.* The city manager shall be the chief executive and administrative
90 officer of the city. The city manager shall be responsible to the city council for the
91 administration of all city affairs placed in his or her charge by or under this charter. The
92 city manager shall have the following powers and duties:

93 (1) With the approval of the city council, to appoint and, when he or she deems it
94 necessary for the good of the city, suspend or remove all city employees and
95 administrative officers he or she appoints, except as otherwise provided by law or

- 96 personnel ordinances adopted pursuant to this charter. The city manager may authorize
97 any administrative officer who is subject to the city manager's direction and supervision
98 to exercise these powers with respect to subordinates in that officer's department, office,
99 or agency;
- 100 (2) To direct and supervise the administration of all departments, offices, and agencies
101 of the city, except as otherwise provided by this charter or by law;
- 102 (3) To attend all city council meetings and have the right to take part in discussion, but
103 the city manager may not vote;
- 104 (4) To see that all laws, provisions of this charter, and acts of the city council, subject to
105 enforcement by the city manager or by officers subject to the city manager's direction and
106 supervision, are faithfully executed;
- 107 (5) To prepare and submit the annual operating budget and capital budget to the city
108 council. Once approved for the following fiscal year, any increase in the appropriations
109 for these budgets, whether accomplished through a change in anticipated revenues or
110 through a transfer of appropriations among departments, shall require the approval of the
111 city council. Such amendment shall be adopted by ordinance or resolution;
- 112 (6) To submit to the city council a quarterly summary of the finances and administrative
113 activities of the city, and to make available to the council and public a complete report
114 on the finances and administrative activities of the city as of the end of each fiscal year;
- 115 (7) To prescribe, require, publish, and implement standards of administrative
116 management and operating procedures to be followed and adhered to by all offices,
117 departments, boards, commissions, authorities, and other agencies of the city which are
118 subject to the city manager's supervision;
- 119 (8) To act as the purchasing agent of the city;
- 120 (9) To make such other studies, reports, and investigations as the city council may
121 require concerning the operations of city departments, offices, and agencies subject to the
122 city manager's direction and supervision;
- 123 (10) To keep the city council fully advised as to the future needs of the city, and make
124 such recommendations to the city council concerning the affairs of the city as he or she
125 deems desirable; and
- 126 (11) To perform other such duties as are specified in this charter or as may be required
127 by the city council.
- 128 (c) *Budget authority and special funds.* The city manager shall have full authority to
129 execute the city's annual operating budget and capital budget. Establishment of all special
130 funds and authorization of expenditures from the special funds shall require approval of the
131 city council. The city council shall also approve any operating or capital budget
132 amendments requiring use of funds from the contingency special fund.

133 (d) *Council's noninterference with administration.* Except for the purpose of inquiries and
 134 investigations, the mayor and city councilmembers shall not give orders or directions to
 135 any city employees who are subject to the direction and supervision of the city manager,
 136 either publicly or privately, directly or indirectly.

137 (e) *Removal of city manager.* The city council may remove the city manager from office
 138 in accordance with the following procedures:

139 (1) The city council may remove or suspend the city manager from duty, with or without
 140 cause, through the adoption of a preliminary resolution with the affirmative vote of a
 141 majority of its members. A copy of the resolution shall be delivered promptly to the city
 142 manager;

143 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
 144 she may file with the city council a written request for a public hearing. This hearing
 145 shall be held within 30 days after the request is filed. The city manager may file with the
 146 city council a written reply not later than five days before the hearing; and

147 (3) If the city manager has not requested a public hearing within the time specified in
 148 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
 149 which may be made effective immediately, by an affirmative vote of a majority of all its
 150 members. If the city manager has requested a public hearing, the city council may adopt
 151 a final resolution for removal, which may be made effective immediately, by an
 152 affirmative vote of a majority of all its members at any time after the public hearing.

153 The city manager shall continue to receive his or her salary until the effective date of a final
 154 resolution of removal.

155 (f) *Acting city manager.* By letter filed with the city clerk, the city manager shall designate
 156 a qualified city administrative officer to exercise the powers and perform the duties of city
 157 manager during his or her temporary absence or disability. During such absence or
 158 disability, the city council may revoke such designation at any time and appoint another
 159 officer of the city to serve until the city manager shall return or his or her disability shall
 160 cease.

161 (g) Upon removal, vacancy, or prior to the time the city council appoints a city manager
 162 to this office, the city council shall appoint a temporary city manager by majority vote of
 163 its members."

164 **SECTION 6.**

165 Said Act is further amended by revising Section 16, relating to meetings of the city council,
 166 to read as follows:

167 "Section 16. The mayor and council of said city shall have full power to fix the time, place,
 168 and rules of procedure of their regular sessions. The mayor and any councilmember shall

169 have power to convene the council in special session whenever he or she deems proper.
170 The mayor and council shall have full and ample power to do and perform any of their
171 duties or powers at a special or called session as at a regular session."

172 **SECTION 7.**

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

175 **SECTION 8.**

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