

House Bill 1121

By: Representatives Pezold of the 133rd and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide for a new charter for the City of Hamilton, approved April 10,
2 2014 (Ga. L. 2014, p. 4118), so as to change provisions related to residing or being a resident
3 of the city to being domiciled in such city; to provide that the failure of the mayor to
4 regularly attend city council meetings shall be considered forfeiture of office; to eliminate
5 the position of the city manager; to transfer certain duties from the city manager to the
6 mayor; to fix a cross-reference; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide for a new charter for the City of Hamilton, approved April 10, 2014 (Ga.
10 L. 2014, p. 4118), is amended by revising Section 2.11 as follows:

11 "SECTION 2.11.

12 City council terms and qualifications for office.

13 The mayor and members of the city council shall serve for terms of four years and until
14 their respective successors are elected and qualified. No person shall be eligible to serve
15 as mayor or councilmember unless that person shall have been domiciled in the city for 12
16 months prior to the date of election of mayor or members of the council; each shall
17 continue to be domiciled therein during that member's period of service and to be registered
18 and qualified to vote in municipal elections of this city."

19 **SECTION 2.**

20 Said Act is further amended in Section 2.12 by revising subsection (a) as follows:

21 "(a) Vacancies - The office of mayor or councilmember shall become vacant upon the
22 incumbent's death, resignation, forfeiture of office, which shall include, but not be limited
23 to, the failure to attend council meetings on a regular basis, or occurrence of any event

24 specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such
25 other applicable laws as are or may hereafter be enacted."

26 **SECTION 3.**

27 Said Act is further amended by deleting Sections 2.27, 2.28, 2.29, 2.30, 2.31, 2.32, 2.33,
28 2.34, 2.35, and 2.37 and replacing with the following:

29 "SECTION 2.27.

30 Selection of mayor and mayor pro tem.

31 At each regular election the voters of the city shall elect a mayor at large for a term of four
32 years and until a successor is elected and qualified. The mayor shall be a qualified elector
33 of this city and shall have been domiciled in the city for 12 months prior to the election.
34 The mayor shall continue to be domiciled in this city during the period of service. The
35 mayor shall forfeit the office on the same grounds and under the same procedure as for
36 councilmembers. The compensation of the mayor shall be established in the same manner
37 as for councilmembers. The council shall elect from among its members a mayor pro tem
38 who shall act as mayor during the absence or disability of the mayor, but shall only vote
39 once on matters before the council, and, if a vacancy occurs, shall become mayor for the
40 remainder of the expired term.

41 SECTION 2.28.

42 Powers and duties of mayor.

43 The mayor shall:

- 44 (1) Preside at all meetings of the city council;
- 45 (2) Be the head of the city for the purpose of service of process and for ceremonial
46 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 47 (3) Have power to administer oaths and to take affidavits; and
- 48 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
49 ordinances and other instruments executed by the city which by law are required to be in
50 writing.

51 SECTION 2.29.

52 Position of mayor pro tem.

53 During the absence or physical or mental disability of the mayor for any cause, the mayor
54 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
55 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
56 rights and privileges of the mayor and shall perform the duties of the office of the mayor
57 so long as such absence or disability shall continue. Any such absence or disability shall
58 be declared by majority vote of all councilmembers. The mayor pro tem or selected
59 councilmember shall sign all contracts and ordinances in which the mayor has a
60 disqualifying financial interest as provided in Section 2.14 of this charter. When acting as
61 mayor, the mayor pro tem shall continue to have only one vote as a member of the council.

62 SECTION 2.30.

63 Chief executive officer.

64 The mayor shall be the chief executive officer of this city. The mayor shall possess all of
65 the executive and administrative powers granted to the city under the Constitution and laws
66 of the State of Georgia, and all the executive and administrative powers contained in this
67 charter excepting only the designated powers and responsibilities assigned heretofore.

68 SECTION 2.31.

69 Powers and duty of mayor.

70 As the chief executive officer of this city, the mayor shall:

- 71 (1) See that all laws and ordinances of the city are faithfully executed;
- 72 (2) Recommend to the city council such measures relative to the affairs of the city,
73 improvement of the government, and promotion of the welfare of its inhabitants as the
74 mayor may deem expedient;
- 75 (3) Call special meetings of the city council as provided for in subsection (b) of
76 Section 2.19 of this charter;
- 77 (4) Approve or disapprove ordinances as provided for in Section 2.32 of this charter;
- 78 (5) Provide for an annual audit of all accounts of the city;
- 79 (6) Require any department or agency of the city to submit written reports whenever the
80 mayor deems it expedient; and
- 81 (7) Perform such other duties as may be required by law, this charter, or by ordinance.

82 SECTION 2.32.

83 Submission of ordinances to the mayor; veto power.

84 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk
85 to the mayor.

86 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the
87 clerk with or without the mayor's approval, or with the mayor's disapproval. If the
88 ordinance has been approved by the mayor, it shall become law upon its return to the clerk;
89 if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock
90 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor
91 shall submit to the city council through the clerk a written statement of reasons for the veto.
92 The clerk shall record upon the ordinance the date of its delivery to and receipt from the
93 mayor.

94 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at
95 its next meeting. If the city council then or at its next meeting adopts the ordinance by an
96 affirmative vote of three members, it shall become law.

97 (d) The mayor may disapprove or reduce any item or items of appropriation in any
98 ordinance. The approved part or parts of any ordinance making appropriations shall
99 become law, and the part or parts disapproved shall not become law unless subsequently
100 passed by the city council over the mayor's veto as provided herein. The reduced part or
101 parts shall be presented to the city council as though disapproved and shall not become law
102 unless overridden by the council as provided in subsection (c) of this section."

103 SECTION 4.

104 Said Act is further amended by revising Section 3.14 as follows:

105 "SECTION 3.14.

106 Position classification and pay plans.

107 The mayor shall be responsible for the preparation of a position classification and pay plan
108 which shall be submitted to the city council for approval. Such plan may apply to all
109 employees of the city and any of its agencies, departments, boards, commissions, or
110 authorities. When a pay plan has been adopted, the city council shall not increase or
111 decrease the salary range applicable to any position except by amendment of such pay plan.
112 For purposes of this section, all elected and appointed city officials are not city employees."

113 **SECTION 5.**

114 Said Act is further amended by revising Section 6.25 as follows:

115 "SECTION 6.25.

116 Submission of operating budget to city council.

117 On or before a date fixed by the city council but not later than 45 days prior to the
 118 beginning of each fiscal year, the mayor shall submit to the city council a proposed
 119 operating budget for the ensuing fiscal year. The budget shall be accompanied by a
 120 message from the mayor containing a statement of the general fiscal policies of the city,
 121 the important features of the budget, explanations of major changes recommended for the
 122 next fiscal year, a general summary of the budget, and such other pertinent comments and
 123 information. The operating budget and the capital budget hereinafter provided for, the
 124 budget message, and all supporting documents shall be filed in the office of the city clerk
 125 and shall be open to public inspection."

126 **SECTION 6.**

127 Said Act is further amended in Section 6.26 by revising subsection (a) as follows:

128 "(a) The city council may amend the operating budget proposed by the mayor; except, that
 129 the budget as finally amended and adopted must provide for all expenditures required by
 130 state law or by other provisions of this charter and for all debt service requirements for the
 131 ensuing fiscal year, and the total appropriations from any fund shall not exceed the
 132 estimated fund balance, reserves, and revenues."

133 **SECTION 7.**

134 Said Act is further amended by revising Section 6.29 as follows:

135 "SECTION 6.29.

136 Capital budget.

137 (a) On or before the date fixed by the city council but no later than 45 days prior to the
 138 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
 139 improvements plan with a recommended capital budget containing the means of financing
 140 the improvements proposed for the ensuing fiscal year. The city council shall have power
 141 to accept, with or without amendments, or reject the proposed plan and proposed budget.
 142 The city council shall not authorize an expenditure for the construction of any building,
 143 structure, work, or improvement, unless the appropriations for such project are included

144 in the capital budget, except to meet a public emergency as provided in Section 2.24 of this
145 charter.

146 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
147 year not later than the eighth day of December of each year. No appropriation provided
148 for in a prior capital budget shall lapse until the purpose for which the appropriation was
149 made shall have been accomplished or abandoned; provided, however, the mayor may
150 submit amendments to the capital budget at any time during the fiscal year, accompanied
151 by recommendations. Any such amendments to the capital budget shall become effective
152 only upon adoption by ordinance."

153 **SECTION 8.**

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