

House Bill 1121 (AS PASSED HOUSE AND SENATE)

By: Representatives Pezold of the 133<sup>rd</sup> and Buckner of the 137<sup>th</sup>

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.