

Senate Bill 494

By: Senator James of the 35th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of South Fulton in Fulton County, Georgia,
2 approved April 26, 2016 (Ga. L. 2016, p. 3726), as amended, so as to eliminate the ability
3 of the city council to remove the mayor and city council members from office; to clarify veto
4 and veto override powers; to revise provision related to the city attorney; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to incorporate the City of South Fulton in Fulton County, Georgia, approved
9 April 26, 2016 (Ga. L. 2016, p. 3726), as amended, is amended in Section 2.16 by revising
10 subsection (b) and adding a new subsection (c) to read as follows:

11 "(b) Removal of any appointed officer pursuant to subsection (a) of this section shall be
12 accomplished by one of the following methods:

13 (1) By the vote of five councilmembers after an investigative hearing. In the event an
14 elected officer is sought to be removed by the action of the city council, such officer shall
15 be entitled to a written notice specifying the ground or grounds for removal and to a
16 public hearing which shall be held not less than ten days after the service of such written
17 notice. Any elected officer sought to be removed from office as provided in this section
18 shall have the right of appeal from the decision of the city council to the Superior Court
19 of Fulton County. Such appeal shall be governed by the same rules as govern appeals to
20 the superior court from the probate court; or

21 (2) By an order of the Superior Court of Fulton County following a hearing on a
22 complaint seeking such removal brought by any resident of the City of South Fulton.

23 (c) Removal of the mayor or any member of the city council shall be accomplished by an
24 order of the Superior Court of Fulton County following a hearing on a complaint seeking
25 such removal brought by any resident of the City of South Fulton."

SECTION 2.

Said Act is further amended by revising Section 3.21 as follows:

"Section 3.21.

Submission of ordinances to the mayor.

(a) Every ordinance, resolution, or other action adopted by the city council shall be presented to the mayor for signature within five business days following the adoption of such ordinance, resolution, or other action by the city council. The mayor shall have the right to veto any ordinance, resolution, or other action adopted by the city council, in accordance with the procedures set forth in this section.

(b) The mayor, within ten business days following receipt of an ordinance, resolution, or other action adopted by the city council, shall return it to the city clerk with or without the mayor's approval or with the mayor's veto. If an ordinance, resolution, or other action adopted by the city council has been approved by the mayor or if it is returned to the city clerk neither approved nor disapproved, it shall become law upon its return to the city clerk. However, if the mayor fails to return an ordinance, resolution, or other action adopted by the city council to the city clerk within ten business days of receipt, it shall become law at 12:00 Midnight on the tenth business day after receipt. If an ordinance, resolution, or other action adopted by the city council is vetoed by the mayor, the mayor shall submit to city council, through the city clerk, the reason for the mayor's veto. The city clerk shall record upon the ordinance, resolution, or other action adopted by the city council the date of its delivery to and its receipt from the mayor.

(c) An ordinance, resolution, or other action adopted by the city council vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of councilmembers necessary to vote to override the veto are not present, the action may be continued until the next meeting at which such minimum number of councilmembers are present. The city council may override a veto by the mayor and adopt any ordinance, resolution, or other action that has been vetoed by the mayor by the affirmative votes of at least five councilmembers, not including the mayor.

(d) In addition, the mayor may disapprove or reduce any item or items of appropriation in any ordinance, resolution, or other action adopted by the city council. The approved part or parts of any ordinance, resolution, or other action adopted by the city council making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The disapproved or reduced part or parts of any such ordinance, resolution, or other action adopted by the city council shall be presented to the city council

62 as though disapproved and shall not become law unless overridden by the city council as
63 set forth in subsection (c) of this section."

64 **SECTION 3.**

65 Said Act is further amended by revising Article IV by adding a new section to read as
66 follows:

67 **"SECTION 4.12A**

68 (a) An individual shall be designated as the city attorney, and such individual shall be a
69 full-time employee of the city. The city attorney shall not engage in the private practice
70 of law, nor while serving as city attorney shall such individual represent any other
71 governmental body, authority, agency, board, public corporation, or political subdivision.

72 (b) The city attorney shall be the department head for the city law department, and the city
73 may hire assistant city attorneys to assist the city attorney as the mayor and city council
74 deem necessary and appropriate."

75 **SECTION 4.**

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