House Bill 1760 (COMMITTEE SUBSTITUTE)

By: Representatives Snow of the 2nd, Forster of the 3rd and Joyce of the 1st

A BILL TO BE ENTITLED

AN ACT

To amend an Act providing a new charter for the City of Fort Oglethorpe, approved April 1, 1996 (Ga. L. 1996, p. 3892), so as to abolish the office of city manager; to provide that the office of mayor shall be a full-time position; to provide for the powers and duties of the mayor; to make conforming amendments to the charter; to provide for a referendum; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Fort Oglethorpe, approved April 1, 1996 (Ga. L. 1996, p. 3892), is amended by striking subsection (a) of Section 1.11 and inserting in its place the following:

"(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the mayor and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Fort Ogleghorpe, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description."

SECTION 2.

Said Act is further amended by striking Section 2.27 and inserting in its place the following:

″SECTION 2.27.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months preceding the election. The mayor shall continue to reside in the city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.″

SECTION 3.

Said Act is further amended by striking Section 2.28 and inserting in its place the following:

″SECTION 2.28.

Chief executive officer.

The mayor shall be chief executive of the city. The mayor shall process all the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive administrative powers contained in this charter.″

SECTION 4.

Said Act is further amended by striking Section 2.29 and inserting in its place the following:

″SECTION 2.29.

Powers and duties of mayor.

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

(1) See that all laws and ordinances of the city are faithfully executed;

(2) Appoint and remove all department heads and employees of the city, except as otherwise provided in this charter or ordinance;

(3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of the administrative activities;

(4) Prepare and submit to the city council a recommended operating budget and capital budget;

(5) Submit to the city council at least once a year a statement covering the financial conditions of the city and from time to time such other information as the city council may request;

(6) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;

(7) Call special meetings of the city council as provided for in subsection (b) of Section 2.19 of this charter;

(8) Approve and disapprove ordinances as provided in Section 2.30 of this charter;

(9) Provide for an annual audit of all accounts of the city;

(10) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient; and

(11) Perform such other duties as may be required by law, this charter, or by ordinance.″

SECTION 5.

Said Act is further amended by striking Section 2.30 and inserting in its place the following:

″SECTION 2.30.

Submission of ordinances to the mayor;

veto power.

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

(b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk with or without the mayor´s approval or with the mayor´s disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the clerk a written statement of reasons for the veto. The clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

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

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

SECTION 6.

Said Act is further amended by striking Section 2.31 and inserting in its place the following:

″SECTION 2.31.

Full-time status.

The mayor shall devote his or her entire time to the discharge of his or her duties and during his or her incumbency in office shall not engage in any business enterprise or accept any other responsibility which would interfere with the discharge of such duties.″

SECTION 7.

Said Act is further amended by striking Section 2.32, which reads as follows:

″SECTION 2.32.

Powers and duties of mayor.

The mayor shall:

(1) Preside at all meetings of the city council and shall have the right to take part in deliberations but shall not vote on any question except in case of a tie;

(2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

(3) Have power to administer oaths and to take affidavits; and

(4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing.″,

in its entirety.

SECTION 8.

Said Act is further amended by striking Section 2.34, which reads as follows:

″SECTION 2.34.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the

same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.″,

in its entirety.

SECTION 9.

Said Act is further amended by striking subsections (d) and (e) of Section 3.10 and inserting in their place the following:

″(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director´s department or agency.

(e) All employees and directors are under the supervision of the mayor.″

SECTION 10.

Said Act is further amended by striking Section 3.14 and inserting in its place the following:

″SECTION 3.14.

Position classification and pay plans.

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

SECTION 11.

Said Act is further amended by striking Section 6.25 and inserting in its place the following:

″SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 90 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city,

the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other pertinent comments and information. The operating budget and the capital budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.″

SECTION 12.

Said Act is further amended by striking subsection (a) of Section 6.26 and inserting in its place the following:

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

SECTION 13.

Said Act is further amended by striking Section 6.29 and inserting in its place the following:

″SECTION 6.29.

Capital budget.

(a) On or before the date fixed by the city council, but not later than 90 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.24.

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

SECTION 14.

Said Act is further amended by striking Section 6.33 and inserting in its place the following:

″SECTION 6.33.

Sale and lease of city property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.

(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner´s property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.″

SECTION 15.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the City of Fort Oglethorpe shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Fort Oglethorpe for approval or rejection. The election superintendent shall conduct that election on the third Tuesday in September, 2002, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organs of Catoosa County and Walker County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which amends the charter of the City of Fort Oglethorpe so as to abolish the office of the city manager and provide that the office of the mayor shall be a full-time position effective on January 1, 2004?"
( ) NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 through 14 of this Act shall become of full force and effect on January 1, 2004. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Fort Oglethorpe. It shall be the election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 16.

(a) Sections 1 through 14 of this Act shall become effective as provided in Section 15 of this Act.

(b) Section 15, this section, and Section 17 of this Act shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 17.

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