Senate Bill 537

By: Senator Jeffares of the 17th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, is amended by revising Section 2.18 as follows:

″SECTION 2.18.

Chief executive officer.

The mayor shall be the chief executive of this city. He or she shall possess all of the executive powers granted to the city under the Constitution and State of Georgia, and all of the executive powers contained in this charter.″

SECTION 2.

Said Act is further amended by revising Section 2.19 as follows:

″SECTION 2.19.

Powers and duties of mayor.

As the chief executive of this city the mayor:

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

(2) Shall preside at all meetings of the mayor and council;

(3) May recommend to the council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;

(4) May examine and audit all accounts of the city;

(5) May require any department or agency of the city to submit written reports whenever he or she deems it expedient;

(6) Shall perform other duties as may be required by general state law, this charter, or ordinance;

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

(8) Shall have the power to administer oaths and to take affidavits;

(9) Shall 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; and

(10) Shall vote on matters before the city council and be counted toward a quorum as any other councilmember.″

SECTION 3.

Said Act is further amended by adding a new section to read as follows:

″SECTION 3.19.

City administrator.

(a) The mayor and council shall appoint a city administrator for an indefinite term and fix his or her compensation. The city administrator shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management.

(b) The city administrator shall serve as the mayor and city council's liaison with the city's employees. The administrator shall serve as the immediate supervisor for each of the city's department heads. In keeping with the city's organizational structure, requests or complaints

between the city's employees and the mayor and city council shall be made through the administrator.

(c) The city administrator shall be the chief administrative officer of the city, responsible to the mayor and council for the management of all city affairs placed in the administrator's charge by or under this charter. The city administrator shall:

(1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter, or personnel rules adopted pursuant to this charter. The city administrator may authorize any administrative officer subject to the administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) Attend all city council meetings. The city administrator shall have the right to take part in discussion but shall not vote;

(4) See that all laws, provisions of this charter, and acts of the mayor and council, subject to enforcement by the city administrator or by officers subject to the administrator's direction and supervision, are faithfully executed;

(5) Prepare and submit the annual budget and capital program to the mayor and council, and implement the final budget approved by council to achieve the goals of the city;

(6) Submit to the mayor and council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) Make such other reports as the mayor and council may require concerning operations;

(8) Keep the mayor and council fully advised as to the financial condition and future needs of the city;

(9) Make recommendations to the mayor and council concerning the affairs of the city and facilitate the work of the mayor and council in developing policy;

(10) Provide staff support services for the mayor and councilmembers;

(11) Assist the mayor and council to develop long-term goals for the city and strategies to implement these goals;

(12) Encourage and provide staff support for regional and intergovernmental cooperation;

(13) Promote partnerships among mayor and council; staff; and citizens in developing public policy and building a sense of community; and

(14) Perform such other duties as are specified in this charter or may be required by the mayor and council.

(d) By letter filed with the city clerk, the city administrator shall designate a city officer or employee to exercise the powers and perform the duties of city administrator during the

administrator's temporary absence or disability; the mayor and council may revoke such designation at any time and appoint another officer of the city to serve until the city administrator returns.

(e) In the event of an accident, disaster, or other emergency, the city administrator may make purchases or award contracts when necessary; provided, however, that he or she shall promptly notify the mayor and city council of the emergency, the course of action taken, and all expenditures incurred.

(f) If the city administrator declines to resign at the request of the mayor and council, the mayor and council may suspend the administrator by a resolution approved by the majority vote of mayor and council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city administrator. The city administrator shall have 15 days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than 15 days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the mayor and council, by a majority vote, may adopt a final resolution of removal. The city administrator shall continue to receive full salary until the effective date of a final resolution of removal.

(g) Any vacancy in the office of the city administrator should be filled within 120 days following the effective date of such vacancy.″

SECTION 4.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Henry County 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 McDonough for approval or rejection. The election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2012, and shall issue the call and conduct that election as provided by general law. The election 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 organ of Henry County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the charter of the City of McDonough be amended so as to transfer the
( ) NO existing administrative powers and duties of the mayor to the city administrator and provide for the powers and duties of the city administrator?"

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 3 of this Act shall

become of full force and effect on January 1, 2014. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 through 3 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 McDonough. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 5.

Section 4 of this Act shall become effective upon its approval by the Governor only if an Act to provide a new charter for the City of McDonough is enacted during the 2012 regular session of the General Assembly and becomes law; otherwise, this Act shall be automatically repealed on the day following the last day provided for the Governor to approve of or veto legislation.

SECTION 6.

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