

Senate Bill 361

By: Senators Jones of the 10th and Jeffares of the 17th

A BILL TO BE ENTITLED

AN ACT

To amend an Act to provide a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to provide for a city manager; to provide for manner of selection, appointment, qualifications, compensation, and removal; to provide for an acting city manager; to provide for powers and duties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to provide a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, is amended by adding sections to Article II to read as follows:

"SECTION 2.18.

City manager; appointment; qualifications; compensation.

(a) Within 60 days of a vacancy in the position of city manager, the mayor shall recommend to the council at least two qualified candidates for the position of city manager, which the council may either approve or reject by a majority vote. In the event that the council rejects all of the mayor's recommended candidates, the mayor shall have an additional 15 days from the date of the rejection of the final candidate to interview additional qualified candidates. Before the expiration of the 15 day period, the mayor shall make an additional recommendation of one candidate to the council. The council may accept or reject the mayor's additional recommended candidate. If the mayor's additional recommended candidate is rejected by the council, the mayor shall receive an additional 15 days to interview more candidates, and the process will continue and repeat in the same manner with the mayor recommending an additional candidate each time until a city manager is selected. The city may also utilize the same process to select an interim city manager when necessary. For purposes of this subsection, the term 'vacancy' includes only

those occasions in which no city manager is serving the city, and those occasions in which a current city manager has declared his or her intention to vacate the position on a date certain.

(b) The city manager shall be employed without regard to political beliefs and solely on the basis of said individual's executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

SECTION 2.19.

Removal of city manager.

The majority of the city council may remove the city manager at any time. The mayor may suspend or remove the city manager, but such suspension or removal shall not be effective for ten calendar days following the mayor's giving written notice of such action and the reason therefor to the city manager and to the city council. The city manager may appeal to the city council which, after a hearing, may override the mayor's action by a vote of three councilmembers.

SECTION 2.20.

Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the city manager's temporary absence or physical or mental disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or the manager's disability shall cease. In the event a vacancy occurs in the position of the city manager and the city council has not designated an acting city manager, the mayor shall exercise the powers and perform the duties of the city manager.

SECTION 2.21.

Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. The manager shall be responsible to the city council for the administration of all city affairs placed in the manager's charge by or under this charter. As the chief administrative officer, the manager shall:

- (1) Appoint and, when the manager deems it necessary for the good of the city, suspend or remove all city employees and administrative officers the manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The manager may authorize any administrative officer who is subject to the manager'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 except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;
- (4) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the manager or by officers subject to the manager's direction and supervision, are faithfully executed;
- (5) Prepare and submit the annual operating budget and capital budget to the city council;
- (6) Submit to the city 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 city council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;
- (8) Keep the city council fully advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the manager deems desirable; and
- (9) Perform other such duties as are specified in this charter or as may be required by the city council.

SECTION 2.22.

Council interference with administration.

Except for the purpose of inquiries and investigations under Section 3.12 of this charter, the city council or its members, including the mayor, shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members, including the mayor, shall give orders to any such officer or employee, either publicly or privately. However, elected officials are not prohibited from speaking with city employees, or from requesting information from city employees in furtherance of their service to the city as

92 elected officials. In the event of an emergency arising at the time of the death, incapacity,
93 or unavailability of the city manager, the following persons in this order of succession may
94 direct city employees, authorize expenditures, execute expenditure documents, and execute
95 checks, and may perform necessary functions and exercise necessary executive or
96 administrative powers: mayor and then mayor pro tem. For purposes of this provision,
97 'unavailability' in general means that it is not possible for city employees responding to the
98 emergency to contact and receive a response from the city manager or enumerated
99 successor by telephone or electronic means for a consecutive period of four hours or
100 greater, or that the city manager or enumerated successor is incapable of responding for a
101 consecutive period of four hours or greater. Additionally, if an emergency occurs which
102 needs immediate attention and the mayor has attempted to contact the city manager by
103 telephone and electronic means, but has been unsuccessful in establishing contact, and
104 thereafter the mayor consults with the department head in charge of the department which
105 the mayor believes is most appropriate to respond to the emergency, then, based on the
106 succession rules stated above, the mayor may exercise the aforementioned duties necessary
107 to respond to such emergency until the city manager becomes available and able to perform
108 the duties required for such emergency."

109 **SECTION 2.**

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