

House Bill 1005

By: Representatives Wilkerson of the 38th and Alexander of the 66th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Austell, approved March 28, 1986
2 (Ga. L. 1986, p. 4902), as amended, particularly by an Act approved April 4, 1991 (Ga. L.
3 1991, p. 4498) and an Act approved April 5, 1993 (Ga. L. 1993, p. 4503), so as to provide
4 for a city manager; to revise the powers and duties of city council committees, the mayor,
5 and department directors to reflect the establishment of a city manager; to provide for the
6 appointment, removal, and powers of the city manager and city council; to provide for an
7 acting city manager; to prohibit mayor and council interference with the administration of
8 the city departments; to revise provisions related to the hiring and removal of department
9 directors; to provide for related matters; to provide for effective dates; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 An Act providing a new charter for the City of Austell, approved March 28, 1986
14 (Ga. L. 1986, p. 4902), as amended, particularly by an Act approved April 4, 1991 (Ga. L.
15 1991, p. 4498) and an Act approved April 5, 1993 (Ga. L. 1993, p. 4503), is amended in
16 Section 2.17 by revising subsection (b) as follows:

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17 "(b) The city council shall, through its respective committees, supervise the city manager
18 in the administration of the various departments of the city. In supervising the city
19 manager, department directors, and administering its other duties, the city council shall
20 follow the administrative procedures set forth in this charter, city ordinance, or general
21 state law. When the city council deems it necessary for the good of the city, the city
22 council by majority vote may suspend or remove any city employee or take whatever
23 employment actions that the city council deems necessary."

24 **SECTION 2.**

25 Said Act is further amended by revising Section 2.20 as follows:

26 "SECTION 2.20.

27 Rules of procedure and committee appointment.

28 (a) The city council shall adopt its rules of procedure and order of business consistent with
29 the provisions of this charter and shall provide for keeping minutes of its proceedings,
30 which shall be a public record.

31 (b) The mayor shall appoint, at the first regular council meeting of each year, a council
32 committee to supervise each department of the city in the management of the respective
33 administrative departments established in Section 3.10 of this charter. Each council
34 committee shall consist of at least two council members other than the mayor. The mayor
35 shall be an ex officio member of each committee.

36 (c) The mayor shall appoint a chairperson and vice chairperson of each council committee.
37 The chairperson shall preside at council committee meetings. The chairperson shall be the
38 liaison between the city manager, the department director, and the council committee.

39 (d) The council committee shall review administrative items presented by the city manager
40 or the department director and shall either disapprove the item without submission to the

41 city council or recommend to the city council that such item be approved or disapproved.
42 Any item disapproved by the council committee may nonetheless be presented to the city
43 council by the city manager as an agenda item for approval or disapproval by the full city
44 council.

45 (e) Each council committee chairperson shall have the right to call meetings of the council
46 committee and shall have the power from time to time to authorize budgeted purchases up
47 to a dollar amount set by the council without first obtaining specific committee or council
48 approval of the item, provided that all other provisions of the charter and the ordinances
49 of the city are complied with, including bid requirements, if applicable. Approval for such
50 expenditures shall be documented with a copy provided to the city manager and the
51 director of finance as soon as possible prior to the purchase.

52 (f) Each council committee shall have the power from time to time to authorize budgeted
53 purchases up to a dollar amount set by the council without first obtaining specific city
54 council approval for the item, provided that all other provisions of the charter and the
55 ordinances of the city are complied with, including bid requirements, if applicable.
56 Approval for such expenditures shall be documented with a copy provided to the city
57 manager and the director of finance as soon as possible prior to the purchase.

58 (g) The vice chairperson shall be authorized to act as the chairperson of the council
59 committee upon the absence, disability, or death of the chairperson until such absence or
60 disability ceases or until a new chairperson is appointed by the mayor at a regular city
61 council meeting."

62 **SECTION 3.**

63 Said Act is further amended by revising Sections 2.27 through 2.31 as follows:

64 "SECTION 2.27.

65 City manager; appointment; qualifications; compensation.

66 The mayor shall nominate and the city council shall appoint a city manager for an
67 indefinite term who shall hold office at the pleasure of the city council. The city manager
68 shall also be known as 'the manager.' The city council shall fix the city manager's
69 compensation. The manager shall be appointed solely on the basis of executive and
70 administrative qualifications.

71 SECTION 2.28.

72 Removal of city manager.

73 (a) The city council may remove the manager from office in accordance with the following
74 procedures:

75 (1) The city council shall adopt by affirmative vote of a majority of all its members a
76 preliminary resolution which shall state the reasons for removal and may suspend the
77 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
78 delivered promptly to the manager;

79 (2) Within five days after a copy of the resolution is delivered to the manager, the
80 manager may file with the city council a written request for a public hearing. Such
81 hearing shall be held within 30 days after the request is filed. The manager may file with
82 the city council a written reply not later than five days before the hearing; and

83 (3) If the manager has not requested a public hearing within the time specified in
84 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
85 which may be made effective immediately, by an affirmative vote of a majority of all its
86 members. If the manager has requested a public hearing, the city council may adopt a

87 final resolution for removal, which may be made effective immediately, by an affirmative
88 vote of a majority of all its members at any time after the public hearing.

89 (b) The manager may continue to receive his or her salary until the effective date of a final
90 resolution for removal.

91 SECTION 2.29.

92 Acting city manager.

93 By a letter filed with the city clerk, the manager shall designate, subject to approval of the
94 city council, a qualified city administrative officer to exercise the powers and perform the
95 duties of manager during the manager's temporary absence or physical disability or for the
96 duration of a mental disability. During such absence or disability, the city council may
97 revoke such designation at any time and appoint another officer of the city to serve until
98 the manager shall return or the manager's disability shall cease.

99 SECTION 2.30.

100 Powers and duties of the city manager.

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

- 105 (1) Subject to approval by the city council, hire and remove department directors;
106 (2) Appoint and, when the manager deems it necessary for the good of the city, suspend
107 or remove any city employee, except as otherwise provided by this charter, law, or
108 personnel ordinances adopted pursuant to this charter. The manager may authorize any
109 department director who is subject to the manager's direction and supervision to exercise

- 110 these powers with respect to subordinates in that officer's department, office, or agency
111 of the city;
- 112 (3) Direct and supervise the administration of all departments, offices, and agencies of
113 the city, except as otherwise provided by this charter or by law;
- 114 (4) Attend all city council meetings except for closed meetings held for the purposes of
115 deliberating on the appointment, discipline, or removal of the city manager and have the
116 right to take part in discussion but not to vote;
- 117 (5) See that all laws, provisions of this charter, and acts of the city council, subject to
118 enforcement by the manager or by officers subject to the manager's direction and
119 supervision, are faithfully executed;
- 120 (6) Prepare and submit the annual operating budget and capital budget to the city
121 council;
- 122 (7) Submit to the city council and make available to the public a complete report on the
123 finances and administrative activities of the city as of the end of each fiscal year;
- 124 (8) Make such other reports as the city council may require concerning the operations
125 of city departments, offices, and agencies subject to the manager's direction and
126 supervision;
- 127 (9) Keep the city council fully advised as to the financial condition and future needs of
128 the city, and make such recommendations to the city council concerning the affairs of the
129 city as the manager deems desirable; and
- 130 (10) Perform other such duties as are specified in this charter or as may be required by
131 the city council.

132 SECTION 2.31.

133 Council interference with administration.

134 Except for the purpose of inquiries and investigations under Section 2.16, and as otherwise
135 provided for in this charter, the mayor, the city council, and individual councilmembers
136 shall deal with city officers and employees who are subject to the direction and supervision
137 of the manager solely through the manager. The mayor, the city council, and individual
138 councilmembers shall not give orders to any such officer or employee, either publicly or
139 privately."

140 SECTION 4.

141 Said Act is further amended by revising Section 2.34 as follows:

142 "SECTION 2.34.

143 Powers and duties of the mayor.

144 The mayor shall have the following powers and duties:

- 145 (1) To preside at all meetings of the city council and to have the right to take part in the
146 deliberations of the council, but shall not have the right to vote on any question except
147 in the case of a tie;
- 148 (2) To be the official head and spokesperson for the city for service of process and
149 ceremonial purposes;
- 150 (3) To sign as a matter of course all written contracts, ordinances, deeds, and other
151 instruments executed by the city which by law are required to be in writing;
- 152 (4) To cosign, along with the director of finance, all checks for the payment of money;
153 alternate signatories may be designated by city ordinance;
- 154 (5) To have the veto power as hereinafter set out in Section 2.35;

- 155 (6) To call special meetings of the city council as provided herein;
- 156 (7) To appoint at the first meeting each year, or as soon thereafter as expedient, for a
157 term of that year, a gas system liaison and members of the following standing
158 committees: police; fire; water, sewer, and mechanic; street and sanitation; general
159 administration; finance; community affairs; parks; and such other committees as the
160 mayor and council may deem necessary;
- 161 (8) To pardon or parole any offender against the ordinances of the city; and
- 162 (9) To perform such other duties as may be required by general state law, this charter,
163 or city ordinance."

164 **SECTION 5.**

165 Said Act is further amended in Section 3.10 by revising subsection (d) as follows:

166 "(d) There shall be a director of each operating department. In the event of vacancy of a
167 department director position, a new department director shall be appointed by the city
168 manager, subject to approval by majority vote of the city council. A department director
169 may only be removed by the city manager with the approval by majority vote of the city
170 council."

171 **SECTION 6.**

172 Said Act is further amended by revising Section 3.11 as follows:

173 "SECTION 3.11.

174 Powers and duties of the department directors.

175 The department director shall be the administrative official of the department and shall be
176 responsible to the city manager for the administration of his or her department. The
177 department directors shall have the following powers and duties:

- 178 (1) To hire, appoint, evaluate, reprimand, and subject to adverse disciplinary action all
179 city employees supervised by the department directors within their departments, except
180 as otherwise provided by general state law, this charter, city ordinance, or personnel
181 policies adopted pursuant to this charter. The procedure to be followed by the department
182 directors in fulfilling such duties shall be governed by the personnel policies as adopted
183 by the city council;
- 184 (2) To attend all city council meetings and their respective committee meetings;
- 185 (3) To submit to the finance director an annual budget for their respective departments.
186 The department budgets shall be compiled into a proposed balanced budget by the city
187 manager and the finance director and submitted to the finance committee for review and
188 recommendation to the city council for approval;
- 189 (4) To advise the city manager as to the future needs of their departments;
- 190 (5) To make any report as the city manager, the city council, or a council committee may
191 require concerning the operation of their departments and of any employees subject to
192 their direction and supervision;
- 193 (6) To prepare an inventory showing all real and personal property utilized by their
194 departments and to submit such inventory to the city manager for compilation;
- 195 (7) With the approval of the city manager, to make budgeted purchases from time to time
196 of supplies, materials and equipment for their departments up to a dollar amount set by
197 the council without first obtaining specific approval of the council committee
198 chairperson, the council committee, or the city council, provided that all other provisions
199 of this charter and the ordinances of the city are complied with, including bid
200 requirements, if applicable. All purchases in excess of such amount shall be approved
201 by the committee chairperson, the council committee, or the city council, depending on
202 the amount of the expenditure;
- 203 (8) To recommend to the city manager and council committee items of city personal
204 property which the department director deems to be unnecessary or unfit for the use by

205 the city. Upon approval by the council committee, and subject to the supervision of the
206 city manager, the department director shall conduct all sales of such property declared to
207 be surplus. The department director shall make all necessary publications and notices,
208 procure bids, and, with the assistance of the city manager and the finance director,
209 conduct the bid openings and the sales;

210 (9) To be responsible for the preparation and publication of all notices and
211 announcements required by law with respect to the operation of their departments. Such
212 notices shall be given to the city manager for review and submittal for publishing;

213 (10) To supervise and report to the city manager and the proper council committee
214 regarding the performance of all contracts made for services or materials related to their
215 departments; and

216 (11) To perform such other duties as may be assigned by the city manager, the city
217 council, the city charter, city ordinance, or general state law."

218 **SECTION 7.**

219 This Act shall become effective for the purposes of selecting and appointing the initial city
220 manager upon its approval by the Governor or upon its becoming law without such approval,
221 and for all other purposes on July 1, 2026.

222 **SECTION 8.**

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