

Senate Bill 457

By: Senators Dixon of the 45th, Cowser of the 46th and Still of the 48th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the City of Mulberry, approved February 13, 2024
2 (Ga. L. 2024, p. 3518), as amended, so as to provide for the provision of services and
3 exercise of powers by the city; to provide for a city manager; to provide for staggered terms
4 of office for councilmembers; to provide for related matters; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to incorporate the City of Mulberry, approved February 13, 2024 (Ga. L. 2024,
9 p. 3518), as amended, is amended by revising Section 1.14 as follows:

10 "SECTION 1.14.

11 Powers and construction.

12 (a) This city shall have all the powers possible for a city to have under the present or future
13 Constitution or laws of this state as fully and completely as though they were specifically
14 enumerated in this charter, except that the city shall not have the power to assess, levy, or

15 collect ad valorem taxes on real or personal property within the corporate limits of the city.
 16 This city shall have all the powers of self-government not otherwise prohibited by this
 17 charter or by general law.

18 (b) The city shall exercise the powers granted to it under the present or future Constitution
 19 and laws of this state for the purposes of providing planning and zoning, community
 20 development, economic development, code adoption and enforcement, solid waste
 21 collection and disposal, and storm-water collection and disposal and those items related to
 22 the provision of such services and for the general administration of the city in providing
 23 such services.

24 (c) The provision of services and exercise of powers may be provided by the city
 25 contracting with service providers via intergovernmental agreements or contracts,
 26 franchises, or other lawful agreements with private parties.

27 (d) The powers of this city shall be construed liberally in favor of the city. The specific
 28 mention or failure to mention powers shall not be construed as limiting in any way the
 29 powers of this city."

30 **SECTION 2.**

31 Said Act is further amended by revising Sections 2.26 through 2.30 as follows:

32 "SECTION 2.26.

33 City manager; appointment; qualifications;

34 compensation; chief administrative officer.

35 (a) The mayor shall appoint, subject to confirmation by the city council, for an indefinite
 36 term an officer whose title shall be "city manager" who shall serve at the pleasure of the
 37 city council. The city manager shall be appointed without regard to political beliefs and
 38 solely on the basis of his or her executive and administrative qualifications with special

39 reference to his or her educational background and actual experience in, and knowledge of,
40 the duties of office as hereinafter prescribed.

41 (b) The city manager shall be the chief administrative officer of the government of the City
42 of Mulberry. The city manager must devote all of his or her working time and attention to
43 the affairs of the city and shall be responsible to the mayor and city council for the proper
44 and efficient administration of the affairs of the city over which said officer has
45 jurisdiction.

46 SECTION 2.27.

47 Removal of city manager.

48 (a) The mayor and city council may remove the city manager from office in accordance
49 with the following procedures:

50 (1) The city council shall adopt by the affirmative vote of a majority of all
51 councilmembers a preliminary resolution removing the city manager and may suspend
52 the city manager from duty for a period not to exceed 45 days. A copy of the resolution
53 shall be delivered promptly to the city manager;

54 (2) Within five days after a copy of the resolution is delivered to the city manager, he or
55 she may file with the city council a written request for a public hearing. This hearing
56 shall be held at a council meeting not earlier than 15 days nor later than 30 days after the
57 request is filed. The city manager may file with the city council a written reply not later
58 than five days before the hearing; and

59 (3) The city council may adopt a final resolution of removal, which may be made
60 effective immediately, by the affirmative vote of four councilmembers at any time after
61 five days from the date when a copy of the preliminary resolution was delivered to the
62 city manager, if he or she has not requested a public hearing, or at any time after the
63 public hearing if he or she has requested one.

64 (b) The city manager shall continue to receive his or her salary until the effective date of
65 a final resolution of removal and, unless he or she has been convicted of a felony at that
66 time, he or she shall be given not less than 60 days' severance pay. The action of the city
67 council in suspending or removing the city manager shall not be subject to review by any
68 court or agency.

69 (c) If the city manager becomes disabled and is unable to carry out the duties of the office
70 or if the city manager dies, the acting city manager shall perform the duties of the city
71 manager until the city manager's disability is removed or until the city manager is replaced.
72 Removal of the city manager because of disability shall be carried out in accordance with
73 the provisions of subsection (a) of this section.

74 SECTION 2.28.

75 Acting city manager.

76 By letter filed with the city clerk, the city manager shall designate, subject to approval by
77 the city council, a qualified administrative officer to exercise the powers and perform the
78 duties of city manager during the city manager's temporary absence or physical or mental
79 disability. During such absence or disability, the city council may revoke such designation
80 at any time and appoint another officer of the city to serve until the city manager shall
81 return or the disability shall cease.

82 SECTION 2.29.

83 Powers and duties of the city manager.

84 The city manager shall have the power, and it shall be his or her duty to:

85 (1) See that all laws and ordinances are enforced;

- 86 (2) Appoint and employ all necessary employees of the city, except those officers and
87 employees who by this charter are appointed or elected by the city council or departments
88 not under the jurisdiction of the city manager;
- 89 (3) Remove employees employed by said officer without the consent of the city council
90 and without assigning any reason therefore;
- 91 (4) Exercise supervision and control of all departments and all divisions created in this
92 charter or that may hereafter be created by the city council except as otherwise provided
93 in this charter;
- 94 (5) Attend all meetings of the city council with a right to take part in the discussions, but
95 having no vote. The city manager shall be entitled to notice of all special meetings;
- 96 (6) Recommend to the city council, after prior review and comment by the mayor, for
97 adoption of such measures as the city manager may deem necessary or expedient;
- 98 (7) See that all terms and conditions imposed in favor of the city or its inhabitants in any
99 public utility franchise are faithfully kept and performed and upon knowledge of any
100 violation thereof to call the same to the attention of the city attorney, whose duty it shall
101 be forthwith to take such steps as are necessary to protect and enforce the same;
- 102 (8) Make and execute all lawful contracts on behalf of the city as to matters within said
103 officer's jurisdiction to the extent that such contracts are funded in the city's budget,
104 except such as may be otherwise provided by law; provided, however, that no contract,
105 purchase, or obligation requiring a budget amendment shall be valid and binding until
106 after approval by the city council;
- 107 (9) Act as budget officer to prepare and submit to the council, after review and comment
108 by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures
109 for the ensuing year, showing in as much detail as practicable the amounts allotted to
110 each department of the city government and the reasons for such estimated expenditures;
- 111 (10) Keep the city council at all times fully advised as to the financial condition and
112 needs of the city;

113 (11) Make a full written report to the city council on the first day of each month showing
114 the operations and expenditures of each department of the city government for the
115 preceding month, and a synopsis of such reports shall be published by the clerk of the
116 city;

117 (12) Fix all salaries and compensation of city employees in accordance with the city
118 budget and the city pay and classification plan; and

119 (13) Perform such other duties as may be prescribed by this charter or required by
120 ordinance or resolution of the city council.

121 **SECTION 2.30.**

122 **Council interference with administration.**

123 Except for the purpose of inquiries and investigations under Section 2.15 of this charter,
124 the city council and councilmembers shall deal with city officers and employees who are
125 subject to the direction or supervision of the city manager solely through the city manager,
126 and neither the city council nor the councilmembers shall give orders to any such officer
127 or employee, either publicly or privately."

128 **SECTION 3.**

129 Said Act is further amended by revising Section 5.11 as follows:

130 "SECTION 5.11.

131 Regular elections; time for holding.

132 (a) Except as otherwise provided in Article VIII of this charter for the initial elections,
133 there shall be a municipal general election on the Tuesday next following the first Monday
134 in November, 2027, and on such day biennially thereafter.

135 (b)(1) At the municipal general election in 2027, councilmembers shall be elected as
136 follows:

137 (A) The councilmembers for Districts 1, 3, and 5 elected at such election shall be
138 elected to four-year terms of office and shall serve until December 31, 2031, and until
139 their successors are elected and qualified; and

140 (B) The councilmembers for Districts 2 and 4 elected at such election shall be elected
141 to two-year terms of office and shall serve until December 31, 2029, and until their
142 successors are elected and qualified.

143 (2) Successors to the councilmembers elected pursuant to paragraph (1) of this
144 subsection shall be elected in the general election in the year in which the respective
145 terms of office expire and shall take office on the first day of January immediately
146 following their election for terms of four years and until their successors are elected and
147 qualified."

148

SECTION 4.

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