

House Bill 1559 (AS PASSED HOUSE AND SENATE)

By: Representatives Glaize of the 67th and Dawson of the 65th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Palmetto, approved March 2, 1966
2 (Ga L. 1966, p. 2771), as amended, so as to revise provisions related to the qualifications,
3 terms, powers, and duties of the mayor, councilmembers, and city manager; to revise
4 provisions for departments and employees of the city government; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act to provide a new charter for the City of Palmetto, approved March 2, 1966 (Ga L.
9 1966, p. 2771), as amended, is amended by revising Section 5.1 as follows:

10 "SECTION 5.1.

11 Mayor, qualifications, term of office.

12 (a) To be eligible for the office of mayor a person shall:

13 (1) Meet the requirements of a qualified elector for members of the General Assembly
14 as prescribed by state law;

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15 (2) Have been a bona fide resident of the City of Palmetto for one year next preceding
16 the election in which he or she offers as a candidate; and

17 (3) Have no debts outstanding against him or her in favor of the city.

18 (b) The term of office of the mayor shall be four years and until his or her successor is
19 elected and qualified.

20 (c) If at any time after his or her election a mayor or mayor-elect shall be convicted by a
21 court of competent jurisdiction of a crime involving moral turpitude, the office shall be
22 declared vacant by the council and shall be filled in the manner prescribed in this charter
23 for filling vacancies occurring in the office of mayor or councilmember."

24 **SECTION 2.**

25 Said Act is further amended by revising Section 6.1 as follows:

26 "SECTION 6.1.

27 Councilmembers, qualifications, terms of office.

28 The qualifications of the office of councilmember shall be the same as those prescribed for
29 the office of mayor. The term of office of councilmembers shall be four years and until
30 their successors are elected and qualified. Councilmembers shall be elected to staggered
31 terms, with three councilmembers elected at one municipal general election, and the three
32 other councilmembers elected at the next proceeding municipal general election."

33 **SECTION 3.**

34 Said Act is further amended by revising Section 14.1 as follows:

35 "SECTION 14.1.
36 Mayor, duties.

37 The mayor shall:

- 38 (1) Be the chief spokesperson of the city and the chairperson of the council. He or she
39 shall preside at all official meetings of the city government and see that all meetings are
40 conducted in a parliamentary manner to preserve order and decorum in such meetings;
- 41 (2) Be responsible to the people for seeing that the provisions of this charter and all duly
42 enacted ordinances are carried out and shall be the chief advocate of formally approved
43 and adopted city policy;
- 44 (3) Be authorized to appoint council committees and such other committees subject to
45 council approval and as provided by law and shall be an ex officio member of all such
46 committees unless otherwise provided;
- 47 (4) See that all city funds are properly accounted for and that all city revenues are
48 properly and promptly collected;
- 49 (5) Inform the council from time to time of the general condition of the city and its
50 affairs and recommend such measures as he or she may deem necessary or expedient for
51 the welfare of the city;
- 52 (6) Cause to be inspected the records and books of accounts of the officers of the city and
53 see that they are properly and correctly kept;
- 54 (7) Require such reports to be made to the council by such officers as he or she may
55 deem proper;
- 56 (8) See that order is maintained in the city and that the property and effects of the city
57 are preserved;
- 58 (9) Exercise general supervision and jurisdiction over the affairs of the city;
- 59 (10) Convene the council in extra sessions, or called meetings, as frequently as he or she
60 may deem proper;

- 61 (11) Sign ordinances and resolutions upon their passage;
- 62 (12) Sign deeds, bonds, contracts, and other instruments approved by the council as
63 required by law;
- 64 (13) Have no vote on any question before the council except in the case of a tie or as
65 otherwise expressly provided by this charter or other law; and
- 66 (14) Within ten calendar days of receipt of an ordinance for the city clerk following its
67 adoption by the council, return such ordinance to the city clerk with or without the
68 mayor's approval or with the mayor's disapproval. If the ordinance has been approved
69 by the mayor, such ordinance shall become law upon its return to the city clerk; if the
70 ordinance is neither approved nor disapproved, such ordinance shall become law at 12:00
71 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the
72 mayor shall submit to the council through the city clerk a written statement of reasons for
73 the veto. The city clerk shall record upon the ordinance the date of such ordinance's
74 delivery to and receipt from the mayor. Upon receipt of the mayor's veto statement,
75 council may override the mayor's veto by a vote of not less than five councilmembers."

76 **SECTION 4.**

77 Said Act is further amended by revising Section 20.2 as follows:

78 "SECTION 20.2.

79 City manager, duties.

- 80 (a) The mayor and council shall be authorized to create the office of city manager. The
81 city manager shall be selected and appointed by the affirmative vote of a majority of the
82 members of the council.
- 83 (b) Any references in this charter to the 'city administrator' shall be deemed to refer to the
84 'city manager.'

- 85 (c) The city manager shall be selected solely on the basis of his or her executive,
86 educational, and administrative qualifications. The city manager must not need to reside
87 within the city, nor does he or she have to be a resident of this state at the time of his or her
88 appointment.
- 89 (d) Neither the mayor nor any member of the council shall be allowed to serve as the city
90 manager.
- 91 (e) The city manager shall hold such position at the pleasure of the mayor and council and
92 may be removed at the discretion of the mayor and council by a majority vote of the
93 council; provided, however, that the city and the city manager may provide for alternate
94 removal provisions by way of contract.
- 95 (f) The compensation of the city manager shall be set in a contract entered between the city
96 and the city manager, and such compensation shall not be diminished during the term of
97 such contract without the consent of the city manager unless the city manager is suspended
98 or removed from office. The mayor and council may, by majority vote, increase the
99 compensation of the city manager and the contract shall be amended as such.
- 100 (g) The city manager shall implement the policies of the mayor and council as such
101 policies are expressed in ordinances and resolutions. The mayor and council may, by
102 majority vote, prescribe such other duties of the city manager as may be consistent with
103 law.
- 104 (h) The city manager shall, subject to the policy control direction and supervision of the
105 mayor and council, be the head of the administrative branch of the city government and
106 shall be responsible for the efficient administration of all departments of the city
107 government, excluding those persons working exclusively at the pleasure of the mayor or
108 council.
- 109 (i) As the chief executive and administrative officer of the city government, the city
110 manager shall:

- 111 (1) Except as otherwise provided by law or personnel ordinances adopted by the mayor
112 and council, appoint and, when the city manager deems necessary for the good of the city,
113 suspend or remove all city employees and administrative officers the city manager
114 appoints. The city manager may authorize any administrative officer who is subject to
115 the city manager's direction to exercise these powers with respect to subordinates in such
116 officer's department, office, or agency;
- 117 (2) Direct and supervise the administration of all departments, offices, and agencies of
118 the city, except as otherwise provided by this charter or other law;
- 119 (3) Submit for confirmation by the majority vote of mayor and council persons selected
120 as department heads;
- 121 (4) Attend all mayor and council meetings, except for closed meetings held for the
122 purpose of deliberating on the appointment, discipline, or removal of the city manager,
123 and shall have the right to take part in discussions but not to vote;
- 124 (5) See that all laws, provisions of this charter, and acts of the mayor and council subject
125 to enforcement by the city manager, or by officers subject to the city manager's direction
126 and supervision, are faithfully executed;
- 127 (6) Prepare and submit the annual operation budget and capital budget of the city to the
128 mayor and council;
- 129 (7) Submit to the mayor and council and make available to the public a complete report
130 on the finances and administrative activities of the city at the end of each fiscal year;
- 131 (8) Make such other reports as the mayor and council may require concerning the
132 operation of city departments, offices, or agencies subject to the city manager's direction
133 and supervision;
- 134 (9) Keep the mayor and council fully advised as to the financial condition and future
135 needs of the city and make such recommendations to the mayor and council as the city
136 manager deems necessary;

- 137 (10) Make recommendations to the mayor and council concerning the affairs of the city
138 and facilitate the work of the mayor and council in developing policy;
- 139 (11) Assist the mayor and council to develop long-term goals for the city and strategies
140 to implement such goals;
- 141 (12) Encourage and provide staff support for regional and intergovernmental cooperation
142 the city is undertaking;
- 143 (13) Promote partnerships among the mayor and council, staff, and citizens in
144 developing public policy and building a sense of community; and
- 145 (14) Perform such other duties as specified in this charter or as may be required by the
146 mayor and council."

147 **SECTION 5.**

148 Said Act is further amended by revising Section 21.1 as follows:

149 "SECTION 21.1.

150 Departments, employees.

151 The mayor and council shall have the authority to establish by ordinance such departments
152 within the city government as they shall deem necessary and expedient to accomplish any
153 purpose consistent with this charter and the laws of this state. The officers, employees, and
154 rules and regulations, including the fixing of compensation, authorities, and duties of
155 personnel governing such departments, shall be established by ordinance."

156 **SECTION 6.**

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