

House Bill 1187 (AS PASSED HOUSE AND SENATE)

By: Representatives Braddock of the 19<sup>th</sup> and Maxwell of the 17<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new charter for the City of Hiram, approved February 27, 1956  
2 (Ga. L. 1956, p. 2620), as amended, so as to create the position of city manager and define  
3 the powers and duties of said position; to provide for related matters; to provide for an  
4 effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act creating a new charter for the City of Hiram, approved February 27, 1956 (Ga. L.  
8 1956, p. 2620), as amended, is amended by revising Section 6, relating to the form of city  
9 government, elections, and terms, to read as follows:

10 "Section 6. (a) The legislative authority of the government of the City of Hiram, Georgia,  
11 except as otherwise specifically provided in this charter, shall be vested in a city council  
12 to be composed of a mayor and five councilmembers. The mayor and councilmembers  
13 shall be elected in a manner as provided under state law. The mayor and councilmembers  
14 shall be elected at large from council posts designated as Post 1, Post 2, Post 3, Post 4, and  
15 Post 5. The mayor shall be considered a councilmember for all purposes, except as his or  
16 her powers are restricted elsewhere in this charter. All references in city ordinances to the  
17 'mayor and council' shall be construed to mean the 'city council' as referred to in this  
18 charter.

19 (b) There shall be a municipal general election biennially in odd-numbered years on the  
20 Tuesday next following the first Monday in November.

21 (c) There shall be elected the mayor and two councilmembers at one election and at every  
22 other election thereafter which shall be held according to the sequence presently in place  
23 in the City of Hiram, Georgia. The remaining councilmember seats shall be filled at the  
24 election alternating with the first election so that a continuing body is created.

25 (d) The members of the city council shall serve for terms of four years and until their  
26 respective successors are elected and qualified. The term of office of each member of the

city council shall begin on the first day of January immediately following the election of such member unless general law authorizes or requires the term to begin at the first organizational meeting in January or upon some other date."

## **SECTION 2.**

Said Act is further amended by revising Section 8, relating to vacancies, to read as follows:

"Section 8. In the event the office of the mayor shall become vacant by death, resignation, removal, or otherwise, said vacancy shall be filled by an election ordered by the council to take place, be held, and conducted according to laws of the State of Georgia from the time such vacancy occurs. The clerk of said city shall cause notice of the holding of said election, and the time and place thereof, to be published once a week for two weeks prior to said election in the newspaper in which sheriff's advertisements for Paulding County, Georgia, are published; provided, however, that in the event such vacancy occurs within six months preceding the expiration of term of office of said mayor, then in that event, the said vacancy shall be filled by the mayor pro tem, or by any councilmember elected by the council for that purpose; and provided, further, that in the event such vacancy should occur within three months prior to a regular annual election to be held as required by the laws of the State of Georgia, then, in that event no special election shall be called or held, and the vacancy will be filled by the mayor pro tem, or by any councilmember elected by the council for that purpose, who shall serve until such regular annual election, and the vacancy shall be filled by election of a mayor for the remainder of the unexpired term. In the event the office of one or more of the councilmembers shall become vacant by death, resignation, removal, or otherwise, said vacancy shall be filled by the mayor and council by the election of any citizen of said city eligible to hold such office, who shall serve until the next annual election when a councilmember shall be elected to fill the remainder of the unexpired terms."

## **SECTION 3.**

Said Act is further amended by revising Section 13, relating to the installation of the mayor and councilmembers and the oath of office, to read as follows:

"Section 13. (a) The mayor and councilmembers shall be installed in office by taking and subscribing the following oath: 'I do solemnly swear that I will faithfully discharge the duties devolved upon me as mayor and councilmember (as the case may be) of the City of Hiram, Georgia; that I will faithfully execute and enforce the laws of said city to the best of my ability, skill, and knowledge; and that I will do all in my power to promote the general welfare of the inhabitants of said city and common interest thereof.'"

(b) The mayor and councilmembers shall also take all other oaths as required by the laws of the State of Georgia.

(c) All oaths of office or other oaths required to be taken by the mayor or councilmembers shall be administered by the mayor or city attorney or the clerk, or the municipal judge or judges of the City of Hiram, Georgia or the judge of the Probate Court of Paulding County, Georgia, or any other person allowed by the laws of the State of Georgia to administer such oaths."

#### SECTION 4.

Said Act is further amended by revising Section 14, relating to powers and duties of the mayor, to read as follows:

"Section 14. The mayor shall be the chief elected officer of the city and as such shall have the following powers and duties:

(1) To preside at all meetings of the city council and be recognized as the official head and spokesperson of the city for service of process and ceremonial purposes;

(2) To vote on matters before the city council only in case of a tie;

(3) To sign timely, for and on behalf of the city, all contracts, ordinances, instruments, and other documents authorized by the city council and which are required to be in writing, unless otherwise directed or authorized by the city council;

(4) To administer oaths and to take affidavits; and

(5) To fulfill such other duties as authorized by the city council."

#### SECTION 5.

Said Act is further amended by revising Section 15, relating to further powers and duties of the mayor, to read as follows:

"Section 15. (a) *City manager; general powers.* The city council shall, by majority vote of its members, appoint a city manager for an indefinite term and shall set his or her compensation in an employment contract. The city manager shall be appointed solely on the basis of that person's executive and administrative qualifications, including relevant experience.

(b) *Powers and duties.* The city manager shall be the chief executive and administrative officer of the city. The city manager shall be responsible to the city council for the administration of all city affairs placed in his or her charge by or under this charter. The city manager shall have the following powers and duties:

(1) With the approval of the city council, to appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by law or

personnel ordinances adopted pursuant to this charter. The city manager may authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) To 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) To attend all city council meetings and have the right to take part in discussion, but the city manager may not vote;

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

(5) To prepare and submit the annual operating budget and capital budget to the city council. Once approved for the following fiscal year, any increase in the appropriations for these budgets, whether accomplished through a change in anticipated revenues or through a transfer of appropriations among departments, shall require the approval of the city council. Such amendment shall be adopted by ordinance or resolution;

(6) To submit to the city council a quarterly summary of the finances and administrative activities of the city, and to make available to the council and public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) To prescribe, require, publish, and implement standards of administrative management and operating procedures to be followed and adhered to by all offices, departments, boards, commissions, authorities, and other agencies of the city which are subject to the city manager's supervision;

(8) To act as the purchasing agent of the city;

(9) To make such other studies, reports, and investigations as the city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;

(10) To keep the city council fully advised as to the future needs of the city, and make such recommendations to the city council concerning the affairs of the city as he or she deems desirable; and

(11) To perform other such duties as are specified in this charter or as may be required by the city council.

(c) *Budget authority and special funds.* The city manager shall have full authority to execute the city's annual operating budget and capital budget. Establishment of all special funds and authorization of expenditures from the special funds shall require approval of the city council. The city council shall also approve any operating or capital budget amendments requiring use of funds from the contingency special fund.

(d) *Council's noninterference with administration.* Except for the purpose of inquiries and investigations, the mayor and city councilmembers shall not give orders or directions to any city employees who are subject to the direction and supervision of the city manager, either publicly or privately, directly or indirectly.

(e) *Removal of city manager.* The city council may remove the city manager from office in accordance with the following procedures:

(1) The city council may remove or suspend the city manager from duty, with or without cause, through the adoption of a preliminary resolution with the affirmative vote of a majority of its members. A copy of the resolution shall be delivered promptly to the city manager;

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

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

The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

(f) *Acting city manager.* By letter filed with the city clerk, the city manager shall designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during his or her temporary absence or 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 city manager shall return or his or her disability shall cease.

(g) Upon removal, vacancy, or prior to the time the city council appoints a city manager to this office, the city council shall appoint a temporary city manager by majority vote of its members."

## SECTION 6.

Said Act is further amended by revising Section 16, relating to meetings of the city council, to read as follows:

"Section 16. The mayor and council of said city shall have full power to fix the time, place, and rules of procedure of their regular sessions. The mayor and any councilmember shall

169 have power to convene the council in special session whenever he or she deems proper.  
170 The mayor and council shall have full and ample power to do and perform any of their  
171 duties or powers at a special or called session as at a regular session."

172 **SECTION 7.**

173 This Act shall become effective upon its approval by the Governor or upon its becoming law  
174 without such approval.

175 **SECTION 8.**

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