

House Bill 1120 (AS PASSED HOUSE AND SENATE)

By: Representative Knight of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create a new Charter for the City of Locust Grove, Georgia, in the
2 county of Henry, approved April 7, 1976 (Ga. L. 1976, p. 4426), as amended, so as to
3 provide for qualifications for office; to provide for powers of the city council regarding
4 government organization; to provide for powers and duties of the mayor; to provide for the
5 organizational meeting of the mayor and council; to provide for the termination and
6 discipline of certain officers and employees; to provide for the powers and duties of the city
7 manager; to provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act to create a new Charter for the City of Locust Grove, Georgia, in the county of
11 Henry, approved April 7, 1976 (Ga. L. 1976, p. 4426), as amended, is amended by revising
12 Section 2.12 as follows:

13 "SECTION 2.12.
14 Qualification of office.

15 No person shall be eligible to any office under this charter who has not been a resident of
16 the city for at least one year prior to qualifying, is not eligible as a voter at the election in
17 which he or she is seeking office, and is not a citizen of the United States of America."

18 **SECTION 2.**

19 Said Act is further amended by revising Section 2.18 as follows:

20 "SECTION 2.18.

21 General power and authority of the council.

22 By ordinance, the council may create, change, alter, abolish, or consolidate offices,
23 agencies, authorities, and departments of the city and may assign additional functions to
24 any of the officers, agencies, authorities, and departments as expressly provided for by this
25 charter or under state law."

26 **SECTION 3.**

27 Said Act is further amended by revising subsection (a) of Section 2.20 as follows:

28 "(a) The mayor shall be the official spokesman for the city, propose policies for the city,
29 and be the chief advocate of policy established by the council. The mayor shall preside at
30 meetings of the council, shall sign ordinances and resolutions on their final passage, and
31 shall sign deeds, bonds, contracts, and other instruments or documents when authorized by
32 the council to do so. The mayor shall perform such other duties as may be imposed by this
33 charter or by ordinance of the council, including, but not limited to, performance of
34 full-time or part-time administrative duties governing the day-to-day operation of city
35 government. For the purpose of this section, 'part-time' administrative duties shall mean
36 directing the day-to-day operations of city government for no less than 80 hours per month.
37 For the purposes of this section, 'full-time' administrative duties shall mean directing the
38 day-to-day operation of city government for no less than 160 hours per month. Upon the
39 effective date of this section, and in each December thereafter, the council shall evaluate
40 the needs of the city to determine whether it is in the city's best interest to designate the
41 mayor to serve as the administrative head of the city government. Should the mayor die
42 or be removed from office prior to the expiration of his or her term, the council shall make
43 a determination as to the duties which shall be imposed on the mayor's office. Such
44 determination shall be made prior to the first date of qualification for the election to fill the
45 remaining unexpired term of the mayor."

46 **SECTION 4.**

47 Said Act is further amended by revising Section 2.30 as follows:

48 "SECTION 2.30.

49 Organizational meeting.

50 The city council shall hold an organizational meeting at the first regular meeting in January
 51 following an election. The meeting shall be called to order by the mayor or city clerk and
 52 the oath of office shall be administered to the newly elected members as follows:

53 I do solemnly swear/affirm that I will faithfully perform the duties of
 54 (mayor/councilmember) of the City of Locust Grove and that I will, to the best of my
 55 ability, support and defend the charter thereof as well as the Constitution and laws of the
 56 State of Georgia and of the United States of America. I further affirm that, upon
 57 assumption of this office, I do not hold any unaccounted for public money due and
 58 payable to the state, any political subdivision of this state, the City of Locust Grove, or
 59 any authority thereof, nor do I hold any other office of trust of the government of the
 60 United States, of this state, or of any foreign state as proscribed by the laws of the State
 61 of Georgia. I solemnly affirm that I am fully qualified under the Constitution and the
 62 laws of this state to hold the office of (mayor/councilmember) and that I have been a
 63 resident of the City of Locust Grove for the entire period of time required by the
 64 Constitution and laws of the State of Georgia. I will perform the duties of my office in
 65 the best interest of the City of Locust Grove to the best of my ability without fear, favor,
 66 affection, reward, or expectation thereof."

67 **SECTION 5.**

68 Said Act is further amended by revising subsection (a) of Section 2.37 by adding a new
 69 paragraph to read as follows:

70 "(5) The mayor shall not veto a council decision regarding the hiring, appointment,
 71 discipline, or termination of an employee or appointed officer of the city."

72 **SECTION 6.**

73 Said Act is further amended by revising Section 3.10 by redesignating subsections (a)
 74 through (e) as subsections (b) through (f), respectively, and adding a new subsection (a) to
 75 read as follows:

76 "(a) All employees and appointed officers employed by the city serve at the will and
 77 pleasure of the city. Notwithstanding any ordinance to the contrary, the council may hire,
 78 discipline, and terminate any employee or appointed officer employed by the city. Unless

79 terminated prior to the organizational meeting or unless otherwise provided by contract or
 80 ordinance, the appointment of appointed officers employed by the city shall terminate
 81 automatically at midnight of the organizational meeting, upon appointment of a person to
 82 such position at the organizational meeting, or upon dissolution of the appointed office,
 83 whichever occurs first."

84 **SECTION 7.**

85 Said Act is further amended by revising Section 3.11 by adding a new subsection to read as
 86 follows:

87 "(i) Unless otherwise provided by general law, where the council has created or established
 88 an agency, authority, or office pursuant to general law, the council may dissolve such
 89 agency, authority, or office."

90 **SECTION 8.**

91 Said Act is further amended by revising Section 3.20 as follows:

92 "SECTION 3.20.
 93 City manager.

94 In the event that the council determines that a full-time administrator is necessary for city
 95 operations and determines not to designate the mayor to serve in such capacity pursuant to
 96 Section 2.20 of this charter, the council may appoint a city manager. The duties and
 97 authorities of the city manager shall be established by ordinance of the council, and in so
 98 doing, the council may specifically delegate to the city manager any of the administrative
 99 or budgetary duties of the mayor and provide that the city manager shall perform any other
 100 duties required by law, assigned by contract, or as the council may direct. Unless
 101 otherwise prescribed by ordinance, the city manager shall have the power to terminate, with
 102 or without cause, or discipline any employee or appointed officer employed by the city,
 103 except the city attorney, municipal judge, city solicitor, or the city's indigent defense
 104 counsel. Such termination or disciplinary action may be reviewed and modified by the
 105 council as prescribed by ordinance."

106 **SECTION 9.**

107 Said Act is further amended by revising Section 3.43 as follows:

108 "SECTION 3.43.

109 Consolidation of functions.

110 The council may consolidate any of the administrative officers contemplated under this
111 division of the charter or may assign the functions of any one or more of such positions to
112 the holder or holders of any other positions. The city manager may, with the approval of
113 the city council, perform all or any part of the functions of any of the administrative offices
114 under this division of the charter in lieu of appointing other persons to perform such
115 functions."

116 **SECTION 10.**

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