

House Bill 1050 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickey of the 140<sup>th</sup> and Clark of the 147<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Byron, approved February 13, 1941  
2 (Ga. L. 1941, p. 1210), as amended, so as to revise provisions relating to the duties and  
3 powers of the mayor; to revise provisions relating to the duties and powers of the city  
4 administrator; to revise provisions relating to the position of city clerk; to provide for the  
5 appointment of a city attorney; to repeal provisions relating to the positions of marshal, chief  
6 of police, and tax assessor; to provide for related matters; to repeal conflicting laws; and for  
7 other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 An Act providing a new charter for the City of Byron, approved February 13, 1941 (Ga. L.  
11 1941, p. 1210), as amended, is amended by revising Section 17 to read as follows:

12 "SECTION 17.  
13 Mayor's duties and powers.

14 The mayor and city council shall have full power to fix the time, place, and rules of  
15 procedure of their regular sessions. The mayor shall have power to convene the city council  
16 in special session whenever he or she deems proper. The mayor and city council shall have  
17 full and ample power to do and perform any of their duties or powers at a special or called  
18 session, the same as that of regular sessions. The mayor shall preside at all meetings of the  
19 mayor and city council and shall have the right to take part in deliberations of said council,  
20 but shall not vote on any questions except in the case of a tie. Said mayor shall have the veto  
21 power and may veto any ordinance, order, or resolution of said council in which event the  
22 same shall not become law or enforceable unless subsequently passed over his or her veto  
23 by a vote of four of the councilmembers; provided, however, that unless the mayor shall file  
24 in writing with the clerk his or her veto of any measure passed by the city council together

25 with his or her reasons for disapproving within three days after its passage, said measure  
 26 shall become a law as though approved by him or her. The mayor may approve in writing  
 27 any measure passed by the city council and it shall go into effect immediately."

28 **SECTION 2.**

29 Said Act is further amended by revising Section 19 to read as follows:

30 "SECTION 19.

31 City administrator.

32 (a) The city council, in its sole discretion, may name a city administrator to administer the  
 33 day-to-day operations of the city, subject to general direction from the city council. The city  
 34 council shall fix the city administrator's compensation. The city administrator shall be  
 35 selected on the basis of his or her executive and administrative qualifications and shall be an  
 36 at-will employee. The mayor and city council shall be ineligible to serve as city  
 37 administrator during their respective terms of office.

38 (b) The appointment shall be for an indefinite term, and the city administrator may be  
 39 removed at any time by a majority vote of the city council.

40 (c) The city administrator may also be the clerk or treasurer, or both, as authorized by the  
 41 city council.

42 (d) Before any city administrator shall be qualified, he or she shall give a surety bond  
 43 payable to the city in such amount as the city council shall deem appropriate to secure and  
 44 indemnify the city by reason of his or her default, misfeasance, or nonfeasance in the  
 45 performance of his or her duties and shall be required to take the same oath as provided for  
 46 councilmembers.

47 (e) The city administrator shall be the chief executive and administrative officer of the city  
 48 and shall be responsible to the city council for the administration of all city affairs placed in  
 49 such administrator's charge by or under this charter. As the chief executive and  
 50 administrative officer, the city administrator shall:

51 (1) Appoint and, when he or she deems it necessary for the good of the city, suspend or  
 52 remove all city employees and administrative officers he or she appoints, except as  
 53 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The  
 54 city administrator may authorize any administrative officer who is subject to such  
 55 administrator's direction and supervision to exercise these powers with respect to  
 56 subordinates in that officer's department, office or agency;

57 (2) Direct and supervise the administration of all departments, offices, and agencies of  
 58 the city, except as otherwise provided by this charter or by law;

59 (3) Attend all city council meetings except for closed meetings held for the purposes of  
 60 deliberating on the appointment, discipline, or removal of the city administrator and have  
 61 the right to take part in discussion but not vote, as authorized by O.C.G.A. § 50-14-3 or  
 62 as hereafter amended;

63 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
 64 enforcement by the city administrator or by officers subject to such administrator's  
 65 direction and supervision, are faithfully executed;

66 (5) Prepare and submit the annual operating budget and capital budget to the city  
 67 council;

68 (6) Submit to the city council and make available to the public a complete report on the  
 69 finances and administrative activities of the city as of the end of each fiscal year;

70 (7) Make such other reports as the city council may require concerning the operations  
 71 of city departments, offices, and agencies subject to the city administrator's direction and  
 72 supervision;

73 (8) Keep the city council fully advised as to the financial condition and future needs of  
 74 the city, and make such recommendations to the city council concerning the affairs of the  
 75 city as the city administrator deems desirable; and

76 (9) Perform other such duties as are specified in this charter or as may be required by the  
 77 city council."

78 **SECTION 3.**

79 Said Act is further amended by revising Section 20 to read as follows:

80 "SECTION 20.

81 Clerk.

82 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk  
 83 shall be custodian of the official city seal and city records; maintain city council records  
 84 required by this charter; and perform such other duties as may be required by the city  
 85 council."

86 **SECTION 4.**

87 Said Act is further amended by revising Section 21 to read as follows:

88 "SECTION 21.

89 City attorney.

90 The city council shall appoint a city attorney, together with such assistant city attorneys as  
91 may be authorized, and shall provide for the payment of such attorney or attorneys for  
92 services rendered to the city. The city attorney shall be responsible for providing for the  
93 representation and defense of the city in all litigation in which the city is a party; may be the  
94 prosecuting officer in the municipal court, if the city council so directs; shall attend the  
95 meetings of the city council as directed; shall advise the city council, mayor, and other  
96 officers and employees of the city concerning legal aspects of the city's affairs; and shall  
97 perform such other duties as may be required by virtue of the person's position as city  
98 attorney. The city attorney is not a public official of the city and does not take an oath of  
99 office. The city attorney shall at all times be an independent contractor. A law firm, rather  
100 than an individual, may be designated as the city attorney."

101 **SECTION 5.**

102 Said Act is further amended by repealing Section 33 in its entirety.

103 **SECTION 6.**

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