

Senate Bill 21

By: Senators Jones of the 10th, Butler of the 55th and Anderson of the 43rd

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act to incorporate the City of Stonecrest in DeKalb County, approved
2 April 21, 2016 (Ga. L. 2016, p. 3538), as amended, so as to limit the mayor to voting only
3 in the event of a tie of the council; to provide for term limits; to modify a provision related
4 to elected officials forfeiting office; to provide that the mayor and councilmember serve in
5 a part-time capacity; to modify provisions related to power and authority of the city council;
6 to provide for excused absences by councilmembers from city council meetings; to provide
7 for quorums; to provide powers and duties of the office of mayor pro tempore; to revise the
8 powers and duties of the mayor; to revise procedures for the appointment and removal of the
9 city manager; to revise provisions regarding the mayor and city council's oversight of the city
10 manager; to delineate roles between the mayor, city council, mayor pro tempore, and city
11 manager; to revise provisions for the appointment of the acting city manager, city attorney,
12 city clerk, tax collector, finance director, and internal auditor; to bring provisions regarding
13 removal of municipal court judges in line with state law; to revise provisions regarding
14 procurement policies and budget processes; to revise the membership of the charter review
15 commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act to incorporate the City of Stonecrest in DeKalb County, approved
19 April 21, 2016 (Ga. L. 2016, p. 3538), as amended, is amended in Section 2.01 by revising
20 subsection (a) and paragraph 1 of subsection (b) as follows:

21 "(a) The legislative authority of the government of the City of Stonecrest, except as
22 otherwise specifically provided in this charter, shall be vested in a city council, and the city
23 council shall be the governing authority of the city.

24 (b)(1) The city council of Stonecrest, Georgia, shall consist of the mayor and five voting
25 city councilmembers."

26 **SECTION 2.**

27 Said Act is further amended in Section 2.02 by revising subsection (c) as follows:

28 "(c) No person shall serve more than two consecutive full terms as mayor or as a
29 councilmember. For purposes of this subsection, a person serving a partial term shall not
30 constitute a full term. A person who has served two consecutive full terms as mayor or as
31 a councilmember shall be eligible for the office of mayor or councilmember following the
32 intervening of a full four-year term."

33 **SECTION 3.**

34 Said Act is further amended in Section 2.03 by revising paragraph (3) of subsection (a) as
35 follows:

36 "(3) Failing to attend one-third of the regular meetings of the council in a three-month
37 period, which shall be defined as a quarter of the city's fiscal year, without being excused
38 by a vote of the majority of councilmembers prior to, or after, the absence; provided,
39 however, that absences due to the following shall automatically be excused:

40 (A) A personal accident, emergency, illness, or injury;
41 (B) An accident, emergency, illness, or injury of an immediate family member; or
42 (C) Obligations arising from the elected official's outside full-time employment.
43 A councilmember unable to attend a meeting due to one or more of the circumstances
44 provided in subparagraphs (A), (B), or (C) of this paragraph shall provide written,
45 electronic, or telephonic notice to the city clerk before the beginning of the meeting, and
46 the city clerk shall notify the remaining councilmembers of the councilmember's excused
47 absence."

48 **SECTION 4.**

49 Said Act is further amended by revising Section 2.07 as follows:

50

51 "SECTION 2.07.

52 Compensation and expenses.

53 The annual salary of the mayor shall be \$20,000.00 and the annual salary for each
54 councilmember shall be \$15,000.00. Such salaries shall be paid from municipal funds in
55 monthly installments. The mayor shall be provided an annual expense allowance
56 of \$5,000.00, and each councilmember shall be provided an annual expense allowance
57 of \$3,000.00 for the reimbursement of reasonable expenses actually and necessarily incurred
58 by the mayor and councilmembers in carrying out their duties as elected officials of the city.
59 The mayor and each councilmember shall serve in a part-time capacity."

60 **SECTION 5.**

61 Said Act is further amended by revising subsections (a), (b), and (e) of Section 2.09 as
62 follows:

63 "(a) The city council shall meet on the first working day in January immediately following
64 each regular municipal election. The meeting shall be called to order by the presiding
65 officer, and the oath of office shall be administered to the newly elected mayor and
66 councilmembers collectively by a judicial officer authorized to administer oaths. The oath
67 shall, to the extent that it comports with federal and state law, be as follows:

68 'I do solemnly swear or affirm that I will faithfully execute the office of [councilmember
69 or mayor, as the case may be] of the City of Stonecrest, and will to the best of my ability
70 support and defend the Constitution of the United States, the Constitution of Georgia, and
71 the charter, ordinances, and regulations of the City of Stonecrest. I am not the holder of
72 any unaccounted for public money due this state or any political subdivision or authority
73 thereof. I am not the holder of any office of trust under the government of the United
74 States, any other state, or any foreign state which I by the laws of the State of Georgia am
75 prohibited from holding. I am otherwise qualified to hold said office according to the
76 Constitution and laws of Georgia. I have been a resident of my district and the City of
77 Stonecrest for the time required by the Constitution and laws of this state and by the
78 municipal charter. I will perform the duties of my office in the best interests of the City
79 of Stonecrest to the best of my ability without fear, favor, affection, reward, or
80 expectation thereof.'

81 (b) Following the induction of the mayor and councilmembers, the city council, by a
82 majority vote of the councilmembers, shall elect a councilmember to be the mayor pro
83 tempore, who shall serve for a term of two years and until a successor is elected and
84 qualified. The number of successive terms an individual may hold the position of mayor
85 pro tempore shall be two. The mayor pro tempore shall preside over all meetings of the
86 city council and set the agenda for each meeting after receiving input from the
87 councilmembers, city manager, the mayor, and the public; provided, however, that
88 additional items shall be added to the agenda upon the written request of any two
89 councilmembers prior to the agenda being published. This shall not preclude items from

90 being added to the agenda during a meeting with the appropriate affirmative vote of a
91 majority of the city councilmembers. The agenda shall be considered to be set when it is
92 published in accordance with the Open Meetings Act."

93 "(e) Special meetings of the city council may be held on the call of either the presiding
94 mayor pro tempore and two councilmembers or three councilmembers. Notice of such
95 special meetings shall be delivered to the mayor pro tempore, all councilmembers, the
96 mayor, and the city manager personally, by registered mail, or by electronic means at least
97 24 hours in advance of the meeting. Such notice of any special meeting may be waived by
98 the mayor pro tempore, mayor, a councilmember, or the city manager in writing before or
99 after such a meeting, and attendance at the meeting shall also constitute a waiver of notice.
100 The notice of such special meeting shall state what business is to be transacted at the
101 special meeting. Only the business stated in the notice may be transacted at the special
102 meeting."

103

SECTION 6.

104 Said Act is further amended by revising subsection (a) of Section 2.10 as follows:

105 "(a) Three councilmembers shall constitute a quorum and shall be authorized to transact
106 business for the city council. The mayor shall only be counted toward the making of a
107 quorum. Voting on the adoption of ordinances shall be taken by voice vote and the yeas
108 and nays shall be recorded in the minutes, but on the request of any member there shall be
109 a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city
110 council to be adopted, the measure shall receive at least three affirmative votes and shall
111 receive the affirmative votes of a majority of those voting. No councilmember shall abstain
112 from voting on any matter properly brought before the city council for official action
113 except when such councilmember has a reason which is disclosed in writing prior to or at
114 the meeting and made a part of the minutes. Each councilmember when present at a
115 meeting shall have one vote on all matters brought before the council. The mayor shall

116 only vote in the event of a tie vote of the councilmembers. Any councilmember or the
117 mayor who has a financial interest in any matter pending before the city council shall
118 disclose such interest and such disclosure shall be entered on the records of the city
119 council, and the mayor or such councilmember shall disqualify himself or herself from
120 participating in any discussion, decision, or vote relating thereto."

121

SECTION 7.

122 Said Act is further amended by adding a new subsection to Section 2.11 to read as follows:

123 "(c)(1) The city council shall have the power, by ordinance or resolution, to establish
124 oversight, policy, and standing committees of the council. No less than two
125 councilmembers shall be appointed to each committee established pursuant to this
126 paragraph. The city council shall appoint members to an oversight or policy committee
127 within 30 days of the council establishing such committee, or such committee shall stand
128 in abeyance until such members are appointed.

129 (2) The city council may designate an official legal organ for the city.

130 (3) Except for actions brought pursuant to Article IV of this charter, the city council shall
131 have the sole authority to initiate any legal action or lawsuit, whether at law or equity, on
132 behalf of the City of Stonecrest, and any such legal action may only be filed in a court of
133 appropriate jurisdiction upon approval of such by at least four members of the city
134 council. To the extent permitted by general law, nothing herein shall require such
135 approvals to be made in open or public meetings of the city council."

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SECTION 8.

137 Said Act is further amended by revising Section 2.12 as follows:

138

"SECTION 2.12.

139

Administrative and service departments.

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(a) Except for the office of city manager and the elected positions provided for in this charter, the city council, by ordinance, may establish, abolish, merge, or consolidate offices not specified in this charter, positions of employment, departments, and agencies of the city as it shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

149

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance.

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(c) The appointed officers of the city shall be the:

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(1) city manager or acting city manager;

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(2) city attorney;

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(3) city clerk;

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(4) tax collector;

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(5) finance director;

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(6) internal auditor; and

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(7) municipal court judge."

161

SECTION 9.

162 Said Act is further amended by revising Section 2.13 as follows:

163

"SECTION 2.13.

164

Prohibitions.

165 (a) Elected and appointed officers of the city are trustees and servants of the residents of
166 the city and shall act in a fiduciary capacity for the benefit of such residents.

167 (b) No elected official, appointed officer, or employee of the city or any agency or political
168 entity to which this charter applies shall knowingly:

169 (1) Engage in any business or transaction, or have a financial or other personal interest,
170 direct or indirect, which is incompatible with the proper discharge of that person's official
171 duties or which would tend to impair the independence of the official's judgment or action
172 in the performance of those official duties;

173 (2) Engage in or accept private employment, or render services for private interests when
174 such employment or service is incompatible with the proper discharge of that person's
175 official duties or would tend to impair the independence of the official's judgment or
176 action in the performance of those official duties;

177 (3) Disclose confidential information, including information obtained at meetings which
178 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
179 government, or affairs of the governmental body by which the official is engaged without
180 proper legal authorization or use such information to advance the financial or other
181 private interest of the official or others;

182 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
183 from any person, firm, or corporation which to the official's knowledge is interested,
184 directly or indirectly, in any manner whatsoever, in business dealings with the
185 governmental body by which the official is engaged. As used in this paragraph, the term

186 "valuable" means an amount determined by the city council; provided, however, that the
187 amount shall not exceed \$100;

188 (5) Represent other private interests in any action or proceeding against this city or any
189 portion of its government;

190 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
191 any business or entity in which he or she or any member of his or her immediate family
192 has a private financial interest; or

193 (7) Vote or otherwise participate in the negotiation or in the making of any contract with
194 any business or entity in which the official has a financial interest.

195 (c) Any elected official, appointed officer, or employee who has any private financial
196 interest, directly or indirectly, in any contract or matter pending before or within any
197 department of the city shall disclose such private interest to the city council. As used in
198 this subsection, the term "private financial interest" includes the interest of a spouse, child,
199 or significant other or domestic partner. The mayor or any councilmember who has a
200 private interest in any matter pending before the city council shall disclose in writing such
201 private interest, such disclosure shall be entered on the records of the city council, and he
202 or she shall disqualify himself or herself from participating in any decision or vote relating
203 thereto. Any elected official, appointed officer, or employee of any agency or political
204 entity to which this charter applies who shall have any private financial interest, directly
205 or indirectly, in any contract or matter pending before or within such entity shall disclose
206 such private interest to the governing body of such agency or entity.

207 (d) No elected official, appointed officer, or employee of the city or any agency or entity
208 to which this charter applies shall use property owned by such governmental entity for
209 personal benefit or profit but shall use such property only in their capacity as an officer or
210 employee of the city.

211 (e) Any violation of this section which occurs with the knowledge, express or implied, of
212 a party to a contract or sale shall render said contract or sale voidable at the option of the
213 city council.

214 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold
215 any other elective or appointive office in the city or otherwise be employed by the city
216 during the term for which that official was elected. No former mayor and no former
217 councilmember shall hold any appointive office in the city until one year after the
218 expiration of the term for which that official was elected.

219 (g)(1) No appointive officer of the city shall continue in such employment upon
220 qualifying as a candidate for nomination or election to any public office. No employee
221 of the city shall continue in such employment upon qualifying for election to any public
222 office in this city or any other public office which is inconsistent, incompatible, or in
223 conflict with the duties of the city employee. Such determination shall be made by the
224 mayor and council either immediately upon election or at any time such conflict may
225 arise.

226 (2) Any city officer or employee who knowingly conceals such financial interest or
227 knowingly violates any of the requirements of this section shall be guilty of malfeasance
228 in office or position and shall be deemed to have forfeited that person's office or position.

229 (3) Any officer or employee of the city who shall forfeit an office or position as
230 described in paragraph (2) of this subsection shall be ineligible for appointment or
231 election to or employment in a position in the city government for a period of three years
232 thereafter."

233

SECTION 10.

234 Said Act is further amended by revising subsections (a) and (b) of Section 2.14 as follows:

235 "(a) All members of boards, commissions, and authorities of the city shall be residents of
236 the city and appointed by the city council by majority vote for such terms of office and

237 such manner of appointment as provided by ordinance, except where other appointing
238 authority, term of office, or manner of appointment is prescribed by this charter or by
239 applicable state law.

240 (b) No member of any board, commission, or authority of the city shall hold any elective
241 office in the city or DeKalb County. However, the mayor and up to two members of the
242 city council, including the mayor pro tempore, may be appointed by the city council to
243 serve as ex officio members of such boards, commissions, or authorities without a vote for
244 a term expiring December 31 following the date of appointment."

245 **SECTION 11.**

246 Said Act is further amended by revising Section 3.01 as follows:

247 "SECTION 3.01.

248 Powers and duties of the mayor.

249 (a) The mayor shall:

250 (1) Serve as the ceremonial head of the city and as its official representative to federal,
251 state, and local governmental bodies and officials;

252 (2) Sign as a matter of form, but with no discretion in the matter, all orders, checks, and
253 warrants for payment of money within a level of authorization as established by the city
254 council;

255 (3) Execute as a matter of form, but with no discretion in the matter, all contracts, deeds,
256 and other obligations of the city according to the purchasing guidelines and policies
257 within a level of authorization as established by the city council, provided that the city
258 council may delegate contract signing authority to the city manager to the extent allowed
259 by law;

- 260 (4) Make appointments as provided by this charter, subject to confirmation by the city
261 council;
- 262 (5) Serve in a part-time capacity and be compensated accordingly as provided by this
263 charter;
- 264 (6) Vote only in the event of a tie of the city council; and
- 265 (7) Perform any other duties and exercise any other powers required by state or federal
266 law or authorized by a duly adopted ordinance that is not in conflict with this charter.
- 267 (b) The mayor shall have all of the powers specifically granted to the mayor elsewhere in
268 this charter regardless of whether such powers are enumerated in this section of this
269 charter."

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SECTION 12.

271 Said Act is further amended by revising Section 3.02 as follows:

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"SECTION 3.02.

273

City manager; appointment and qualification.

- 274 (a) The city manager shall be appointed as provided in subsection (b) of this section,
275 without regard to political beliefs and solely on the basis of his or her education and
276 experience in the accepted competencies and practices of local government management.
277 The city manager need not be a resident of the City of Stonecrest. The city manager shall
278 be a direct employee of the city.
- 279 (b)(1)(A) The mayor shall nominate, within 60 days of the occurrence of a vacancy in
280 the office of city manager, subject to confirmation by the city council, an individual to
281 be the city manager.

- 282 (B) In the event that the mayor needs more than 60 days from the occurrence of a
283 vacancy in the office of city manager to nominate a permanent city manager, the mayor
284 may name, within such 60 day period, an individual to serve as the acting city manager.
- 285 (2) In the event that the city council does not confirm the mayor's initial nomination, the
286 mayor shall nominate a second individual to be city manager, who shall also be subject
287 to confirmation by the city council.
- 288 (3) In the event that the city council does not confirm the mayor's second nomination,
289 the mayor pro tempore shall nominate an individual to be city manager who shall also be
290 subject to confirmation by the city council. The mayor pro tempore may offer as many
291 nominations as are needed until the required approval is achieved.
- 292 (c) Unless otherwise authorized by a majority of the city council, vacancies in the office
293 of city manager must be filled within 90 days of the occurrence of the vacancy.
- 294 (d) Except for the acting city manager as authorized by this charter, no other position of
295 the city shall be created to assume, execute, or fulfill the duties of the city manager."

296 **SECTION 13.**

297 Said Act is further amended by revising Section 3.03 as follows:

298 "SECTION 3.03.

299 City manager; chief administrative officer; role delineation.

- 300 (a) The city manager shall be the chief administrative officer of the government of the city.
301 The city manager shall devote all of his or her working full-time and attention to the affairs
302 of the city and shall be responsible to the mayor and city council for the proper and
303 efficient administration of the affairs of the city over which such officer has jurisdiction.
- 304 (b) Based upon the firm belief that the proper, efficient, and effective administration and
305 operation of the city's council-manager form of government will be fostered by a clear

306 definition of the roles and responsibilities of the city council, mayor pro tempore, mayor,
307 and city manager, this section states the following principles, which are intended to be fully
308 consistent with this article:

309 (1) The full and complete legislative and policymaking authority of the city resides in
310 the part-time city council, mayor pro tempore, and mayor; and the full-time city manager
311 shall take no action which impinges upon or interferes with the city council's or the
312 mayor's policymaking role. Other than providing information relevant and germane to
313 the city council's legislative deliberations, the city manager shall strive to remain a neutral
314 party in such legislative deliberations. To ensure the actuality and appearance of
315 neutrality, neither the city manager nor any department heads shall participate in any
316 political activity on behalf of the mayor, any councilmember, or any candidate for such
317 offices, nor shall the city manager or any department head make any political contribution
318 to the mayor, any councilmember, or any candidate for such offices. The mayor, mayor
319 pro tempore, and councilmembers shall not solicit or accept any campaign contributions
320 from any city employee;

321 (2) The city manager is the full-time chief executive officer of the city, and, as such, all
322 department heads, except those who are appointed by and report to the city council, shall
323 report to the city manager. The mayor, mayor pro tempore, and councilmembers shall
324 observe the management authority of the city manager;

325 (3) Except as otherwise provided in this charter, the mayor, mayor pro tempore, and
326 councilmembers shall not in any manner dictate the appointment or removal of any city
327 administrative officers or employees whom the city manager or any of his or her
328 subordinates are empowered to appoint;

329 (4) Except for the purpose of conducting an investigation or inquiry authorized by the
330 city council pursuant to Section 3.12 of this charter, the mayor, mayor pro tempore, and
331 councilmembers shall deal with city officers and employees who are subject to the
332 direction and supervision of the city manager solely through the city manager, and neither

333 the mayor nor any councilmembers shall give orders to any such officers or employees,
334 either publicly or privately;

335 (5) The mayor, mayor pro tempore, and city council shall not give directives to any city
336 officers or employees, other than the city manager or officers appointed by the city
337 council, regarding any matters including, but not limited to, constituent complaints and
338 complaints regarding the services, operation, or administration of any department or
339 function of city government. Although the mayor, mayor pro tempore, and city council
340 shall not be prohibited from communicating with city officers or employees with
341 constituent complaints or concerns, the city manager must be copied on all such
342 communications;

343 (6) The mayor, mayor pro tempore, and councilmembers, unless acting pursuant to a
344 duly authorized investigation or inquiry, shall not discuss in open session the
345 performance of or complaints against any city officer or employee during a city council
346 meeting. This provision is not intended to prevent the mayor, mayor pro tempore, or city
347 council from discussing, in general terms, the performance of or any issue relating to any
348 department or function of city government;

349 (7) It shall be prohibited for the mayor, mayor pro tempore, or any councilmember to sit
350 in on personnel and management meetings between the city manager and city employees
351 unless such participation is consented to by the city manager and approved by the city
352 council;

353 (8) The mayor shall have no management authority or responsibility with respect to the
354 operations and administration of city government; and

355 (9) The mayor, mayor pro tempore, and councilmembers, as elected officials, shall
356 possess fundamental oversight duties and responsibilities with respect to all operations
357 and administration of city government, and the city manager shall be responsible and duty
358 bound to facilitate the mayor and city council's oversight function. Once the city council
359 has passed the operating and capital budgets of the city, it shall be the responsibility of

360 the city manager to administer such budgets and to keep the mayor, mayor pro tempore,
361 and city council fully informed as to the city's progress against such budgets. The city
362 manager shall provide monthly financial updates on the budgets with year to date
363 information, and such updates shall contain all material information necessary for the
364 mayor and city council to evaluate the financial performance and condition of the city.
365 However, once the city council has appropriated funds in the budget and encumbered
366 such funds through subsequent legislative action, the city manager shall have the
367 authority to administer such budget, including contract administration and account
368 payables, as part of the management function."

369 **SECTION 14.**

370 Said Act is further amended by revising paragraphs (4), (13), and (14) of Section 3.04 and
371 adding a new paragraph to read as follows:

372 "(3) Remove employees appointed and employed under paragraph (2) of this section,
373 without the consent of the city council but must give notice to the city council prior to but
374 not later than the next regular scheduled council meeting;"

375 "(13) Fix all salaries and compensation of city employees in accordance with the city
376 budget and the city pay and classification plan;

377 (14) Perform such other duties as may be prescribed by this charter or required by
378 ordinance or resolution of the city council; and

379 (15) With the approval of the city council, transfer appropriations within a department,
380 fund, service, strategy, or organizational unit."

381 **SECTION 15.**

382 Said Act is further amended by revising Section 3.05 as follows:

383 "SECTION 3.05.

384 City council interference with administration.

385 Except for the purpose of inquiries and investigations under Section 2.08 of this charter or
386 as provided in Sections 3.01 and 3.03 of this charter, neither the mayor, mayor pro
387 tempore, nor any councilmembers shall interfere with the performance of services by or
388 give orders to any such officer or employee, either publicly or privately."

389 **SECTION 16.**

390 Said Act is further amended by revising Section 3.06 as follows:

391 "SECTION 3.06.

392 City manager; removal.

393 (a) The city manager may be removed from office in accordance with the following
394 procedures:

395 (1) The city council by resolution by affirmative vote of a majority of all its members
396 may remove the city manager from office after a suspension of the city manager from
397 duty for a period not to exceed 45 days. A copy of such resolution of the city council
398 shall be delivered promptly to the city manager;

399 (2) Within five days after a copy of such resolution is delivered to the city manager, he
400 or she may file with the city council a written request for a public hearing and a
401 reconsideration of the removal. This hearing shall be held at a city council meeting
402 especially set for such purpose not earlier than 15 days nor later than 30 days after the

403 request is filed. The city manager may file with the city council a written reply to the
404 removal not later than five days before the hearing; and

405 (3) If the city manager either (i) does not request a public hearing and a reconsideration
406 of the removal five days from the date when a copy of such proclamation or resolution
407 was delivered to the city manager; or, (ii) if after the conclusion of the public hearing
408 requested by the city manager for reconsideration of the removal, the city council does
409 not pass a resolution either reversing the action or rescinding its resolution of removal,
410 the city manager's removal shall be effective as of such date without further action by the
411 city council.

412 (b) Unless the resolution of removal of the city manager is rescinded by majority of the
413 members of the city council at the public hearing held at the request of the city manager
414 pursuant to this section, the city manager shall continue to receive his or her salary until
415 the effective date of his or her removal.

416 (c) If the city manager is suspended in accordance with subsection (a) of this section or
417 becomes disabled and is unable to carry out the duties of the office or if the city manager
418 dies, the acting city manager shall perform the duties of the city manager until the city
419 manager's disability is removed or until the city manager is replaced. Removal of the city
420 manager because of disability shall be carried out in accordance with the provisions of
421 subsection (a) of this section.

422 (d) The mayor shall be authorized to propose a resolution to the city council seeking the
423 removal of the city manager, but if the city council rejects such resolution, the mayor shall
424 not propose another such resolution for a period of 180 days."

425 **SECTION 17.**

426 Said Act is further amended by revising Section 3.07 as follows:

427 "SECTION 3.07.

428 Acting city manager.

429 (a) The mayor with the approval of the city council may appoint, within 30 days of the
430 temporary absence, any person to exercise all powers, duties, and functions of the city
431 manager during the city manager's suspension under subsection (a) of Section 3.06 of this
432 charter, temporary absence from the city, or during the city manager's disability. The
433 acting city manager shall be a direct employee of the city.

434 (b) In the event of a vacancy in the office of city manager, the mayor may designate,
435 within 60 days of the vacancy and with the approval of the city council, a person as acting
436 city manager, who shall exercise all powers, duties, and functions of the city manager until
437 a city manager is appointed. The office of the city manager shall not go unfilled for longer
438 than 90 days unless a resolution is passed by the city council to extend the time to fill the
439 position."

440 **SECTION 18.**

441 Said Act is further amended by revising Sections 3.08 through 3.12 as follows:

442 "SECTION 3.08.

443 City attorney.

444 (a) The city council shall appoint the city attorney together with such assistant city
445 attorneys or special city attorneys as may be deemed appropriate. The mayor, mayor pro
446 tempore, or any councilmember may nominate such attorneys for appointment by the city

447 council. The city council shall provide for the payment of such attorneys for services
448 rendered to the city. The rates or salary paid to any city attorney or assistant city attorney
449 shall be approved in advance by the city council. The city attorney shall be responsible for
450 representing and defending the city in all litigation in which the city is a party; may be the
451 prosecuting officer in the municipal court; shall attend the meetings of the city council as
452 directed; shall advise the city council, mayor, other officers, and employees of the city
453 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
454 required by virtue of his or her position as city attorney. The city attorney shall review all
455 contracts of the city but shall not have the power to bind the city unless authorized by
456 resolution of the city council.

457 (b) In a conflict between the mayor and the city council, the city attorney shall engage
458 separate outside firms to represent the interest of the city council and the mayor,
459 respectively. Notwithstanding any law or ordinance to the contrary, the city attorney shall
460 not represent the interests of the city council or the mayor against the other. Unless the
461 litigation allegations specify individual wrongdoing by an individual member of the city
462 council or the mayor, the outside firm shall be able to represent the entity rather than the
463 individual, and separate attorneys for the individuals of the city council shall not be
464 necessary.

465 SECTION 3.09.

466 City clerk.

467 The city council shall appoint the city clerk, and the mayor, mayor pro tempore, or any
468 councilmember may nominate individuals for appointment by the city council. The city
469 clerk shall keep a journal of the proceedings of the city council, to maintain in a safe place
470 all records and documents pertaining to the affairs of the city, and to perform such duties
471 as may be required by law or ordinance or as the city council or city manager may direct.
472 The city clerk shall be a direct employee of the city.

473 SECTION 3.10.

474 Tax collector.

475 The city council may appoint a tax collector, and the mayor, mayor pro tempore, or any
476 councilmember may nominate individuals for appointment by the city council. The tax
477 collector, if appointed, shall collect all taxes, licenses, fees, and other moneys belonging
478 to the city, subject to the provisions of this charter and the ordinances of the city; and the
479 tax collector shall diligently comply with and enforce all general laws of Georgia relating
480 to the collection, sale, or foreclosure of taxes by municipalities.

481 SECTION 3.11.

482 City finance director.

483 The city council may appoint a city finance director to perform duties of accounting and
484 finance management. The mayor, mayor pro tempore, or any councilmember may
485 nominate individuals for appointment by the city council. The finance director shall be a
486 direct employee of the city.

487 SECTION 3.12.

488 City internal auditor.

489 The city council shall appoint an internal auditor to audit the financial records and
490 expenditures of city funds and to report the results of such audits in writing to the city
491 council at times and intervals set by the city council, but no less than quarterly. Such audit
492 reports shall, at a minimum, identify all city expenditures and other financial matters that
493 the internal auditor either determines are not in compliance with or cannot conclusively be
494 determined to be in compliance with:

495 (1) The provisions of this charter;

496 (2) The applicable city budget; and

497 (3) Applicable ordinances, resolutions, policies, or other actions duly adopted or
498 approved under the provisions of this charter.

499 The internal auditor shall be a direct employee of the city."

500 SECTION 19.

501 Said Act is further amended by revising subsection (b) of Section 4.02 as follows:

502 "(b) The judge, or judge pro tempore, shall serve for a term of four years but may be
503 removed as provided by general law."

504 SECTION 20.

505 Said Act is further amended by revising subsections (a), (b), and (c) of Section 5.03 as
506 follows:

507 "(a) On or before a date fixed by the city council, but no later than the first day of the
508 eleventh month of the fiscal year currently ending, the city manager shall, after input,
509 review, and comment by the mayor, submit to the city council a proposed operating budget
510 and capital budget for the ensuing fiscal year. The budget shall be accompanied by a

511 message from the mayor and city manager containing a statement of the general fiscal
512 policies of the city, the important features of the budget, explanations of major changes
513 recommended for the next fiscal year, a general summary of the budget, and such other
514 comments and information as they may deem pertinent. The operating budget, capital
515 budget, the budget message, and all supporting documents shall be filed in the office of the
516 city manager and shall be open to public inspection.

517 (b) Beginning in the third year of the city's operation, the city manager is required to
518 present to the city council a budget which is balanced in projected spending and revenues.

519 (c) Prior to passage of the budget, in accordance with O.C.G.A § 36-81-5 (f), the city
520 council shall hold a special public hearing at least one week prior to the meeting at which
521 adoption of the budget will be considered. The budget will be presented, and public
522 comment on the budget will be solicited. The date, time, and place of the special public
523 hearing shall be announced no less than 15 days prior to the scheduled date for such
524 hearing."

525

SECTION 21.

526 Said Act is further amended by revising Section 5.04 as follows:

527

"SECTION 5.04.

528

Action by city council on budget.

529 (a) The city council may amend the operating budget or capital budget or other budgets
530 for funds, services, strategies and/or organizational units proposed by the city manager in
531 accordance with subsection (a) of Section 5.03 of this charter, except that the budget, as
532 finally amended and adopted, shall provide for all expenditures required by law or by other
533 provisions of this charter and for all debt service requirements for the ensuing fiscal year;

534 and the total appropriations from any fund shall not exceed the estimated fund balances,
535 reserves, and revenues constituting the fund availability of such fund.

536 (b) The city council shall adopt a budget by the end of the fiscal year currently ending. In
537 accordance with O.C.G.A. § 1-3-1(d)(3), if the end of the fiscal year currently ending falls
538 on a Saturday or Sunday, the city council shall have through the following Monday to
539 adopt a budget. If the city council fails to adopt the budget by the prescribed deadline, the
540 operating budget and capital budget proposed by the mayor and city manager shall be
541 adopted without further action by the city council."

542 **SECTION 22.**

543 Said Act is further amended by revising Section 5.05 as follows:

544 "SECTION 5.05.

545 Procurement and property management.

546 No contract with the city shall be binding on the city unless it is in writing. The city
547 council may adopt procedures for the authorization of certain contracts without city council
548 approval. Absent the foregoing, no contract with the city shall be binding on the city
549 unless:

550 (1) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
551 is signed by the city attorney to indicate such drafting or review; and

552 (2) It is made or authorized by the city council and such approval is entered in the city
553 council journal of proceedings."

554

SECTION 23.

555 Said Act is further amended by revising Section 6.05 as follows:

556

"SECTION 6.05.

557

Charter commission.

558

No later than five years after the inception of the City of Stonecrest, the mayor and the city

559

council shall call for a charter commission to review the city's experience and recommend

560

to the General Assembly any changes to the charter. Members of the charter commission

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shall be appointed as follows: one by the mayor, one by each member of the city council,

562

and one member appointed by a vote of the members of the Georgia House of

563

Representatives and one member voted by the members of the Georgia Senate whose

564

districts lie wholly or partially within the corporate boundaries of the City of Stonecrest.

565

All members of the charter commission shall reside in the City of Stonecrest except those

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representing the Georgia House of Representative and the Georgia Senate. Neither the city

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council nor the mayor shall appoint themselves to serve as members of the commission.

568

The city attorney may serve as ex officio member of the commission with approval by the

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city council. The commission shall complete the recommendations within the time frame

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required by the city council."

571

SECTION 24.

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