

ORDINANCE NO. OR 13-300

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF STOCKBRIDGE, GEORGIA RELATING TO THE CITY ADMINISTRATOR SO AS TO CHANGE THE NAME OF THE POSITION TO CITY MANAGER, CLARIFY THE CITY MANAGER SELECTION PROCESS, AND CLARIFY PERMISSIBLE INTERACTIONS BETWEEN EMPLOYEES AND ELECTED OFFICIALS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY ORDAINS:

SECTION 1. Ordinance. That Title 2, Chapter 12, section 035 of the current Stockbridge Municipal Code be deleted in its entirety, and a new Title 2, Chapter 12, section 035 be inserted into the Stockbridge Municipal Code, so as to read as follows:

2.12.035 – City Manager.

A. Selection. Within sixty (60) days of a vacancy in the position of city manager, the mayor shall recommend to the council at least two (2) qualified candidates for the position of city manager. In the event that the council rejects all of the mayor's recommended candidates, the mayor shall have an additional fifteen (15) days from the date of the rejection of the final candidate to interview additional qualified candidates. Before the expiration of the fifteen (15) day period, the mayor shall make an additional recommendation of one (1) candidate to the council. The council may accept or reject the mayor's additional recommended candidate. If the mayor's additional recommended candidate is rejected by the council, the mayor shall receive an additional fifteen (15) days to interview more candidates, and the process will continue and repeat in the same manner with the mayor recommending an additional candidate each time until a city manager is selected. The city may also utilize the same process to select an interim city manager when necessary. For purposes of this subsection, the term "vacancy" includes only those occasions in which no city manager is serving the city, and those occasions in which a current city manager has declared his or her intention to vacate the position on a date certain.

B. Employment. The council shall employ a city manager pursuant to a written contract and shall fix the city manager's compensation therein. Said manager shall serve at the pleasure of the mayor and city council. The city manager shall be employed without regard to political beliefs and solely on the basis of said individual's executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

C. Powers and Duties of City Manager. The city manager shall be the chief administrative officer of the city. The manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the administration of all city affairs placed in the manager's charge by or under this ordinance and the city charter. As the chief administrative officer, the manager shall have the following powers and duties:

1. Assist the mayor and treasurer as needed with preparation of the annual operating budget and capital budget to be presented to the city council;

2. Act as a liaison between the mayor/city council and the public by responding to inquiries and resolving conflicts;
3. Represent the mayor and city council at various meetings and social functions as directed;
4. Develop materials for meetings of the city council; attend all council meetings, unless excused therefrom; attend committee meetings when requested; make recommendations to the city council as needed; and implement decisions made by the council. The city manager shall be given notice of all regular and special meetings of the council;
5. Administer policies and programs as approved by the city council by directing departments in the procedures necessary for implementation;
6. Supervise the purchase of all materials, supplies, and equipment after soliciting bids from qualified contractors, which are necessary for the operation and maintenance of the city services, for amounts up to and including ten thousand dollars (\$10,000.00) for which funds are provided in the budget; receive written bids from at least three (3) qualified contractors for purchases or contracts in excess of ten thousand dollars (\$10,000.00); and present all bids to the mayor and council;
7. Keep the council advised of the financial and administrative affairs affecting the city; prepare progress reports; submit to the city council and the mayor and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year; and make such recommendations as may be deemed desirable;
8. Develop short and long-term plans for city operations and act as the city's principal liaison on economic development activities;
9. Recommend to the governing body (from time to time) adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;
10. Investigate the affairs of the city or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the city and with regard to services maintained by the public utilities in the city; and see that all franchises, permits, and privileges granted by the city are faithfully observed;
11. Provide reports and information to the media as requested; upon approval of the mayor;
12. Execute documents on behalf of the mayor where so authorized in a written document describing the authority granted and executed by the mayor;
13. Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment/employment are those officers and employees who, by the city's charter, are appointed or elected by the mayor or city council;
14. Direct and supervise all department heads and city employees and the administration of all departments, offices, and agencies of the city, except as otherwise provided by the city's charter or by law;
15. Make recommendations to the mayor and city council regarding qualified candidates to fill open positions within the city;
16. Exercise supervision and control of all department and all divisions created in the city charter or that hereafter may be created by the council except as otherwise provided for in the city's charter or general law;

17. Suspend with or without pay for up to thirty (30) days in accordance with the city's personnel policy and general law where applicable any city employee serving under the supervision of the city manager;
18. Remove employees below the level of a department head in accordance with the city's personnel policy and general law, without the consent of the city council and without assigning any reason therefor;
19. Recommend the suspension, termination, or other reprimand of a department head nominated by the mayor and appointed by the city council, which the city manager must present to the mayor within two (2) business days thereof in writing, and absent a written objection from the mayor within five (5) calendar days of the notice of same to the mayor from the city manager, said personnel action shall be imposed;
20. Make such other reports as the mayor or city council may require concerning the operations of city departments, offices, and agencies subject to the manager's direction and supervision;
21. Perform such other duties as may be required by the mayor and council which are specified in the city's charter or as may be required by the city council and which are not inconsistent with the city's charter, laws, ordinances, or resolutions.

D. Council Interference with Administration. Except for the purpose of inquiries and investigations made pursuant to the city charter, the mayor, city council, and individual members of the city council shall deal with city employees who are subject to the direction and supervision of the city manager solely through the city manager. Neither the mayor nor any individual council member shall give orders or directives to any such employee, either publicly or privately. However, elected officials are not prohibited from speaking with city employees, or from requesting information from city employees in furtherance of their service to the city as elected officials. In the event of an emergency arising at the time of the death, incapacity, or unavailability of the city manager, the following persons in this order of succession may direct city employees, authorize expenditures, execute expenditure documents, and execute checks, and may perform necessary functions and exercise necessary powers: mayor and then mayor pro tem. For purposes of this provision, "unavailability" in general means that it is not possible for city employees responding to the emergency to contact and receive a response from the city manager or enumerated successor by telephone or electronic means for a consecutive period of four (4) hours or greater, or that the city manager or enumerated successor is incapable of responding for a consecutive period of four (4) hours or greater. Additionally, if an emergency occurs which needs immediate attention and the mayor has attempted to contact the city manager by telephone and electronic means but has been unsuccessful in establishing contact and thereafter the mayor consults with the department head in charge of the department which the mayor believes is most appropriate to respond to the emergency, then, based on the succession rules stated above, the mayor may exercise the aforementioned duties necessary to respond to such emergency until the city manager becomes available and able to perform the duties required for such emergency.

SECTION 2. Repeal. That the existing Title 2, Chapter 12, section 035 be repealed from the Code of Ordinances, City of Stockbridge, Georgia and replaced as described herein.

SECTION 3. Intention of the Governing Body. It is the intention of the governing body, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Stockbridge, Georgia, and the sections of the ordinance may be renumbered to accomplish such intention.

SECTION 4. Approval of Execution. The Mayor is hereby authorized to sign all documents necessary to effectuate this Ordinance.

SECTION 5. Attestation. The City Clerk is authorized to execute, attest to, and seal any documents which may be necessary to effectuate this ordinance, subject to approval as to form by the City Attorney.

SECTION 6. Codification and Severability.

(a) It is hereby declared to be the intention of the City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are and were upon their enactment believed by the City Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the City Council that to the greatest extent allowed by law each and every section, paragraph, sentence, clause or phrase of this ordinance is severable from every other section, paragraph, sentence, clause or phrase of this ordinance. It is hereby further declared to be the intention of the City Council that to the greatest extent allowed by law no section, paragraph, sentence, clause or phrase of this ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this ordinance.

(c) In the event that any section, paragraph, sentence, clause or phrase of this ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining sections, paragraphs, sentences, clauses, or phrases of the ordinance and that to the greatest extent allowed by law all remaining Sections, paragraphs, sentences, clauses, or phrases of the ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

SECTION 7. Repeal of Conflicting Provisions. Except as otherwise provided herein, all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. Effective Date.

(a) Every ordinance adopted by the City Council shall be presented by the City Clerk to the Mayor within three days after its adoption.

(b) The Mayor shall within ten days of the adoption of an ordinance return it to the City Clerk with or without his approval, or with his disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the City Clerk; if the ordinance is neither approved nor disapproved, it shall become law on the eleventh day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the City Council through the City clerk a written statement of the reasons or the veto. The City Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor.

(c) Ordinances vetoed by the Mayor shall be presented by the City Clerk to the City Council at its next meeting and should the City Council then or at its next general meeting adopt the ordinance by an affirmative vote of the entire Council, it shall become law.

(d) The Mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the City Council over the Mayor's veto as provided in this section. The reduced part or parts shall be presented to the City Council as though disapproved and shall not become law unless overridden by the Council as provided in subsection (c) of this section.

SO ORDAINED this 11th day of March, 2013.


MARK A. ALARCON, Mayor

ATTEST:


RHONDA A. BLACKMON, City Clerk (SEAL)

APPROVED AS TO FORM:


WILLIAM J. LINKOUS, III, City Attorney
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