

A RESOLUTION

WHEREAS, the City of Roswell is a Georgia Municipal corporation; and

WHEREAS, the Mayor and City Council are the governing authority of the City of Roswell, Georgia; and

WHEREAS, O.C.G.A. § 36-35-6 requires local legislation by the Georgia General Assembly on any action affecting the “Composition and form of the municipal governing authority...and the continuance in office and limitation thereon for such members...” and

WHEREAS, in the Mayor and Council of the City of Roswell determined that it would be in the public welfare for the Charter of the City of Roswell be amended; and

WHEREAS, the Mayor and Council deem it appropriate to request such changes from the Georgia General Assembly:

NOW, THEREFORE, the Mayor and City Council of the City of Roswell do hereby resolve and call upon the General Assembly of the State of Georgia to enact amendments to the Charter of the City of Roswell, Georgia to read as follows:

Article Ch.3 Government Structure

Section Ch.3.90 Mayor’s Powers

The mayor shall be the chief executive officer of the city government, presiding officer of the city council and responsible for the efficient and orderly administration of the city’s affairs. He shall be responsible for the enforcement of laws, rules, regulations, ordinances and franchises in the city. He may conduct inquiries and investigations into the conduct of the city’s affairs and shall have such powers and duties as specified herein or as may be provided by ordinance consistent with this Charter.

As the chief executive the mayor shall:

- (1) Preside at all meetings of the city council
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesman for the city and the chief advocate of policy.
- (3) Have the power to administer oaths.
- (4) See that all laws and ordinances of the city are faithfully executed.
- (5) Sign as a matter of course on behalf of the city any written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing.
- (6) Submit to the city council at least once a year a statement covering the financial conditions of the city.
- (7) Vote only in the case of a tie on any motion, resolution, ordinance, or other question before the council.
- (8) Obtain short term loans in the name of the city when authorized by the city council to do so.
- (9) Appoint councilmembers as liaisons over the departments of the city to oversee and report on the functions of the various departments, provided each councilmember shall be a liaison to at least one department of the city.
- (10) Name qualified residents of the city to boards and commissions with confirmation of city Council.

- (11) Appoint and/or terminate, with confirmation of city council, the city manager, city attorney and city clerk and other city employees as deemed appropriate unless prohibited by law.
- (13) Prepare or have prepared an agenda for each meeting of the city council.
- (14) Fulfill and perform such other duties imposed by this Charter and duly adopted ordinances.

Section Ch.3.100 Mayor Pro-tem *

Every January following a normal municipal election, by majority vote, at the first regularly scheduled meeting of the mayor and council, the council shall elect a mayor pro-tem from their members. The mayor pro-tem shall serve a two (2) year term or until the next mayor pro-tem is elected. The mayor pro-tem shall assume the duties and powers of the mayor during the mayor's disability or absence, provided the mayor pro-tem shall not have the power to hire or fire any position appointed by the mayor. If the mayor pro-tem is absent because of sickness or disqualification, any one (1) of the remaining councilmembers, elected by the councilmembers present, shall be clothed with the rights and privileges afforded to the mayor pro-tem while such absence exist.

Section Ch.3.160 Mayor's Veto. *

- (1) Except for council approval of appointments to committees, boards and commissions, the employment of any appointed officer, internal affairs or matters which must be approved by the voters, the mayor may line item veto any action adopted by council.
- (2) The veto must be exercised at the next regularly scheduled meeting of city council following that at which the action was taken.
- (3) An action vetoed by the mayor shall automatically be on the agenda at the next regular meeting of city council for reconsideration. A vote of 66% or more of the councilmembers present and qualified to vote shall be required to override the mayor's veto. If a vote to override the mayor's veto fails, such item shall not be brought back to council for six (6) months.

Article Ch.4 Appointive Officers and Personnel

Section Ch.4.10 City Manager

The mayor with confirmation by the city council shall appoint a city manager whose compensation shall be determined by the city council. The city manager shall be chosen on the basis of his executive and administrative qualifications with special reference given to his actual experience in and his knowledge of the duties of his office. He shall function as the chief administrative and budget officer of the city and all of the several departments shall report directly to the city manager provided the mayor shall have direct oversight over all department heads. The city manager shall run the day to day operations of the city, provided the mayor shall be the chief executive officer of the city as provided in this Charter and the ordinances of the city. The mayor with confirmation of city council or the city council by majority vote may terminate the city manager.

Section Ch.4.40 City Clerk

The mayor, with confirmation by the city council, shall appoint a city clerk whose compensation shall be determined by the city council. The city clerk shall be responsible for keeping and preserving the city seal and all records of the city council; attending meetings of the city council and preparing minutes of its proceedings at such meetings, including the names of members present and absent, the vote of each member on each question, each motion considered, and the text of each resolution and ordinance considered; preparing and certifying copies of official records in his office, for which fees may be prescribed by ordinance or resolution; and

performing such other duties as may be required by resolution, ordinance or the mayor. The mayor with confirmation by city council or the city council by majority vote may terminate the city clerk.

Section Ch.4.50 City Attorney

The mayor, with confirmation by the city council, shall appoint a city attorney, together with such assistant city attorneys as may be authorized whose compensation shall be determined by city council. The city attorney or such assistant city attorneys may be responsible for representing and defending the city in all litigation in which the city is a party; may be or oversee the prosecuting attorney in the municipal court; shall attend the meetings of city council as directed; shall advise the mayor and city council and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required of him by virtue of his position as city attorney or as provided by the mayor and or resolution or ordinance of the city council. The mayor with confirmation by city council or the city council by majority vote may terminate the city attorney.

Article Ch.5 Elections and Removal

Section Ch.5.110 Forfeiture of Office

An elected official shall forfeit his right to hold office if he:

- (1) Is guilty of willful incompetence, misfeasance or malfeasance in office;
- (2) Is convicted of a crime involving moral turpitude;
- (3) Fails at any time to possess any qualifications of office as provided by this chapter or by law;
- (4) Willfully violates any express prohibition of the City Charter
- (5) Abandons his office or neglects to perform the duties thereof;
- (6) Fails to perform the duties of office as required by the City Charter or by state law;
- (7) Fails to attend three (3) consecutive regularly scheduled meetings of city council, unless such absence is excused by the presiding officer of the council or a majority vote of those councilmembers present and qualified to vote

Section Ch.5.120 Removal from Office

Removal of an elected officer who forfeits his office as described herein shall be accomplished by one (1) of the following methods:

- (1) Removal of an elected officer from office may be initiated by a vote of at least seventy-five percent (75%) of the remaining members of the entire mayor and city council. In the event an elected officer is sought to be removed by an action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice by the city clerk. Following the public hearing, a vote of city council shall be taken. The mayor shall vote unless he is the individual sought to be removed. Removal shall require a unanimous vote provided the individual sought to be removed shall not be entitled to vote. Any elected officer sought to be removed from office as provided in this section shall have the right to appeal the decision of the city council to the Superior Court of Fulton County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from the Probate Court.
- (2) By order of any court of competent jurisdiction.

Section Ch.5.140 Vacancies *

The office of the mayor or city council shall become vacant upon an incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia.

A vacancy shall exist if the mayor or city councilmember resigns, dies, moves outside of the city limits, is adjudged legally incompetent, is convicted of malfeasance in office or of a felony, inability to continue in office due to health issues. The mayor or a councilmember shall forfeit their office by being absent from three consecutive meetings without being excused by the presiding officer or city council unless a leave of absence is granted the city council by at least seventy-five percent (75%) of the remaining members of city council not including the mayor. A leave of absence granted by city council shall last no longer than six (6) months and shall be entered on the minutes. If such leave of absence is not extended by the city council, at the expiration of a leave of absence granted by the mayor and city council, such mayor or councilmember's office shall be vacant.

In the event a vacancy occurs in the office of a member of the city council from any cause other than the expiration of a term of office, the vacancy shall be filled in the following manner:

(1) If the vacancy occurs within more than ninety (90) days prior of the expiration of the term, but not within ninety (90) days prior to the regular city election, the vacancy shall be filled by appointment of the mayor with confirmation by city council, provided that at no time shall there be more than one councilmember so appointed. If another vacancy occurs in the office of a member of city council while an appointed member of council continues to serve, a special election shall be called within sixty (60) days as provided by this Charter.

(2) If the vacancy occurs within ninety (90) days prior to the regular city election, the vacancy shall be filled at such regular election under the same rules and regulations and provisions of law pertaining to the election of city council members.

(3) If a vacancy occurs in the office of the mayor, the mayor pro-tem shall be authorized during said period, to exercise all of the powers of the mayor provided by the Charter and the laws of the State of Georgia.

Let a certified copy of this Resolution be forwarded to all State Senators and State Representatives representing the citizens of the City of Roswell, Georgia.

The above Resolution was read and approved by the Mayor and Council of the City of Roswell, Georgia on the 14th day of February, 2022.

Kurt M. Wilson, Mayor

Attest:

Marlee Press, City Clerk
(Seal)