10-O-0313

AN ORDINANCE AND CHARTER AMENDMENT
BY COUNCILMEMBER HOWARD SHOOK Howard Shook, Felicia A. Moore

AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, p. 298, ET SEQ.) AS AMENDED, TO AMEND SECTION 2-301, CHAPTER 3, ARTICLE 2, ENTITLED "ORGANIZATIONAL MEETING; OATH OF OFFICE; MANDATORY TRAINING" OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.) SO AS TO PROVIDE THAT THE OATH OF OFFICE FOR CITY OF ATLANTA ELECTED OFFICIALS SET OUT AT CHARTER SECTION 2-301(b) SHALL BE REVISED; TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.

WHEREAS, Section 2-301(b) of the Charter of the City of Atlanta presently provides for an oath of office to be taken by all City of Atlanta elected officials at the first organizational meeting of the Atlanta city council on the first Monday in January following each regular election; and

WHEREAS, the oath of office has been amended and lengthened from time to time and now contains two hundred and eighty seven words; and

WHEREAS, the oath of office now contains much unnecessary and superfluous language and can and should be shortened to a more reasonable length and still include all necessary language as mandated by Section 45-3-1 of the Georgia State Code.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

Section 1: That section 2-301(b) of the Charter of the City of Atlanta currently provides as follows:

Sec. 2-301. Organizational meeting; oath of office; mandatory training.

(b) *Oath of office.* At such organizational meeting, the mayor, president of the council, and councilmembers shall take and subscribe before a judge of the superior court, or any official authorized to administer oaths, the following oath of office: "I do solemnly swear (or affirm) that I will faithfully and impartially discharge the duties of the mayor, the president of the council or councilmember of the City of Atlanta, Georgia, during my term in office. I will not knowingly permit my vote in the election or appointment of any person to a position in the city government to be influenced by fear, favor, or affection, reward or expectation thereof. In all things pertaining to my said office, I will be governed by the public good and interests of the city. I will observe the provisions of the Charter, ordinances, and regulations of the City of Atlanta. I further swear that I will support and defend the Constitutions and laws of the State of Georgia and of the United States of America. I further swear that I am not the holder of any office of trust under the

government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia, and that I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I further swear that I will uphold and support the Ethics Code of the City of Atlanta. I further swear that I have been a resident of the City of Atlanta and of the required council district for the time required by the Constitution and laws of this state and the Charter and ordinances of the City of Atlanta. I further swear that I am otherwise qualified to hold said office according to the Constitution and laws of Georgia and ordinances of the City of Atlanta. So help me God".

Section 2: That section 2-301(b) of the Charter of the City of Atlanta is hereby amended to provide as follows:

Sec. 2-301. Organizational meeting; oath of office; mandatory training.

(b) *Oath of office.* At such organizational meeting, the mayor, president of the council, and councilmembers shall take and subscribe before a judge of the superior court, or any official authorized to administer oaths, the following oath of office: "I do solemnly swear (or affirm) that I will faithfully discharge the duties of the [mayor, president of the council, councilmember] City Council of the City of Atlanta, Georgia. I will not knowingly permit my vote to be influenced by fear, favor, affection, or reward, and in all things pertaining to my office I will be governed by the public good and the interests of the City. I will observe the provisions of the Charter, ordinances, and regulations of the City of Atlanta, and I will support and defend the Constitutions of the State of Georgia and the United States of America. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I am prohibited from holding by the laws of the State of Georgia; I am not the holder of any unaccounted-for public money due this state or any political subdivision or authority thereof; I have been a resident of the City of Atlanta [and _____ Council District] and am otherwise qualified to hold this office by the Constitution and laws of this State and the Charter and ordinances of the City of Atlanta, so help me God."

Section 3: A copy of this proposed amendment to the Charter of the City of Atlanta, Georgia (Ga. Laws 1996, p.4469, et seq.), as amended, shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in the Offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta, Georgia", attached hereto as Exhibit "A" and by reference, made a part hereof, be published in the official organ of the county of the legal situs of the City of Atlanta or in a newspaper of general circulation in the City of Atlanta once a week for three weeks within a period of 60 days immediately preceding its final adoption.

Section 4: All ordinances and charter amendments and parts of ordinances and charter amendments in conflict herewith are hereby repealed.

EXHIBIT "A"

NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF

THE CITY OF

ATLANTA, GEORGIA

Notice is hereby given that an ordinance has been introduced to amend the Charter of the City of Atlanta, Georgia captioned as follows:

> **AN ORDINANCE AMENDING THE CHARTER OF THE CITY OF ATLANTA ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965 (GA. LAWS 1965, p. 298, ET SEQ.) AS AMENDED, TO AMEND SECTION 2-301, CHAPTER 3, ARTICLE 2, ENTITLED "ORGANIZATIONAL MEETING; OATH OF OFFICE; MANDATORY TRAINING" OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA (GA. LAWS 1996, P. 4469, ET SEQ.) SO AS TO PROVIDE THAT THE OATH OF OFFICE FOR CITY OF ATLANTA ELECTED OFFICIALS SET OUT AT CHARTER SECTION 2-301(b) SHALL BE REVISED; TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.**

A copy of the proposed amendment is on file in the office of the Municipal Clerk of the City of Atlanta and in the offices of the Clerks of the Superior Courts of Fulton and DeKalb Counties, Georgia, for purposes of examination and inspection by the public.

This_____ day of_____, 2010.

_____
Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta