AN ORDINANCE AND CHARTER AMENDMENT **10-O-1739**

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AS SUBSTITUTED AND AMENDED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AND CHARTER AMENDMENT TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469 ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O. C. G. A. SECTION 36-35-1 ET SEQ., AS AMENDED, BY AMENDING PART 1 (CHARTER AND RELATED LAWS), SUBPART A, (CHARTER), ARTICLE III (EXECUTIVE), CHAPTER 3 ENTITLED (CITY DEPARTMENTS), SECTION 3-305 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES BY ADDING A NEW SUB-PARAGRAPH (d) SO AS TO PROVIDE THAT ANY COMMISSIONER REMAINING FROM A PREVIOUS ADMINISTRATION WILL BE DEEMED ACTING UNTIL HE/SHE IS RE-NOMINATED AND RE-CONFIRMED; TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.

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

SECTION 1: That Article 3. Chapter 3 Entitled "City Departments" Section 3-305 shall be amended by inserting a new sub-paragraph (d) which reads as follows:

Section 3-305 Commissioners of departments—Appointment; removal; residency; appointment of other city employees.

(a) *Appointment; removal.* The mayor shall appoint all commissioners of departments, subject to confirmation by a majority of the city council. As used in this section, "commissioner" means the administrative head of each department regardless of the title of a particular department head. Commissioners may be removed at the pleasure of the mayor

(b) *Residency.* A commissioner, deputy commissioner, or bureau administrator of a department need not be a resident of the city at the time of his or her appointment but shall reside in the city throughout such appointment.

(c) Appointment and removal of other employees. Commissioners of departments shall have the power and duty to appoint and remove deputy commissioners and bureau administrators. A deputy commissioner or bureau administrator may be removed by a commissioner.

~~***(d) Re-confirm.*** **All commissioners of a department remaining at the end of a four (4) year term shall be reconfirmed by city council at the beginning of the term of the appointing authority. The term of appointment shall not exceed the term of office of mayor/council members. Until re-confirmation or removal commissioners shall serve on a month to month basis and shall be deemed interim or acting, until the city council confirms the commissioner of each department.**~~

(d)Any commissioner of a department remaining at the end of four (4) year term must be re-nominated by the mayor and re-confirmed by the City Council at the beginning of the term of the appointing authority. Until re-nomination and reconfirmation, any such commissioner will be deemed an Acting Commissioner until such time that the commissioner is re nominated by the mayor and re-confirmed by the Council

SECTION 2: A copy of this proposed amendment to the Charter of the City of Atlanta, Georgia, (Ga. Laws 1996 p. 4469 et seq.), approved April 15, 1996, as amended, shall be filed in the Office of the Municipal Clerk 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 City of Atlanta, Georgia", attached hereto as Exhibit "A" and by reference, made a part thereof, 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 (3) weeks within a period of sity (60) days immediately preceding its final adoption.

SECTION 3: That 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 AND CHARTER AMENDMENT TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA. LAWS P. 4469 ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O. C. G. A. SECTION 36-35-1 ET SEQ., AS AMENDED, BY AMENDING PART 1 (CHARTER AND RELATED LAWS), SUBPART A, (CHARTER), ARTICLE III (EXECUTIVE), CHAPTER 3 ENTITLED (CITY DEPARTMENTS), SECTION 3-305 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES BY ADDING A NEW SUB-PARAGRAPH (d); 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

AMENDMENT FORM

COMMITTEE: **FINANCE/EXECUTIVE** **PAGE NUMBER(S):** _____

COMMUNICATION I.D.#: _____ **CAPTION:** ☑ **YES** ☐ **NO**

ORDINANCE I.D.#: 10-O-1739 **SECTION(S):** 1

RESOLUTION I.D.#: _____ **PARAGRAPH(S):** _____

AUTHORIZING SIGNATURE: _____ **DATE:** 10/13/10 **2010**

After the letter "(d) in line 9 of the Caption, insert the following "so as to provide that any Commissioner remaining from a previous administration will be deemed acting until he/she is re-nominated and re-confirmed"

In revised section 3-305(d), line 1 insert the phrase "shall be considered a holdover commissioner and" after the words "four (4) year term"

AN ORDINANCE AND CHARTER AMENDMENT **10-O-1739**

BY COUNCILMEMBER NATALYN MOSBY ARCHIBONG

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE AND CHARTER AMENDMENT TO AMEND THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, 1996 GA LAWS P. 4469 ET SEQ., ADOPTED UNDER AND BY VIRTUE OF THE AUTHORITY OF THE MUNICIPAL HOME RULE ACT OF 1965, O. C. G. A. SECTION 36-35-1 ET SEQ., AS AMENDED, BY AMENDING PART 1 (CHARTER AND RELATED LAWS), SUBPART A, (CHARTER), ARTICLE III (EXECUTIVE), CHAPTER 3 ENTITLED (CITY DEPARTMENTS), SECTION 3-305 OF THE CITY OF ATLANTA'S CODE OF ORDINANCES BY ADDING A NEW SUB-PARAGRAPH (d); TO REPEAL CONFLICTING ORDINANCES AND CHARTER AMENDMENTS; AND FOR OTHER PURPOSES.

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(b) *Residency.* A commissioner, deputy commissioner, or bureau administrator of a department need not be a resident of the city at the time of his or her appointment but shall reside in the city throughout such appointment.

(c) Appointment and removal of other employees. Commissioners of departments shall have the power and duty to appoint and remove deputy commissioners and bureau administrators. A deputy commissioner or bureau administrator may be removed by a commissioner.

~~*(d) Re-confirm.* **All commissioners of a department remaining at the end of a four (4) year term shall be reconfirmed by city council at the beginning of the term of the appointing authority. The term of appointment shall not exceed the term of office of mayor/council members. Until re-confirmation or removal commissioners shall serve on a month to month basis and shall be deemed interim or acting, until the city council confirms the commissioner of each department.**~~

(d)Any commissioner of a department remaining at the end of four (4) year term shall be considered a hold over commissioner and must be re-nominated by the mayor and re-confirmed by the City Council at the beginning of the term of the appointing authority. Until re-nomination and reconfirmation, any such commissioner will be deemed an Acting Commissioner until such time that the commissioner is re nominated by the mayor and re-confirmed by the Council

SECTION 2: A copy of this proposed amendment to the Charter of the City of Atlanta, Georgia, (Ga. Laws 1996 p. 4469 et seq.), approved April 15, 1996, as amended, shall be filed in the Office of the Municipal Clerk 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 City of Atlanta, Georgia", attached hereto as Exhibit "A" and by reference, made a part thereof, 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 (3) weeks within a period of sity (60) days immediately preceding its final adoption.

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This_____ day of _____2010.

Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta

PUBLIC NOTICE

NOTICE OF PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF ATLANTA, GEORGIA

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GIVEN UNDER MY HAND AND SEAL OF THIS OFFICE ON THIS **22nd** day of **September, 2010.**

Rhonda Dauphin Johnson
Municipal Clerk

RCS# 579
10/04/10
3:01 PM

Atlanta City Council

REGULAR SESSION

10-O-1739 AMEND PART 1 SUBPART A,ART.III CHAPT.3
SEC.3-305 OF CODE OF ORDINANCES(1ST ADP)
ADOPT ON SUB /Refer Finance Exec.

YEAS:	14
NAYS:	0
ABSTENTIONS:	0
NOT VOTING:	2
EXCUSED:	0
ABSENT	0

Y Smith	Y Archibong	Y Moore	Y Bond
NV Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

* 2nd reading *

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This_____ day of _____2010.

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Rhonda Dauphin Johnson
Municipal Clerk
City of Atlanta