

CHAPTER 4. BOARDS, AUTHORITIES, COMMISSIONS, AND OTHER SIMILAR BODIES

Section 3-401. General.

- I. *Purpose and definitions.* As related to corporate, municipal, governmental, or public purposes and for the security, peace, health, and good government of the city, boards, authorities, commissions, committees, or other similar bodies may be created in the City to perform duties including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to City functions or needed ordinances and resolutions.

The City, by action of the Mayor, Council President or City Council, may also appoint individuals to serve on other government(s)' behalf of the City.

All boards, authorities, commissions, etc. having City representation, whether created or appointed to by the City, are collectively and colloquially called BACEs and are defined as follows:

- **Agency:** An organization created and established to provide a particular service, typically one that involves organizing transactions on behalf of or between the City and other parties.
- **Authority:** An organization, having lawful delegation of power, that may exercise legal actions in a particular political or administration sphere. Powers are granted or authorized by federal or state laws or acts. Authorities are created and established by federal or state law, ordinance, or resolution of the City Council, pursuant to federal or state directives and/or requirements.
- **Board:** A group of persons having advisory, investigative, or managerial powers. Boards are created and established by ordinance of the City Council.
- **Commission:** A group of persons brought together to provide investigative and decision-making functions to perform certain acts and duties; to report results to the City Council or to exercise quasi-judicial authority and making rulings on behalf of the City. Commissions are created and established by ordinance of the City Council.
- **Community Improvement District:** An association of property owners in a defined, geographical area identified as a "Community Improvement District" (CID) that provides for taxes, fees, assessments, and debt of the CID in order to fund improvements within the district's boundaries. Powers are granted by state acts. CIDs are created and established by ordinance or resolution of the City Council, pursuant to directives and/or requirements of the state act.
- **Committee:** A group of persons having investigative, review, and advisory roles regarding City ordinances or specific functions. Committees are created and established by ordinance or resolution of the City Council.
- **Task Force:** A group of persons that study a particular subject or work on an issue, such as determining ways to honor someone, and make resulting recommendations to the City Council regarding further actions by Council to achieve a definitive objective. Task Forces are created and established by resolution of the City Council and are often temporary in nature and will cease to exist upon completion of its charge as given by the City Council.

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- Hearing Officers: Individual(s) appointed to serve in a quasi-judicial role regarding specific review matters and having independent responsibility to exercise quasi-judicial authority and make rulings on behalf of the city.

II. *Creation, termination, and the establishment of a quorum.*

(a) As it relates to the creation of BACEs:

- (1) The City Council shall have the authority to create and provide for the composition and functions of such boards, authorities, commissions, etc. (BACEs) their periods of existence, and for the compensation or non-compensation of their members and employees, in whole or in part. The council shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to such BACEs to provide for their operation, either in whole or in part.
- (2) The Mayor may initiate the creation of BACEs subject to the approval of the council.
- (3) Federal or State laws or acts may create by general law or authorize the creation of a BACE by the City Council via ordinance or resolution. Any BACE which derives its powers from general law shall continue to exercise such powers.
- (4) All ordinances or resolutions which create a BACE shall contain the following criteria for its establishment: its purpose and type as defined in I. Purpose and Definitions; what City department shall provide staffing, administrative support, and/or City advisement and connectivity; its composition; whether appointments will require confirmation by the City Council or not; its duration; the frequency in which the BACE shall meet; and its anticipated termination (sunset) date.

(b) As it relates to the termination (sunset) of BACEs:

- (1) Any BACE, not codified within the Atlanta City Charter and Related Laws, and Code of Ordinances, that fails to establish a quorum within 90 days after adoption of authorizing ordinance or resolution, or who fails to meet within 60 days of establishing a quorum of members, shall be terminated (sunset) by the Municipal Clerk without authorization from the City Council; but with notice of such terminations being provided by the Clerk to the Mayor, Council President, all members of Council, any other identified appointing entities, and any appointees to the BACE whose appointment was made within the 90 day period.

Prior to termination (sunset), the Municipal Clerk shall provide a thirty (30) day notice to the sponsor of the legislation to establish the BACE and the BACE chair or designated BACE contact person to inform them of the potential termination (sunset). The BACE will then be terminated (sunset) upon inaction of the sponsor of the legislation to establish the BACE following the 30-day notification.

- (2) The Council Staff Director, or his or her designee within the Council's Office of Research and Policy, shall periodically review all BACEs to determine if the purpose for which the BACE was created has been fulfilled and whether termination (sunset) is necessary. If so determined, an ordinance or resolution shall be drafted by the Council Staff Director, or his or her designee, for presentation to City Council via the committee of purview over said BACE.
- (3) BACEs that terminate (sunset) as provided in this subsection shall be reestablished only by ordinance or resolution of the City Council.

(c) As it relates to the establishment of a quorum:

- (1) Unless otherwise specified, 50%-plus-one members of the BACE shall constitute a quorum required to convene a meeting. However, in the event that multiple positions are vacant, a quorum shall consist of 50%-plus-one of the existing members until the vacancy(ies) has been filled.

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- (2) Whenever a quorum is not achieved, the BACE may receive reports, information, and/or presentations, but cannot take official action. When a quorum is achieved, the minimum requirement for BACE action shall be the affirmative vote of the majority of the number of members constituting a quorum. Such number of votes shall be considered a "majority vote" of the BACE. Official action by the BACE shall only be by majority vote of the trustees once a quorum is achieved.

III. *Membership.*

- (a) Upon appointment to a BACE and confirmation by the City Council, each new member shall be informed of the confirmation of his or her appointment by the Municipal Clerk via e-mail to the address provided by the appointee within his/her completed and signed BACE information form; with a copy of such communication sent by the Clerk to the BACE chair and/or designated BACE contact person.
- (b) No new member of any BACE shall assume office, nor any existing member continue in office until he or she has executed and filed with the municipal clerk an oath or affirmation obligating himself or herself to faithfully and impartially perform the duties of his or her office, with such oath or affirmation being as prescribed by Section 2-1851 of the City Code of Ordinances and administered by the mayor or the municipal clerk.
- (c) Each new member of a BACE shall be contacted and invited to his or her first meeting by the BACE chair or designated BACE contact person, and be provided copies of bylaws, governing structures and/or mission statements by same.
- (d) Any member of a BACE serving an expired term may continue to serve until he or she is re-appointed or until a successor is appointed.
- (e) Any member of a BACE created by the City Council may be removed from office for cause by a majority vote of the Council.
- (f) For ethics disclosure requirements for BACE members, see Chapter 2, Article VIII, Division 2, Section 2-814, (b), 21 and 22.

IV. *Responsibilities, duties and procedures.*

(a) *The BACE.*

- (1) Designated BACEs shall establish bylaws or governing structures not inconsistent with any applicable federal or state law, this City's Charter, this City's Code of Ordinances, nor any ordinance or resolution of the City Council, as it deems appropriate and necessary for the conduct of its affairs. Any such bylaws must be written in the form of the City template on file with the Municipal Clerk and shall be vetted by the City Attorney, or designee, prior to filing with the Municipal Clerk. Bylaws must be completed and filed within 90 days of the BACE establishing a quorum.

BACEs required to establish bylaws or governing structures generally are:

- Any BACE created and established pursuant to federal or state law and authority; and
- Any BACE with an expected long-term duration.

- (2) BACEs not required to establish bylaws or governing structures must prepare a mission statement, copies of which shall be filed with the municipal clerk. Such mission statement must be written in the form of the City template on file with the Municipal Clerk and shall be vetted by the City Attorney or designee prior to filing with the Municipal Clerk. Mission statements must be completed and filed within 60 days of establishing a quorum.

BACEs required to prepare a mission statement generally are:

- Any BACE to honor a person;

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- Any BACE with an expected short-term duration; and
 - All Task Forces.
- (3) The Municipal Clerk shall be notified of any changes to bylaws, governing structures, or mission statements. Revised bylaws, governing structures, or mission statements shall be vetted by the City Attorney, or designee, and filed Municipal Clerk.
- (4) BACEs having financial responsibilities (and their members and employees) shall comply with the budgetary procedures of the City as provided in this Charter.
- (b) *Appointing Authorities.*
- (1) Any vacancy in office of any member of a BACE shall be filled according to the appointing requirements for that now vacant seat.
- (2) Each appointing authority is to provide, to all nominated appointees, any pertinent information regarding the BACE to be appointed to and a BACE information form to be completed, signed, and returned to the appointing authority by the nominee.
- (3) Each appointing authority is to submit to the Municipal Clerk an appointment letter for each new appointee addressed to the City Council President and all Members, whether requiring Council confirmation or being submitted for information purposes only. A copy of the appointee's resume or bio and the appointee's completed and signed BACE information form should be attached to the appointment letter.
- (4) Each appointing authority is to submit to the Municipal Clerk each re-appointment letter to City Council, whether requiring Council confirmation or being submitted for information purposes only, an updated copy of the appointee's resume or bio, an appointee completed and signed BACE information form, and a copy of the appointee's attendance record during his or her term(s) of office.
- (c) *Chairs or Designated Contact Persons.*
- (1) For each BACE, there shall be a City Department identified by City Council resolution or ordinance which shall provide City staffing, administrative support, and/or City advisement and connectivity. Said Department shall provide to the Municipal Clerk all necessary recordkeeping information regarding the BACE's purpose; the membership list; any existing by-laws, governing structures or mission statements. It shall be the responsibility of the BACE chair or designated BACE contact person to update the Municipal Clerk of changes to any of these by December 1 annually.
- (2) The BACE chair or designated BACE contact person shall prepare and provide to the Municipal Clerk an annual report outlining activities and accomplishments via annual submission no later than December 1.
- (3) The BACE chair or designated BACE contact person shall keep an attendance record of every meeting for each member and submit to the Municipal Clerk following each meeting. A comprehensive attendance report of every meeting for each member should be submitted to the Municipal Clerk by December 1 annually.
- (4) The BACE chair or designated BACE contact person shall provide to the municipal clerk a newly completed and signed BACE information form, or a signed statement indicating that there are no changes to the form currently on file in the Office of the Municipal Clerk for each member by December 1 annually.
- (5) The chair or designated BACE contact person shall promptly notify the Municipal Clerk of any membership vacancies, resignations, excessive absences, no-shows, tardiness, or failure to perform. The Clerk, shall then accordingly notify the designated appointing authority.

(d) *Recordkeeping.*

- (1) The Municipal Clerk shall serve as the point of contact between each BACEs chair or designated contact person for purposes of receiving, managing, storing and retrieving BACE records.
- (2) The Municipal Clerk shall maintain a record of all BACEs and appointees thereto.

(e) *Employees.*

- (1) All regular, full-time employees of BACEs which have been previously created or hereafter created by the City Council shall be considered to be employees of the City. Such employees shall be entitled to all of the benefits and privileges as are other employees of the City and shall be subject to all laws, ordinances and resolutions governing employees of the City except as otherwise specifically prescribed in the City's Code of Ordinances. Such employees shall be within the unclassified service of the civil service unless the council shall provide by ordinance for other terms and conditions of employment and personnel matters relating to such employees. No member of a BACE shall be deemed an employee of the City under the provisions of this subsection.

Employees of any BACE having financial responsibilities shall comply with the budgetary procedures of the City as provided in this Charter.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-51, § 1, 7-11-01; Ord. No. 2002-46, § 1, 6-10-02; Ord. No. 2017-18(16-O-1547) , § 1, 4-26-17; Ord. No. 2018-23(18-O-1308), § 1, 6-27-18)

Section 3-402. Charter review commission authorized.

The council shall by ordinance establish a charter review commission so that a review of the city Charter may be accomplished every 20 years, to make recommendations, and to hold hearings with respect to amendments to the Charter.

(1996 Ga. L. (Act No. 1019), p. 4469)