

House Bill 1111 (AS PASSED HOUSE AND SENATE)

By: Representatives Setzler of the 35th, Reeves of the 34th, Ehrhart of the 36th, and Parsons of the 44th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Kennesaw, approved May 6, 2013
2 (Ga. L. 2013, p. 4234), as amended, so as to revise the powers and duties of the mayor; to
3 provide for the removal of officers under certain circumstances; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 An Act to provide a new charter for the City of Kennesaw, approved May 6, 2013
8 (Ga. L. 2013, p. 4234), as amended, is amended by revising Section 2.06 as follows:

9 "SECTION 2.06.

10 Mayor as presiding officer; additional powers.

11 The mayor shall preside at meetings of the council, shall have a vote only in the case of a tie
12 vote by councilmembers, shall have veto power, and shall have five business days after the
13 meeting with the council in which to file with the clerk, in writing, his or her dissent, but the
14 council may, at the same meeting or at the next regularly scheduled meeting of the mayor
15 and council, pass any such ordinance, order, or resolution, notwithstanding the veto, by a
16 vote of four-fifths of the total number of councilmembers, to be taken by ayes and nays, and
17 such ordinance, order, or resolution shall be entered upon the minutes. The mayor shall be
18 the chief executive officer of the city and shall have the authority to appoint councilmembers
19 to advise the various departments of the city through the direction of the city manager. The
20 mayor shall sign ordinances and resolutions on their final passage; may obtain short-term
21 loans in the name of the city when authorized by the council to do so; shall sign deeds,
22 bonds, and contracts when authorized by the council to do so; and shall perform all other
23 duties imposed by this charter and by duly adopted ordinances."

24 **SECTION 2.**

25 Said Act is further amended by adding a new section to Article II to read as follows:

26 "SECTION 2.14.

27 Suspension and removal of officers.

28 (a) If the mayor or any member of the council is indicted for any felony in any court in the
29 United States, the council, by majority vote of its members, may direct the city attorney to
30 file a petition with the Superior Court of Cobb County to suspend such officer with pay
31 pending the resolution of such indictment and shall serve a copy of such petition upon such
32 officer. Upon the filing of such a petition, the Superior Court of Cobb County shall
33 conduct a hearing on such petition, and if the court finds that the continued service by such
34 officer would not be in the best interest of the public, the court shall issue an order
35 suspending such officer with pay until such indictment is resolved.

36 (b) The mayor and councilmembers may be removed from office for any one or more of
37 the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may
38 hereafter be enacted.

39 (c) Removal of an officer pursuant to subsection (b) of this section shall be accomplished
40 by one of the following methods:

41 (1) By an order of the Superior Court of Cobb County following a hearing on a
42 complaint seeking such removal brought by the city attorney. Such action shall only be
43 undertaken by the city attorney upon the adoption of a resolution directing the city
44 attorney to file such complaint by a majority of the members of the council; or

45 (2) By an order of the Superior Court of Cobb County following a hearing on a
46 complaint seeking such removal brought by any resident of the City of Kennesaw.

47 (d) The provisions of this section shall be in addition to any other provisions of law for
48 removal or suspension of officers."

49 **SECTION 3.**

50 All laws and parts of laws in conflict with this Act are repealed.