

**AN ORDINANCE CREATING THE POSITION OF CITY MANAGER FOR THE
CITY OF PEACHTREE CORNERS, GEORGIA**

WHEREAS, the City of Peachtree Corners Charter was adopted by the Georgia Legislature, HB 396 of the 2012 Session of the Georgia General Assembly, providing for the establishing of the City of Peachtree Corners and providing for its operation; and

WHEREAS, Article III (“Administrative Affairs), Section 3.10 of the City Charter provides that the City Council may create various administrative departments and directors for the City, and such directors shall be under the direct supervision of the Mayor of the City; and

WHEREAS, the Mayor and City Council find that the position of City Manager should be created to provide for orderly administration of the various departments of the City; and

WHEREAS, pursuant to Section 8.11, the City of Peachtree Corners is authorized, through its duly elected City Council, to pass Ordinances that bind the City prior to the official July 1, 2012 start of operations of the City, now

THEREFORE, IT IS HEREBY ORDAINED by the Mayor and City Council for the City of Peachtree Corners that a position of City Manager for the City of Peachtree Corners is hereby created and provided for as follows:

Section 1: City Manager; Appointment, Qualification, and Compensation.

The Mayor shall appoint, subject to confirmation by the Council, for an indefinite term, an officer whose title shall be the “City Manager” and the City Manager shall serve at the pleasure of the Council. The City Manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed. The City Manager shall receive such compensation as the Council shall determine appropriate.

Section 2: City Manager as Chief Administrative Officer.

The City Manager shall serve as the Chief Administrative Officer of the City of Peachtree Corners. The City Manager shall be responsible to the Mayor and Council for the proper and efficient administration of the affairs of the City over which said officer has jurisdiction.

Section 3: City Manager - Residency.

Residence at the time of appointment of a City Manager shall not be required; however, within six months after appointment, the City Manager shall be required to be a resident of the City.

Section 4: City Manager Powers and Duties Enumerated.

The City Manager shall have the power, and it shall be his or her duty to:

- (1) See that all laws and ordinances are enforced;
- (2) Appoint and employ all necessary employees and department heads of the city, provided that excepted from the power of this appointment are those officers and employees who by the Charter, State law, or any Ordinance of this City, are appointed or elected by the Council or departments not under the jurisdiction of the City Manager;
- (3) Remove employees employed by said officer without the consent of the Council and without assigning any reason therefore;
- (4) Exercise supervision and control of all departments and all divisions created in the Charter or that may hereafter be created by the Council except as otherwise provided in the Charter or other Ordinance of the City;
- (5) Attend all meetings of the City Council with a right to take part in the discussions, but having no vote. The City Manager shall be entitled to notice of all special meetings;
- (6) Recommend to the Council, after prior review and comment by the Mayor, for adoption such Ordinances, Resolutions, Policies, and measures as the City Manager may deem necessary or expedient;
- (7) See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the City Attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;
- (8) Make and execute all lawful contracts on behalf of the City as to matters within said officer's jurisdiction pursuant to an established Purchasing Policy and to the extent that such contracts are funded in the City's budget and approved by the City Council, except such as may be otherwise provided by law or other Ordinances of the City;
- (9) Act in accordance with Section 2.28 of the City Charter, by preparing and submitting to the Mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
- (10) Keep the Council at all times fully advised as to the financial condition and needs of the city;
- (11) Make a report to the Council, as requested, showing the operations and expenditures of each department of the city government for the preceding month;
- (12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and

(13) Perform such other duties as may be prescribed by the City Charter or required by ordinance or resolution of the Council.

Section 5: Emergencies.

In the case of a declared public emergency as defined in Section 2.23 of the City Charter, the City Manager may award contracts or make purchases for the purposes of meeting such emergency; but the manager shall file promptly with Council a report showing the necessity for such expenditures and, as promptly as possible, obtain approval of the City Council on all awarded contracts.

Section 6: Council Interference with Administration.

Except for the purpose of inquiries and investigations under Section 2.15 of the City Charter, the City Council or its members shall deal with city officers and employees who are subject to the direction or supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders directly to any such officer or employee, either publicly or privately.

Section 7: City Manager - Removal.

(a) The Mayor and City Council may remove the City Manager pursuant to a majority vote of all duly elected Council members. The City Manager shall be an at-will employee as provided by the Charter and Georgia State Law and shall have no procedural administrative appeal rights as a result of said termination.

(b) If the City Manager becomes disabled and/or is otherwise unable to carry out the duties of the office or if the City Manager dies, an Acting City Manager, as appointed by the City Manager or, if one is not so appointed, as appointed by the City Council, shall perform the duties of the City Manager until the City Manager's disability is removed or until the City Manager is replaced. Unless otherwise required by State or Federal law or otherwise by vote of Council, the City Manager shall not receive compensation during the period of time an Acting City Manager is performing the duties of the City Manager.

Section 8: Acting City Manager.

(a) The City Manager may designate in writing any administrative employee of the city who shall exercise all powers, duties, and functions of the City Manager during the City Manager's temporary absence from the city or during the City Manager's disability. If such designation has not been made and the City Manager is absent from the city or unable to perform the duties of the office or to make such designation, the Council may, by resolution, appoint any qualified administrative employee of the city to perform the powers, duties, and functions of the City Manager until the City Manager shall return to the city, the disability ceases, or the Council appoints a new City Manager.

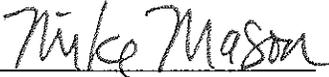
(b) In the event of a vacancy in the office of City Manager, the Council may designate a person as Acting City Manager, who shall exercise all powers, duties, and functions of the City Manager until a City Manager is appointed.

Section 9: Mayor or City Councilmember serving as city manager.

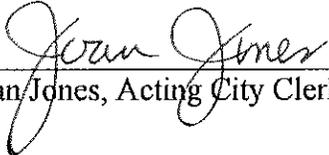
Neither the Mayor nor any other member of the City Council shall be eligible for appointment as city manager or acting or interim City Manager during his or her term of office and for a period of two years after the end of his/her term as Mayor or City Councilmember.

SO ORDAINED AND EFFECTIVE, this 15th day of May, 2012.

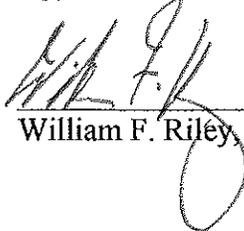
Approved:


Mike Mason, Mayor

Attest:


Joan Jones, Acting City Clerk

Approved as to Form and Content:


William F. Riley, Acting City Attorney

(Seal)