02-O-0860

AN ORDINANCE

BY COUNCIL MEMBER ANNE FAUVER

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 3-401, CHAPTER 4, ARTICLE 3, OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, (GA. LAWS, 1996, P. 4469, ET. SEQ.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO DELETE SECTION 3-401 ENTITLED "GENERAL", UNDER CHAPTER 4 - BOARDS AND COMMISSIONS, IN ITS ENTIRETY AND REPLACE IT WITH A NEW AND EXPANDED SECTION 3-401 - GENERAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED BY THE COUNCIL OF ATLANTA, GEORGIA, as follows:

Section 1. That Section 3-401 of Chapter 4, (entitled "Boards and Commissions)(Exhibit "A"), Article 3, of the Charter of the City of Atlanta, Georgia, is hereby deleted in its entirety and replaced by the following:

CHAPTER 4. BOARDS AND COMMISSIONS

Section 3-401. General.

(a) As related to corporate, municipal, governmental, or public purposes and for the security of the peace, health, and good government of the city, the council shall have the authority to create commissions, councils, boards, ***authorities or other similar bodies*** which shall perform duties prescribed by the council, including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to needed ordinances and resolutions. All members of such boards, commissions, councils, ***authorities or other similar bodies*** shall be legal residents of the city. ***The Chair of each board, commission, council, authority or other similar body shall provide to the Municipal Clerk the names and addresses of its members.***

(b) The council shall have the authority to provide for the composition of such commissions, councils, boards, ***authorities or other similar bodies*** their periods of existence, and for the compensation of their members and employees, in whole or in part. The council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members thereof in the performance of their official duties. The council shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to such commissions, councils, boards, ***authorities and other similar bodies*** to provide for their operation, either in whole or in part.

(c) All regular, full-time employees of commissions, councils, boards, ***authorities or other similar bodies*** which have been previously created or hereafter created by the 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 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 board, commission, ***council, authority or similar body*** shall be deemed an employee of the city under the provisions of this subsection.

(d) Any vacancy in office of any member of a board, commission, ***council, authority or similar body*** shall be filled for the unexpired term in the manner prescribed for the original appointment. ***The Chair shall provide to the Municipal Clerk the name and address of its new members.***

(e) No member of any board, commission, ***council, authority or similar body*** shall assume 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, such oath or affirmation to be prescribed by ordinance an administered by the mayor or the municipal clerk.

(f) Any member of a board, commission, ***council, authority or similar body*** created by the council may be removed from office for cause by a majority vote of the councilmembers present.

(g) Each board, commission, ***council, authority and similar body*** may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the council, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the municipal clerk.

(h) All boards, commissions, ***councils, authorities and other similar bodies*** and their employees shall comply with the budgetary procedures of the city as provided in this Charter.

(i) The functions of boards, commissions, ***councils, authorities and other similar bodies*** of the city, whether established by Acts of the General Assembly or the city council, shall be provided for by ordinances or resolutions of the city council. However, any boards, commissions, ***councils, authorities and other similar bodies*** which derive their powers from general law shall continue to exercise such powers.

(j) The mayor may initiate the creation of additional boards, commissions, ***councils, authorities and other similar bodies*** subject to the approval of the council.

(k) All boards, commissions, ***councils, authorities and other similar bodies*** shall keep an attendance record of every meeting for each member.

(l) The appointing authority shall attach a summary of attendance for the period of time served to the appointment communication when re-appointing any individual to the board, commission, ***council, authority or similar body.***

(m) ***The chairs of city boards, commissions, councils, authorities and other similar bodies or their designees shall promptly notify the mayor and council of any membership vacancies, resignations, excessive absences, no-shows, tardiness, or failure to perform.***

(n) ***Any member of a board, commission, council, authority or similar body, serving an expired term, can continue to serve until he or she is re-appointed or a successor is appointed.***

(o) ***New members shall be contacted and invited to the first meeting by the chair or his/her designee and be provided with copies of bylaws, rules and regulations.***

(p) ***The chair of each board, commission, council, authority and similar body or his/her designee shall prepare and submit an annual report outlining activities and accomplishments to the mayor and council.***

SECTION 2. That a copy of this proposed amendment to the Charter of the City of Atlanta shall be filed in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb counties, Georgia, and that a "Notice of Proposed Amendment to the Charter of the City of Atlanta", attached hereto, marked "Exhibit B" and made a part of this ordinance, be published once a week for three weeks in newspaper of general circulation in the City of Atlanta and in the official organ of Fulton County, and that a copy of said advertisement be attached to this ordinance prior to its final adoption by the Atlanta City Council and provided that such final adoption shall only take place during week immediately succeeding the week in which the last advertisement was published.

SECTION 3. That all ordinances or parts of ordinances in conflict herewith are hereby rescinded.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2002-05, enacted Feb. 13, 2002. (Supplement No. 19) \ PART I CHARTER AND RELATED LAWS \ Subpart A CHARTER* \ ARTICLE 3. EXECUTIVE

CHAPTER 4. BOARDS AND COMMISSIONS

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2002-05, enacted Feb. 13, 2002. (Supplement No. 19) \ PART I CHARTER AND RELATED LAWS \ Subpart A CHARTER* \ ARTICLE 3. EXECUTIVE \ CHAPTER 4. BOARDS AND COMMISSIONS

Section 3-401. General.

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2002-05, enacted Feb. 13, 2002. (Supplement No. 19) \ PART I CHARTER AND RELATED LAWS \ Subpart A CHARTER* \ ARTICLE 3. EXECUTIVE \ CHAPTER 4. BOARDS AND COMMISSIONS \ Section 3-401. General.

(a) As related to corporate, municipal, governmental, or public purposes and for the security of the peace, health, and good government of the city, the council shall have the authority to create commissions, councils, or **boards** which shall perform duties prescribed by the council, including, but not limited to, making studies, conducting research and investigations, holding hearings, and preparing recommendations as to needed ordinances and resolutions. All members of such **boards**, commissions, or councils shall be legal residents of the city.

(b) The council shall have the authority to provide for the composition of such commissions, councils, or **boards**, their periods of existence, and for the compensation of their members and employees, in whole or in part. The council may provide by ordinance for reimbursement of the actual and necessary expenses incurred by the members thereof in the performance of their official duties. The council shall have the authority to annually appropriate and donate money, derived from taxation, contributions, or otherwise, for and to such commissions, councils, and **boards** to provide for their operation, either in whole or in part.

(c) All regular, full-time employees of commissions, councils, or **boards** which have been previously created or hereafter created by the 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 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 board or commission shall be deemed an employee of the city under the provisions of this subsection.

(d) Any vacancy in office of any member of a board or commission shall be filled for the unexpired term in the manner prescribed for the original appointment.

(e) No member of any board or commission shall assume 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, such oath or affirmation to be prescribed by ordinance and administered by the mayor or the municipal clerk.

(f) Any member of a board or commission created by the council may be removed from office for cause by a majority vote of the councilmembers present.

(g) Each board and commission may establish such bylaws, rules, and regulations, not inconsistent with this Charter, ordinances of the council, or applicable state law, as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the municipal clerk.

(h) All **boards** and commissions and their employees shall comply with the budgetary procedures of the city as provided in this Charter.

(i) The functions of **boards** and commissions of the city, whether established by Acts of the General Assembly or the city council, shall be provided for by ordinances or resolutions of the city council. However, any **boards** and commissions which derive their powers from general law shall continue to exercise such powers.

(j) The mayor may initiate the creation of additional **boards** and commissions subject to the approval of the council.

(k) All **boards** and commissions shall keep an attendance record of every meeting for each member.

(l) The appointing authority shall attach a summary of attendance for the period of time served to the appointment communication when re-appointing any individual to the board or commission.

(1996 Ga. L. (Act No. 1019), p. 4469; Ord. No. 2001-51, § 1, 7-11-01)

CODE OF ORDINANCES City of ATLANTA, GEORGIA Codified through Ord. No. 2002-05, enacted Feb. 13, 2002. (Supplement No. 19) \ PART I CHARTER AND RELATED LAWS \ Subpart A CHARTER* \ ARTICLE 3. EXECUTIVE \ CHAPTER 4. BOARDS AND COMMISSIONS

Section 3-40

EXHIBIT "A"

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

NOTICE is hereby given that an Ordinance has been introduced to amend the Charter of the City of Atlanta (Ga. Laws, 1996, p4469, et. seq.), as amended, and Ordinance be 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 2-308(b), CHAPTER 3, ARTICLE 2, OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, (GA. LAWS, 1996, P. 4469, ET. SEQ.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO DELETE SECTION 3-401 ENTITLED "GENERAL", UNDER CHAPTER 4 - BOARDS AND COMMISSIONS, IN ITS ENTIRETY AND REPLACE IT WITH A NEW AND EXPANDED SECTION 3-401 - GENERAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

A copy of the proposed Ordinance and Charter amendment is on file in the Office of the Municipal Clerk of the City of Atlanta and in Offices of the Clerks of the Superior Courts of Fulton and DeKalb counties, Georgia for the purpose of examination and inspection by the public.

This _____ day of _____, 2002.

_____
Municipal Clerk

EXHIBIT "B"

02-O-0860

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCIL MEMBER ANNE FAUVER

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 3-401, CHAPTER 4, ARTICLE 3, OF THE CHARTER OF THE CITY OF ATLANTA, GEORGIA, (GA. LAWS, 1996, P. 4469, ET. SEQ.) APPROVED APRIL 15, 1996, AS AMENDED, SO AS TO DELETE SECTION 3-401 ENTITLED "GENERAL", UNDER CHAPTER 4 – BOARDS AND COMMISSIONS, IN ITS ENTIRETY AND REPLACE IT WITH A NEW AND EXPANDED SECTION 3-401 - GENERAL; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☑ PERSONAL PAPER REFER

Date Referred 5/6/02

Referred To: Committee on Council

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee

Date

Chair

Referred to

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To
Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Hold (see rev. side) Other:	Action: Fav, Adv, Hold (see rev. side) Other:
Members	Members
Refer To	Refer To

FINAL COUNCIL ACTION

☐2nd ☐1st & 2nd Readings ☐3rd

☐Consent ☐V Vote ☐RC Vote

CERTIFIED

MAYOR'S ACTION