

AN ORDINANCE TO AMEND CHAPTER 2 (ADMINISTRATION), OF THE CODE OF THE CITY OF STONE MOUNTAIN, GEORGIA, TO ESTABLISH POLICY GOVERNING VIOLATIONS OF ARTICLE II, SECTION 2.30 OF THE CITY CHARTER

WHEREAS, pursuant to its Charter and other laws of the State of Georgia, the City of Stone Mountain, Georgia (the “City”), has the power to adopt reasonable ordinances, resolutions and regulations for the protection and preservation of the public health, safety and welfare of its citizens; and

WHEREAS, Section 2.30 of the City Charter provides that “[e]xcept for the purpose of inquiries and investigations under Section 2.15 of this Charter, the City Council or its members shall deal with City officers and employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the City Council nor its members shall give orders to any such officer or employee, either publicly or privately”; and

WHEREAS, the City Council desires to establish a policy governing violations of Article II, Section 2.30 of the City Charter.

NOW THEREFORE, it is hereby ordained by the governing authority of the City of Stone Mountain as follows:

SECTION 1. Chapter 2 of the Code of the City of Stone Mountain, Georgia, is hereby amended to add a new Article XII titled “Council’s Interference with Administration” as set out in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. All ordinances, parts of ordinances, or regulations in conflict herewith are hereby repealed.

SECTION 3. This Ordinance shall become effective in accordance with City Charter Sec. 2.34.

SECTION 4. This Ordinance was proposed by Council Member _____ with a motion to adopt. Thereafter, the motion was seconded by Council Member _____. _____ Council Members voted in favor of the motion and ____ Council Members voted against the motion.

[SIGNATURES BEGIN ON NEXT PAGE]

SO ORDAINED this ____ day of _____, 2025.

Dr. Beverly Jones, Mayor

Attest:

Shavala Ames, City Clerk

[CITY SEAL]

Approved as to form:

Jeffrey Strickland, City Attorney

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CITY CHARTER SEC. 2.21 REQUIREMENTS

- Date of First Reading: _____
- Date of Second Reading: _____
- Date Adopted: _____

City Charter, Section 2.21. (Ordinance form; procedures), provides as follows:

- (a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Stone Mountain..." and every ordinance shall so begin. Prior to the submission of any ordinance for consideration by the Mayor and City Council, the same shall be submitted to the City Attorney and be approved by him or her as to form and to ensure such ordinance is not covered by, or in conflict with, any law of general application or other City ordinance.
- (b) An ordinance may be introduced by any member of the City Council and be read at a regular meeting, work session, or special meeting of the City Council. Ordinances shall be considered and adopted or rejected by the City Council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this Charter. Upon introduction of any ordinance, the City Clerk shall as soon as possible distribute a copy to the Mayor and to each Councilmember and shall file a reasonable number of copies in the office of the City Clerk and at such other public places as the City Council may designate.
- (c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements of a "read" or "reading." By an affirmative vote of a majority of the City Council, a reading of the ordinance in its entirety shall be required.

CITY CHARTER SEC. 2.34 REQUIREMENTS

- Date ordinance presented to Mayor: _____ (within three days after its adoption)
- Date ordinance returned to City Clerk: _____ (within four days of receipt from Clerk)

City Charter, Section 2.34. (Submission of ordinances to the mayor; veto power) provides as follows:

- (a) Every ordinance adopted by the City Council shall be presented by the City Clerk to the Mayor within three days after its adoption.
- (b) The Mayor shall within four days of receipt of an ordinance return it to the City Clerk with or without his or her approval or with his or her disapproval. If the ordinance has been approved by the Mayor, it shall become law upon its return to the City Clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the Mayor shall submit to the City Council through the City Clerk a written statement of the reasons for the veto. The City Clerk shall record upon the ordinance the date of its delivery to and receipt from the Mayor.
- (c) Ordinances vetoed by the Mayor shall be presented by the City Clerk to the City Council at its next meeting when a quorum shall be present, and should the City Council then or at its next general meeting adopt the ordinance by an affirmative vote of a majority of the quorum then present, it shall become law.
- (d) The Mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the City Council over the Mayor's veto as provided in this section. The reduced part or parts shall be presented to the City Council as though disapproved and shall not become law unless overridden by the City Council as provided in subsection (c) of this section.

- Date this ordinance becomes law: _____

EXHIBIT A

THE CODE OF THE CITY OF STONE MOUNTAIN

CHAPTER 2 - ADMINISTRATION

ARTICLE XII – COUNCIL’S INTERFERENCE WITH ADMINISTRATION

Sec. 2-321. – Purpose.

It is essential to the proper administration and operation of the City that the members of the City Council do not interfere with City officers and employees who are subject to the direction and supervision of the City Manager.

Consistent with the separation of powers doctrine, the City Charter prohibits the City Council from giving orders to City officers or employees, either publicly or privately. The direction and supervision of City officers and employees are specifically reserved for the City Manager and members of the City Council may only deal with City officers and employees solely through the City Manager.

To safeguard the City Council from interfering with the City Manager’s scope of authority, this article is enacted by the City Council to provide a uniform procedure for addressing violations of Section 2.30 of the City Charter.

Sec. 2-322. – Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

City means the City of Stone Mountain.

City Council means the legislative authority of the government of the City and consists of the mayor and six Councilmembers.

City Manager means the person appointed by the City Council to act as the chief executive and administrative officer of the City and who is responsible to the City Council for the administration of all City affairs placed in the City Manager’s charge under the City Charter.

City employees and administrative officers mean the individuals appointed by the City Manager for the administration of the City’s affairs.

Sec. 2-323. – Prohibitions; exceptions.

(1) The City Council shall have no dealings with City officers and employees except solely through the City Manager. This prohibition does not apply to inquiries and investigations under Section 2.15 of the City Charter.

(2) The City Council shall not give orders to City officers and employees, either publicly or privately.

Sec. 2-324. – Complaints; investigations; hearings.

(a) Any person who believes a member of the City Council has violated Section 2.30 of the City Charter or this article, may file a written complaint with the City Manager.

(b) Upon receiving a complaint, the City Manager shall initiate an investigation solely based upon his personal observations and render a preliminary determination as to the credibility and validity of the complaint. If the City Manager determines that the allegations or basis for the complaint are reasonably supported by evidence, the City Manager shall submit the matter before the City Council for consideration.

(c) The City Council shall hold a hearing within sixty (60) days after the receipt of the City Manager's submission. The City Council shall cause a written copy of the complaint required by this section to be served on the member of the City Council subject to the complaint as soon as practicable, but not later than fifteen (15) days prior to the date set for the hearing. Service may be by personal service or by certified mail, return receipt requested.

(d) At any hearing, the City Council may administer oaths and examine witnesses. All testimony taken by the City Council shall be under oath. At any hearing held under this section, the member of the City Council against whom the complaint is brought shall have the right to be represented by legal counsel, to hear and examine the witnesses against such member and to present evidence and witnesses in opposition or in extenuation.

(e) The City Council shall render a final decision whether or not a violation of Section 2.30 of the City Charter or this article occurred. The City Council's decision must be approved by affirmative vote of four (4) members of the City Council and recorded by a resolution of the City Council.

Sec. 2-325. – Authority to discipline.

(a) If any member of the City Council is found to have violated Section 2.30 of the City Charter or this article, the City Council, acting as a whole, may discipline that member of the City Council in accordance with this article.

(b) Any City officer or employee who knowingly files a false complaint against the Mayor or a City Council Member alleging a violation of Section 2.30 of the City Charter or this article shall be subject to discipline under Code Sec. 20-91.

Sec. 2-326. – Penalties.

Upon the City Council's finding of a violation, the violating member of the City Council is subject to:

(1) First offence – Verbal warning issued by the City Council.

(2) Second offence – Censure issued by the City Council via resolution.

(3) Third offence – Suspension from office in any manner authorized by the general laws of the State of Georgia.

(4) Fourth offence – Removal from office in accordance with Section 5.16 of the City Charter.

The City Council reserves the right to impose a higher level of penalty for a violation if the nature or circumstances of the violation warrant a higher level of penalty.

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