

Articles I and IV – Proposed Columbus Charter Amendment

- “For approval of the change in the existing charter of the City of Columbus which provides that certain City Officers shall be designated; providing for qualifications, appointment and removal of such City Officers.

- “Against approval of the change in the existing charter of the City of Columbus which provides that certain City Officers shall be designated; providing for qualifications, appointment and removal of such City Officers.

The proposed changes in the Columbus Charter shall read as follows:

Sec. 1-101. Form of government.

The Consolidated Government provided by this Charter shall be known as the mayor-council-city manager form of government. The mayor shall be aided by City Officers, who, in the performance of their duties, shall be responsible and accountable to the Mayor except as otherwise provided in this Charter, by Georgia Law or by Rules of the State Bar of Georgia. Those persons who are deemed to be City Officers are set forth in Sec. 4-300 of this Charter, as amended.

Chapter 1. Organization and General Provisions

Sec. 4-101. - Organization.

The Executive Branch shall consist of the Mayor; the City Officers; the directors of departments; and departments, boards, commissions and authorities ordained by the Council or established by law.

Sec. 4-102. - General provisions concerning departments.

(2) There shall be a director of each department who shall be the principal officer thereof. . . .

Chapter 2. The Mayor

Sec. 4-201. - Powers and duties.

The mayor shall have the power and the duty:

- (3) (a) To nominate the City Officers as defined in Sec. 4-300 below. . . .

Chapter 3. City Officers

Subchapter A.

Sec. 4-300. -

The City Officers of Columbus, Georgia shall consist of the City Manager, the City Attorney, the Chief of the Columbus Police Department, The Chief of the Columbus Fire and EMS Department and the Warden of the Muscogee County Prison, all of whom shall be responsible to and accountable to the Mayor of the Columbus, Georgia, except as otherwise provided in this Charter, by Georgia law or by Rules of the State Bar of Georgia.

Sec. 4-301. -

The residency requirement contained in Chapter 3 of this Charter shall only be applicable prospectively to City Officers appointed after the effective date of these amendments to the Charter.

Subchapter B. City Manager

Sec. 4-305. Appointment and removal.

The City Manager shall be appointed in accordance with the requirements of Sec. 4-201(3) of Chapter 2 of this Article. The City Manager shall be removed in accordance with the requirements of Sec. 4-335 of this Chapter.. Vacancies occurring in the office of the City Manager shall be filled in the same manner as prescribed in Chapter 2 for original appointment.

Sec. 4-306. Residence and Compensation.

The City Manager need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term in office. The City Manager shall receive such compensation as fixed by ordinance of the Council.

Sec. 4-307. Powers and Duties.

The City Manager under and subject to the direction of the Mayor shall:

(10) Confer with and advise all elected and appointed officials of the consolidated government who are not under the immediate control or jurisdiction of the Council but who receive financial support therefrom, such as sheriff, tax commissioner, clerk of courts, and probate judge;

(11) At least annually, examine accounts, records and operations of every board, commission, authority, department, office and agency which receive appropriations for the Council;

Subchapter C. City Attorney

Sec. 4-310. – Appointment and removal.

The City Attorney shall be appointed in accordance with the requirements of Sec. 4-201(3) of Chapter 2 of this Article. The City Attorney shall be removed in accordance with the requirements of Sec. 4-335 of this Chapter. Vacancies occurring in the office of the City Attorney shall be filled in the same manner as prescribed in Chapter 2 for original appointment.

Sec. 4-311. - Residence and Compensation.

The City Attorney need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The City Attorney must be an active member of the State Bar of Georgia in good standing, and shall have had at least five (5) years' experience in active practice of the law. The compensation of the city attorney shall be fixed by ordinance of the Council.

Sec. 4-312 – Powers and Duties.

The City Attorney shall:

- (3) Be the primary prosecutor in the recorder's court:

Subchapter D. Chief of Police of Columbus, Georgia

Sec. 4-320. Appointment

The Chief of Police of Columbus (“Police Chief”), Georgia shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The Chief of Police of Columbus, Georgia shall be removed in accordance with the

requirements of Sec. 4-335 of this Chapter. Vacancies occurring in the office of the Chief of Police of Columbus, Georgia shall be filled in the same manner as prescribed in Chapter 2 for original appointment.

Sec. 4-321. – Residence and Compensation.

The Police Chief need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The compensation of the Police Chief shall be fixed by ordinance.

4-322. – Powers and Duties.

The Police Chief under and subject to the direction of the Mayor shall:

(1) be the chief executive officer of the Columbus Police Department. The Police Chief shall be responsible to the Mayor for the overall operations of the department. The Chief of Police is the ranking officer of the department and shall have authority over all personnel, sworn, and non-sworn, within the department.

(2) be responsible for the selection, training, assignment and promotion of all personnel. The Chief of Police of Columbus, Georgia shall have the authority to discipline, including the termination of any department personnel.

(3) be authorized to promulgate rules and regulations and to establish policy and procedure governing the conduct of departmental employees and the activities and operations of the Police Department. The Police Chief is responsible for the fiscal management of the department and shall prepare and submit an annual budget to the Mayor and City Manager, as directed.

(4) be authorized to delegate any of the responsibilities of the office to any of his or her subordinates within the police department.

(5) perform such duties as are required by law or ordinance.

Subchapter E. Chief of Columbus Fire and EMS Department

Sec. 4-325. - Appointment

The Chief of the Columbus Fire and EMS Department (“Fire Chief”) shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The Fire Chief shall be removed in accordance with the requirements of Sec. 4-335 of this Chapter. Vacancies occurring in the office of the Fire Chief shall be filled in the same manner as prescribed in Chapter 2 for original appointment.

Sec. 4-326. - Residence and Compensation.

The Fire Chief need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The compensation of the Fire Chief shall be fixed by ordinance.

Sec. 4-327. – Powers and Duties.

The Fire Chief under and subject to the direction of the Mayor shall:

(1) be in charge of the Columbus Fire and EMS Department and shall be the chief executive officer of the Columbus Fire and EMS Department. The Fire Chief shall be responsible to the Mayor for the overall operations of the department. The Fire Chief is the ranking officer of the department and shall have authority over all personnel, sworn, and non-sworn, within the department.

(2) be responsible for the selection, hiring, training, assignment, and appointment of all personnel. The Fire Chief shall have the authority to discipline, including the termination of any departmental personnel.

(3) be authorized to promulgate rules and regulations and to establish policies and procedures governing the conduct of departmental employees and the activities and operation of the Columbus Fire and EMS Department. The Fire Chief is responsible for the fiscal management of the department and shall prepare and submit an annual budget to the Mayor and City Manager, as directed.

(4) be authorized to delegate any of the responsibilities of the office to any of his or her subordinates within the Fire and EMS Department.

(5) be empowered to assign personnel as needed within the department.

(6) have general control and supervision of all the equipment and all of the members of the department and shall be responsible for the condition and efficiency of the same and shall be in full command of all members of the department.

Subchapter F. Warden of the Muscogee County Prison

Sec. 4-330. – Appointment.

The Warden of Muscogee County Prison (“the Warden”) shall be appointed in accordance with the requirements of Section 4-201(3) of Chapter 2 of this Article. The Warden shall be removed in accordance with the requirements of Sec. 4-335 of this Chapter. Vacancies occurring in the office of the Warden shall be filled in the same manner as prescribed in Chapter 2 for original appointment.

Sec. 4-331. - Residence and Compensation.

The Warden need not be a resident of Columbus, Georgia at the time of his or her appointment, but must become a resident of Columbus, Georgia within ninety (90) days thereafter and maintain such residency during his or her term of office. The compensation of the Warden shall be fixed by ordinance.

Sec. 4-322. – Powers and Duties.

The Warden of Muscogee County Prison under and subject to the direction of the Mayor shall:

- (1) apply the rules of the Georgia Department of Corrections governing the conduct and control of inmates to all inmates housed or incarcerated at the Muscogee County Prison.
- (2) be charged with the responsibility of administering these rules for city-county inmates in the same manner that he or she administers said rules for state inmates. The Warden of Muscogee County Prison shall maintain a current copy of said rules of the Muscogee County Prison.
- (3) be responsible for the fiscal management of the department and shall prepare and submit an annual budget to the Mayor and City Manager, as directed.

Subchapter G. Dismissal and Approval

Subchapter 4-335. – Dismissal of City Officer.

Any City Officer named in this chapter may be dismissed as follows:

- (1) The Mayor may recommend the removal and dismissal of any City Officer. The affected City Officer shall be served with written notice of his or her removal and given an opportunity to be heard by the Columbus Council. Such removal and dismissal shall be effective when confirmed by the affirmative vote of six (6) members of the Council.
- (2) The Mayor may remove, dismiss and discharge any City Officer. Such dismissal shall be effective immediately subject to the affected City Officer's right to appeal such action by the Mayor as provided in Sec. 4-336 of this subchapter.
- (3) The Council, without a recommendation of the Mayor, may remove, dismiss and discharge any City Officer with the affirmative vote of seven (7) members of Columbus Council voting in favor of such removal, dismissal or discharge.

Sec. 4-336. – Appeal of Dismissal by City Officer.

Any City Officer who, pursuant to Sec. 4-335(2) is removed, dismissed or discharged from his or her position as an officer of the City of Columbus shall have the right to appeal such removal, dismissal or discharge to the Columbus Council by filing a notice of appeal with the Clerk of Council within ten (10) days from the date of such removal, dismissal or discharge. Such affected City Official shall have the right to a public hearing before the Columbus Council within twenty (20) days from the date of filing such notice of appeal. Upon completion of the hearing before the Columbus Council, the removal, dismissal or discharge of any such City Officer must be overruled by an affirmative vote of at least six (6) members of Columbus Council or the decision stands.

Sec. 8-302. – Merit Service.

(c) The City Officers, Records and Records Pro Tem, Clerk of Council, and heads and directors of departments;

Article III – Proposed Columbus Charter Amendment

- **For** approval of the change in the existing charter of the City of Columbus which provides that the Columbus Council shall hold at least two (2) regular meetings in each month, unless otherwise provided by resolution of Council.

- **Against** approval of the change in the existing charter of the City of Columbus which provides that the Columbus Council shall hold at least two (2) regular meetings in each month, unless otherwise provided by resolution of Council.

The proposed change in the Columbus Charter shall read as follows:

Sec. 3-103 - Organization of the Council; officers; rules; quorum; meetings; employees.

(4) The rules of the Council shall provide for regular meetings which shall be held at least twice in each month, and shall fix the date and place of all regular meetings; provided, however, that any regular meeting may be canceled upon the adoption of a resolution by a majority vote of the Council at least seven (7) days prior to the meeting. In no event shall fewer than two (2) regular meetings be held in any month.

Article VI – Proposed Columbus Charter Amendments

O For approval of the change in the existing charter of the City of Columbus which provides that there shall be 8 council districts; appointment of the Districting Commission; for enactment of an ordinance; and grounds for removal of Mayor or Councilor.

O Against approval of the change in the existing charter of the City of Columbus which provides that there shall be 8 council districts; appointment of the Districting Commission; for enactment of an ordinance; and grounds for removal of Mayor or Councilor.

The proposed changes in the Columbus Charter shall read as follows:

Sec. 6-101. Council Districts

- (1) For the purpose of electing the district councilors, the territory of the consolidated government shall be divided into eight (8) council districts as designated by the decennial districting commission provided for in Sec. 6-102 and approved by Columbus Council.

Sec. 6-102. Reapportionment of council districts.

- (1) The final grand jury of each decennial year shall, , nominate four (4) registered voters from each of the eight (8) council districts as nominees to comprise a districting commission.

Sec. 6-201. Special elections.

...The special election required herein shall be held on a date specified by O.C.G.A. § 21-2-540....

Sec. 6-202. Automatic recount.

Whenever the difference between the number of votes received by a candidate who has been declared elected to an office in a regular or special election and the number of votes received by any other candidate or candidates not declared so elected shall be not more than one (1) percent of the total votes which were cast for such office therein, the losing candidate may request a recount pursuant to O.C.G.A. § 21-2-495(c)(1).

Sec. 6-400. Petition for enactment; circulation; etc.

- (5) The ballots used when voting upon any such proposed ordinance shall be the ordinance to be voted on and below it the two (2) propositions, "For the Ordinance" and "Against the Ordinance," Voting shall be conducted pursuant to O.C.G.A. § 21-2-284 and O.C.G.A. § 21-2-285.

Sec. 6-500. Grounds for removal.

The mayor or any councilor shall be subject to removal from any office for any one (1) or more of the following causes:

- (e) Abandonment of office or neglect to perform the duties thereof;
- (f) Failure for any other cause to, perform the duties of office as required by this Charter or by law; or
- (g) Any cause as described or defined in O.C.G.A. § 21-4-3.

Sec. 6-501. Procedure for removal.

Removal of an elected officer provided for in this Chapter from office may be accomplished pursuant to provisions in O.C.G.A. § 21-4-1 through O.C.G.A. § 21-4-21.”

Article VIII – Proposed Charter Amendment

- **For** approval of the change in the existing charter of the City of Columbus which provides that if law applicable to both municipalities and counties is in conflict, the Columbus Council shall have the power to choose law that most benefits Columbus.

- **Against** approval of the change in the existing charter of the City of Columbus which provides that if law applicable to both municipalities and counties is in conflict, the Columbus Council shall have the power to choose law that most benefits Columbus.

The proposed change in the Columbus Charter shall read as follows:

Sec. 8-203. Conflict of laws.

For purposes of all applicable laws, the consolidated government shall constitute a municipality and a county or both. To the extent permitted by state law, if a law applicable to municipalities and the same or another law applicable to counties are in conflict, the Columbus Council shall have the power to choose the law that most benefits the Columbus Consolidated Government.

Appendix Two – Section 6--Proposed Columbus Charter Amendment

- **For** approval of the change in the existing charter of the City of Columbus which provides that no former mayor or former councilor may hold any compensated appointive office in the government until one year after expiration of their term of office.

- **Against** approval of the change in the existing charter of the City of Columbus which provides that no former mayor or former councilor may hold any compensated appointive office in the government until one year after expiration of their term of office.

The proposed change in the Columbus Charter shall read as follows:

6. Ineligibility of elected officials.

..... No former mayor or former councilor shall hold any compensated appointive office in the consolidated government until one (1) year after the expiration of the term for which he or she was elected.

Appendix Two—Section 7—Proposed Columbus Charter Amendment

For approval of the change in the existing charter of the City of Columbus which provides that employees of the Consolidated Government may qualify for election to public office in any county except Muscogee County.

Against approval of the change in the existing charter of the City of Columbus which provides that employees of the Consolidated Government may qualify for election to public office in any county except Muscogee County.

The proposed change in the Columbus Charter shall read as follows:

7. Political activities of certain officers and employees.
 - (a) No appointive officer or employee of the consolidated government shall continue in such employment upon qualifying as a candidate for nomination or election to any public office in Muscogee County, nor shall any appointive officer or employee thereof electioneer for a candidate or take any part in the management of the affairs of any political party or in any political campaign in Muscogee County, except to exercise his or her right as citizen privately to express his or her opinions and cast his or her vote.