



**Carl Vinson
Institute of Government
UNIVERSITY OF GEORGIA**

**City of Warner Robins Charter Review
October 2019**

City Official Role and Responsibility Review: Warner Robins

State Representative Heath Clark, on behalf of members of the Houston County delegation to the Georgia House of Representatives, asked the Carl Vinson Institute of Government at the University of Georgia to perform an analysis of the charter of the City of Warner Robins. The letter requesting the analysis specifically asked for a comparison of the Warner Robins charter to that of similar cities with respect to the detailed roles and responsibilities of various officials.¹ Essentially this is a request to compare the form of government of Warner Robins to that of peer cities. To accomplish this, we first determined which cities would serve as the best comparisons and then examined the forms of government in each city and compared them to that of Warner Robins.

The “form of government” in the context of cities in the United States refers to the organization of authority, power, and duties among the elected and appointed officials within the city government. Georgia allows the form of government among its cities to vary, unlike states that prescribe by state law the same form of government across multiple cities based on their population size or that limit the number of options to statutorily specified forms of government. Even so, most city charters in Georgia provide for some variation of one of three main types of forms. These are often referred to as the council-manager, the strong mayor, and the strong council forms of government.² In the council-manager form of government, a professional manager appointed by the mayor and council serves as the administrative head of government, typically hires and fires employees, and presents an annual budget to the elected officials for approval. In the strong mayor form of government, an elected mayor serves as the day-to-day chief executive of the city, hires and fires employees, presents the budget, and makes other administrative decisions. In the strong council form of government, power is shared between a mayor and city council members. Typically, in such cities, the mayor presides over meetings and performs ceremonial duties, while department heads are hired and fired by the legislative branch, which exercises all governing power in the city.³

Talking about “forms of government” as concepts is important not just to illustrate differences among various cities, but because the Georgia Municipal Home Rule Act uses the term and makes clear that only the state legislature may change a city’s form of government.⁴ It may not be entirely clear when changes to a municipality’s governing practices have crossed the line into

¹ See Appendix.

² Much of the literature refers to the “weak mayor” form of government. The term “strong council” is used here instead as the authors believe it is a better descriptor.

³ See *Handbook for Georgia Mayors and Council Members*, 4th edition, published by the Carl Vinson Institute of Government at the University of Georgia, 2005.

⁴ See O.C.G.A. Section 36-35-6, “The power granted to municipal corporations . . . shall not be construed to extend to . . . action affecting the composition and form of the municipal governing authority . . .”

a change in its form of government, as the term is not defined in statute. For example, some cities have adopted ordinances that create city administrator positions to which some authority is delegated. Authority delegated by the governing authority of a city by ordinance can be revoked by the governing authority by ordinance. Additionally, any conflict between such an ordinance and the city charter would be resolved in favor of the charter, and most local government lawyers would urge that any changes to the powers and duties of members of a city's governing authority be made by the legislature.

The Warner Robins Charter

The Warner Robins City Charter identifies the mayor as the “chief legislative officer of the city” with the power to preside at all meetings, appoint or abolish council committees, convene special meetings, and administer oaths.⁵ The mayor is also identified as the “chief executive officer and head of the administrative branch of the city government.”⁶ The mayor exercises supervision and control over all departments and agencies and must devote all of his or her working time and attention to the affairs of the city.⁷ The mayor has the power to appoint or suspend all city agency and department heads, though such appointments must be confirmed by a majority vote of the mayor and council within 30 days.⁸ The mayor also has the power to negotiate, authorize, and execute all city contracts.⁹ Although the mayor does not possess veto power, the charter provides that the mayor can vote on anything before the city council (presumably including on his or her own actions that are subject to council review) by virtue of having the same powers and duties as other council members.¹⁰ But for an unusual power of the council, discussed below, these executive and administrative powers would clearly mark Warner Robins as a strong mayor form of government.

The Warner Robins city charter vests the legislative power of the city in a mayor and six council members.¹¹ A majority of the mayor and council (four of the seven) is necessary to establish a quorum for purposes of taking official action, and a majority of those present for a meeting is necessary to pass a measure (a minimum of three votes is thus necessary to take action).¹² The general powers of the mayor and council include those typically vested in city legislative bodies: the power to adopt annual appropriations, set the fiscal year, adopt ordinances, reorganize departments, and adopt personnel policies.¹³ However, in addition to the power to

⁵ City Charter of Warner Robins, Georgia, Section 2-301(a).

⁶ Id., Section 2-301(b).

⁷ Id.

⁸ Id., Section 2-301(b)(2).

⁹ Id., Section 2-301(b)(3).

¹⁰ Id., Section 2-301(e).

¹¹ Id., Section 2-101.

¹² Id., Section 4-402.

¹³ Id., Section 2-203.

remove or reinstate, within 30 days, any appointed officer suspended by the mayor,¹⁴ the council (comprised of the mayor and six council members) has the authority to appoint or remove by motion any appointed city officer.¹⁵ (The charter also provides the more commonly seen authority for the city council to appoint or remove a city attorney, municipal court judge, and members of any board, commission, or authority.¹⁶) Most city charters provide that the authority to remove a city officer is possessed by the same elected city governmental branch (executive or legislative) with the authority to make the appointment. For example, it is fairly commonplace for city attorneys, city judges, or city clerks to be appointed by a city's legislative branch and to be subject to reappointment or removal by them on an annual basis.¹⁷ It is also common that mayoral appointments to certain city offices must be confirmed by the city council. However, it is very unusual for both the executive and legislative branch to have, independently of each other, the authority to appoint or remove the same city department heads.¹⁸ It is not hard to imagine that a department head serving while disagreements between a mayor and council are taking place would feel particularly vulnerable. A city department head acting on instructions from the mayor, their direct supervisor, could be terminated by only three or four council members (depending on the number in attendance at a meeting; note that the same number of votes of the council also would be enough to prevent their dismissal by the mayor). To be fair, however, many would suggest that anyone answering directly to the governing authority would be in jeopardy once they had run afoul of a significant number of council members and/or the mayor, regardless of the precise details of the form of government. Thus, it is difficult to say where Warner Robins falls on a continuum between the strong mayor and strong council forms of government. The mayor has supervisory duty and hiring and firing power, but that strength is compromised with authority vested in the council to simultaneously exercise hiring and firing power over the same department heads that answer to the mayor.

It is the case however, that department heads in Warner Robins face a different challenge from those in every other city in the identified range of peer cities, discussed in the next section, as all of them have either a city manager or a city administrator. The "buffer" of a city manager or administrator that communicates the policy will of the governing authority but also speaks the language of professional city operations would be argued by many to allow department heads the necessary breathing room they need to execute decisions and focus on department performance. Interestingly, Warner Robins passed an ordinance in 2017 creating a city

¹⁴ Id., Section 2-203(f).

¹⁵ Id., Section 2-203(e).

¹⁶ Id.

¹⁷ The city clerk in Warner Robins is appointed the same way as department heads (see Section 4-201), while the city attorney is appointed by the mayor and council (see Section 4-101). The municipal court judge is appointed by the mayor and council (see Section 6-102); however, portions of the language in the city charter related to appointment and removal of municipal court judges have been preempted by recently enacted state law that makes clear that municipal court judges can only be removed for certain defined acts of misfeasance or malfeasance (see O.C.G.A. Sections 36-32-2 and 36-32-2.1).

¹⁸ This runs afoul of the classic concept of "unity of command" articulated by Max Weber in *Essays in Sociology*.

administrator position, but the position has never been filled.¹⁹ The ordinance provides for a city administrator to be appointed by the mayor and council and to serve as the chief administrator of the city.²⁰ Specifically, the administrator would have the authority to appoint or remove employees but only to make recommendations on the appointment or removal of department heads, which would require action from the mayor and council.²¹ The ordinance also provides that the administrator should serve as the supervisor for each of the city's department heads and that complaints and requests between the employees and the mayor and council should be made through the administrator.²² The ordinance also assigns a number of administrative duties to the administrator, including to supervise purchasing, prepare and administer the annual operating budget, prepare a capital improvements plan, recommend changes to personnel policies, investigate complaints, and prepare and implement a pay and classification plan.²³

Peer City Comparisons

Based on our experience, the most pertinent factors for determining which jurisdictions would best serve as comparison cities for purposes of governance are population and scope of service provision. Essentially, we assume that cities of similar population size and operational complexity (functioning under the parameters of Georgia local government law) are likely to face similar governance challenges and thus are the most relevant when comparing forms of government. The 2010 Census population for Warner Robins was 66,588. The 2018 Census population estimate for Warner Robins was 75,797. The following chart shows 10 cities with populations within 33,000 of Warner Robins' population using 2018 Census estimates. Specifically, this set includes the three cities closest in terms of population that are larger in population than Warner Robins and the six cities closest to Warner Robins with less population. The cities just outside this range, Rome and Savannah, have, respectively, approximately half and approximately twice the population of Warner Robins and were thus deemed not ideal for comparison.

¹⁹ City of Warner Robins Code of Ordinances, Section 2-54. See "Warner Robins leaders consider city administrator position," www.13wmaz.com/article/news/warner-robins-leaders-consider-city-administrator-position/93-b12e5a9c-58a9-498b-9e4c-b16727bba0c0, June 4, 2019, accessed October 8, 2019.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

City	2018 Census Pop. Est.
Sandy Springs	108,797
Roswell	94,650
Johns Creek	84,310
Warner Robins	75,797
Albany	75,249
Alpharetta	66,255
Marietta	60,806
Smyrna	56,706
Valdosta	56,426
Dunwoody	49,459

To ensure that the cities in this population range operate at a similar level of complexity, we examined the services provided by each. All of the cities listed above have a police department, and all but Dunwoody maintain a fire department. Each of these cities has its own planning department, provides parks and recreation services within its boundaries, and has either a public works or engineering department. The provision of utility services adds an additional layer of complexity to operations and therefore, arguably, governance. Warner Robins provides natural gas service as well as water and sewer service. Several cities in the population range above also provide utilities. Valdosta provides natural gas and water and sewer. Marietta provides electricity. Albany provides water and sewer, natural gas, and electricity.

For each of the cities in the peer group, we noted the form of government, the powers and duties of the elected officials, and how department heads and other appointed officers of the city are hired and removed. A brief description of the form of government for each of the cities in the peer group, starting with the largest, is given below. These are then summarized into a table for ease of comparison.

Before summarizing the details of the forms of government for each city, however, it may be helpful to first explain a few peculiarities found in the city charters. There is often confusion over the use of the term “city administrator.” In some instances, this term is merely a synonym for “city manager,” and thus the terms are interchangeable. In some instances, however, “city administrator” is used to connote a position with less authority than a city manager. In considering whether a government has a true council-manager form of government, we suggest that a key hallmark of a true city manager position is that it possesses the power to hire and fire department heads of the city. Many modern charters that provide for the council-manager form

of government contain language that requires the elected officials to deal with the employees of the city that answer to the city manager only through the city manager.²⁴ Additionally, the responsibility to present the budget and update the council on the financial state of the city typically falls to the manager in a classic council-manager form. Finally, even in council-manager forms of government, the powers of the mayor can vary from city to city. Some mayors are given merely ceremonial powers that include presiding at meetings, while others, for example, possess veto power over measures as well as “line item veto” power to reduce budget appropriations.

It is also worthwhile to explain the role played by city officers other than the city manager or city administrator. Most cities appoint a city attorney that serves to answer legal questions posed by the governing authority, city manager, and department heads. City attorneys often review contracts on behalf of the city and help handle claims against the city. In cities the size of those we examined in this analysis, it is not uncommon for the city attorney to be a full-time employee of the city. For example, Warner Robins, Roswell, and Albany all employ an in-house city attorney. Most cities also appoint a city clerk that often serves as the chief records officer, official meeting scheduler and minute taker. Finally, most cities appoint a municipal court judge to oversee the disposition of cases in municipal court, which usually involve traffic offenses and municipal ordinance violations. In some instances, cities will also appoint solicitors to prosecute cases in their municipal court. Although the exact scope of duties performed by these appointed officials may vary a little, for the most part these offices play the same role regardless of city. They are typically appointed by the city council or the mayor and council acting together because they perform functions on behalf of the governing authority, like a manager or administrator. In this way they are set apart from a typical city department head (e.g. city planner, public works director, fire chief). Since they are similarly appointed and serve similar functions throughout most cities, we have not focused intently on them in our review.

In order to compare the form of government in the peer cities with that of Warner Robins, we reviewed the charter and, in some instances, the code of ordinances for each of the comparison cities. In the following sections, key powers and duties of the elected governing authority officials and any appointed manager or administrator are noted. A summary description of the form of government for each is provided as well as a table comparing some of the key powers. The figure on page 13 then maps the forms of government utilized by Warner Robins and the peer cities. The form of government is shaped not only by the executive balance of power between the mayor and a manager or administrator but also by the legislative balance of power between the mayor and council. We have therefore tried to identify two key powers unique to mayoral offices in the comparison cities: whether the mayor possesses a veto and how the mayor votes on matters before the council.

²⁴ See e.g., City Charter of the City of Sandy Springs, Section 3.05 for language prohibiting council interference.

SANDY SPRINGS

Sandy Springs' city charter provides for a council-manager form of government. The city is governed by a mayor and six council members.²⁵ The mayor appoints the city manager, who is subject to confirmation by the city council.²⁶ A quorum of the council requires four council members, a majority of those voting is necessary take action, and three affirmative votes is the minimum for passing a measure.²⁷ The mayor possesses veto power, which may be overridden by four council members.²⁸ The mayor possesses the power to conduct investigations into the conduct of the city's affairs.²⁹ The mayor presides at city council meetings but may only vote to break a tie or when his or her vote will be the third vote necessary to approve a matter.³⁰ The mayor has the authority to nominate a city attorney, a city clerk, a tax collector, and a city accountant, who are subject to city council confirmation.³¹ However, the city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or may assign the functions of any one or more such positions to other positions or perform all or any part of the functions in lieu of the appointment of other persons. The council, by resolution, appoints the municipal court judge.³² While the council must deal with city employees only through the city manager, the mayor is recognized as the chief executive of the city and is allowed to make recommendations to the city manager regarding hiring and firing of employees. The mayor may also compel the manager to meet at a designated time and place in order to consult regarding the affairs of the city.³³

ROSWELL

The city charter of the City of Roswell vests the legislative power of the city in a mayor and six council members.³⁴ The mayor and council appoint a city administrator who is vested with the responsibility to supervise all city employees and departments.³⁵ The mayor, however, maintains the power to make recommendations concerning the employment or termination of city employees, conduct investigations into the affairs of the city, require members of departments to meet at a designated time and place for consultation and advice regarding the affairs of the city, and submit an annual report to the council concerning the affairs of the city.³⁶ The mayor also appoints council members to oversee and report on the functions of various

²⁵ City Charter of Sandy Springs, Georgia, Section 2.01.

²⁶ *Id.*, Section 3.02.

²⁷ *Id.*, Section 2.10.

²⁸ *Id.*, Section 2.15.

²⁹ *Id.*, Section 3.01.

³⁰ *Id.*, Section 2.10.

³¹ *Id.*, Sections 3.08, 3.09, 3.10, 3.11.

³² *Id.*, Section 4.02.

³³ *Id.*, Section 3.01.

³⁴ City Charter of Roswell, Georgia, Section 3.10.

³⁵ *Id.*, Section 3.90.

³⁶ *Id.*, Section 3.90.

departments of the city.³⁷ In addition, the mayor has the authority to approve the budget drafted by the administrator before it is ever submitted to the council.³⁸ A quorum consists of four council members or three council members and the mayor.³⁹ The city administrator shall exercise “executive supervision” over all city employees and departments, may head one department in addition to his or her other duties, and may have other duties as assigned by the mayor and council, which may require functioning as city clerk.⁴⁰ The city council appoints a city attorney and a city clerk, who can be removed by the council at any time with or without cause.⁴¹ The municipal court judge is elected citywide.⁴² The city charter provides that, unless otherwise specified, all appointive officers, heads of departments, and subordinate employees shall be subject to removal or discharge by the person or body appointing them, with or without cause, at any time, without specifying in the charter exactly which officials are authorized to make the appointments.⁴³ The city has filled this gap by adopting language into its code of ordinances that provides that the city administrator shall appoint, suspend, or remove all employees under his or her supervision.⁴⁴ Because this language is only found in an ordinance, however, the city council could repeal or modify this language by passing an ordinance and without seeking the approval of the Georgia General Assembly. The code also provides that the administrator prepares the budget to submit to the mayor.⁴⁵ The administrator also has the authority to investigate the affairs of the various departments.⁴⁶

JOHNS CREEK

The legislative authority of the City of Johns Creek is vested in a mayor and six council members.⁴⁷ The council is authorized to conduct investigations into the affairs of the city and the conduct of any department.⁴⁸ A quorum for council meetings consists of four council members, and a majority vote of those present is necessary for adoption of a measure.⁴⁹ The mayor has the authority to veto measures enacted by the council as well as to reduce line item appropriations; it takes four votes to override a veto.⁵⁰ The mayor also possesses the authority to conduct investigations into the conduct of the city’s affairs.⁵¹ The mayor is named as the chief

³⁷ Id.

³⁸ Id., Section 6.30.

³⁹ Id., Section 3.140.

⁴⁰ Id., Section 4.10.

⁴¹ Id., Sections 4.40, 4.50, 4.30.

⁴² Id., Section 7.20.

⁴³ Id., Section 4.30.

⁴⁴ Code of the City of Roswell, 2.3.4.

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ City Charter of Johns Creek, Georgia, Section 2.10.

⁴⁸ Id., Section 3.12.

⁴⁹ Id., Section 3.15.

⁵⁰ Id., Section 3.21.

⁵¹ Id., Section 3.22.

executive office of the city and may vote on any question before the council.⁵² The mayor appoints council members and council committees to review and oversee various city departments and functions.⁵³ The mayor can also require the city manager to meet with him or her at a time and place designated for consultation and advice about the affairs of the city.⁵⁴ The mayor also has the responsibility to nominate the city attorney, city clerk, city tax collector, and city accountant, subject to ratification by the city council.⁵⁵ The mayor also has the power to appoint an executive aide to the mayor to assist the mayor in his or her duties.⁵⁶ Finally, the mayor nominates a city manager subject to approval by the council.⁵⁷ The city manager has the authority to appoint and remove all the employees of the city without the consent of the council, supervise all departments, and act as budget officer of the city.⁵⁸ The council, by resolution, appoints the municipal court judge.⁵⁹

ALBANY

The governing authority of the City of Albany consists of a mayor and six city commissioners.⁶⁰ The charter provides that there shall be a city manager with the authority to supervise city departments and to employ and remove, as necessary, employees of the city.⁶¹ In addition to other duties, the city manager also serves as the budget officer of the city and submits the budget to the city commission.⁶² The mayor presides at meetings. Although he or she may not veto measures passed by the commission, the mayor may vote on matters before the commission and exercise a line item veto over appropriations.⁶³ Line item vetoes can be overridden by four votes of the commission.⁶⁴ The charter provides that the city commission appoints a city attorney, a city clerk, and a judge of the municipal court.⁶⁵

ALPHARETTA

The legislative power of the City of Alpharetta is vested in a mayor and six council members.⁶⁶ The city council may conduct investigations into the affairs of the city and the conduct of any department.⁶⁷ The mayor serves as the chief executive and supervises all executive and

⁵² Id.

⁵³ Id.

⁵⁴ Id.

⁵⁵ Id.

⁵⁶ Id.

⁵⁷ Id., Section 3.24.

⁵⁸ Id., Section 3.25.

⁵⁹ Id., Section 5.11.

⁶⁰ City Charter of Albany, Georgia, Section 3.

⁶¹ Id., Section 4.

⁶² Id.

⁶³ Id., Section 3.

⁶⁴ Id.

⁶⁵ Id.

⁶⁶ City Charter of Alpharetta, Section 2.10.

⁶⁷ Id., Section 2.15.

administrative work of the city.⁶⁸ The mayor employs and terminates city personnel with the approval of a majority of the council.⁶⁹ The mayor also makes an annual financial statement to the council and possesses the authority to audit all city accounts.⁷⁰ The mayor may vote on measures before the council and possesses a veto power over measures adopted by the council and a line item veto over appropriations, which can be overridden by the votes of four council members.⁷¹ A quorum consists of four council members, and the affirmative vote of a majority of the council members present is required for the adoption of any measure.⁷² The city council may appoint a city attorney, a city clerk, a city tax collector, and a city accountant.⁷³ The mayor and council appoint a municipal court judge⁷⁴; the mayor and council may appoint a city solicitor to prosecute cases in municipal court as well as a municipal court clerk.⁷⁵ The provisions of the city's charter clearly indicate a strong mayor form of government. However, the city has chosen to create by ordinance a city administrator position. The duties of the administrator include conducting research, applying for grants, ensuring contract compliance, preparing an annual budget, directing daily business operations, and carrying out other duties as assigned by the mayor and council.⁷⁶

MARIETTA

The governing authority of Marietta is composed of a mayor and seven council members.⁷⁷ The mayor is the chief executive officer of the city and has general supervision over all of its affairs.⁷⁸ The mayor presides at all meetings of the council and casts the deciding vote in case of a tie vote.⁷⁹ The mayor and four council members constitute a quorum, and the majority vote of a quorum is necessary for the passage of a measure.⁸⁰ The mayor has veto power over measures passed by the council and line item veto power over appropriations. Five votes of the council are required to override a veto.⁸¹ The charter provides for a city manager, appointed by the council, with the authority to hire and fire employees.⁸² The city manager is responsible for submitting an annual budget to the council and a complete report of fiscal activities by the end

⁶⁸ Id., Section 2.27.

⁶⁹ Id.

⁷⁰ Id.

⁷¹ Id.

⁷² Id., Section 2.20.

⁷³ Id., Sections 3.12, 3.13, 3.14, and 3.15.

⁷⁴ Code of the City of Alpharetta, Section 2-55.

⁷⁵ City Charter of Alpharetta., Sections 4.11, 4.18, and 4.22.

⁷⁶ Code of the City of Alpharetta, Section 2-6.

⁷⁷ City Charter of Marietta, Section 2.2.

⁷⁸ Id., Section 2.6.

⁷⁹ Id.

⁸⁰ Id., Section 2.11.

⁸¹ Id., Section 2.11A.

⁸² Id., Sections 4.2, 4.4.

of every year.⁸³ The council appoints a city clerk and a city attorney who report to it.⁸⁴ The governing authority also appoints a municipal court judge.⁸⁵

SMYRNA

The governing authority in the City of Smyrna comprises a mayor and seven council members.⁸⁶ The mayor is the chief executive officer and exercises general supervision,⁸⁷ and possesses veto power over measures adopted by the council, which can be overridden by a two-thirds vote of the council.⁸⁸ The city charter provides that the mayor and council appoint a city clerk and a municipal court judge.⁸⁹ The city has provided by ordinance for a city attorney and a city administrator.⁹⁰ The administrator is appointed by the mayor and council, and performs duties as assigned by the mayor and council, including, but not limited to, director of finance and administration, city treasurer, purchasing agent for all departments, coordinator of commissions and departments of the city, and the general management of city business under the direction and guidance of the mayor and council.⁹¹ Members of the council are not permitted to exert improper pressure on the city administrator in the performance of these duties or to hire or fire any specific person.⁹² The city administrator makes all personnel decisions pertaining to the departments of the city and has the specific authority to hire or discharge for cause any employee of the city except the head of any city department, any officers appointed directly by the mayor and council, and any employees protected by a civil service board. In the exercise of his or her assigned authority, the city administrator must first consult with the department head of the department concerned and, where possible, delegate to that department head the authority to discipline or terminate employees.⁹³ The administrator also serves as the budget officer and submits an annual budget to the mayor and council as well as reporting on the financial condition of the city.⁹⁴ The city also created by ordinance a city solicitor, appointed by the mayor and council, to prosecute cases in municipal court.⁹⁵

⁸³ Id.

⁸⁴ Id., Sections 4.7, 4.10.

⁸⁵ Id., Section 4.11.

⁸⁶ City Charter of Smyrna, Section 6.

⁸⁷ Id., Section 34.

⁸⁸ Id., Section 16.

⁸⁹ Id., Sections 18, 35(a).

⁹⁰ Code of Ordinances of the City of Smyrna, Sections 2.81, 2.96.

⁹¹ Id., Sections 2.96, 2.97.

⁹² Id., Section 2-102.

⁹³ Id., Section 2-104.

⁹⁴ Id., Section 2-103.

⁹⁵ Id., Section 2-116.

VALDOSTA

The city charter for Valdosta specifically adopts the council-manager form of government.⁹⁶ The governing authority comprises a mayor and seven council members.⁹⁷ The mayor presides at meetings and only votes to break a tie, except the mayor may vote with other council members on selecting officers and employees of the council such as the city manager, city attorney, municipal judge, and city auditor.⁹⁸ The city manager appoints the city clerk and is responsible for appointing and removing all city employees.⁹⁹ The manager also submits the annual budget to the mayor and council.¹⁰⁰ The mayor and council are not to interfere with hiring, firing, or discipline of employees and must deal with administrative issues through the manager.¹⁰¹

DUNWOODY

The governing authority consists of a mayor and six council members.¹⁰² The mayor votes on all measures before the city council as another council member, and a quorum consists of four members of the governing authority.¹⁰³ The mayor presides over meetings, carries out ceremonial duties, and may move funds between city departments with the approval of the council.¹⁰⁴ The mayor appoints a city manager, subject to confirmation by the city council.¹⁰⁵ The city manager has the authority to hire and fire all city employees and supervises all city departments.¹⁰⁶ The city manager serves as the budget officer, submits the annual budget to the mayor and council, and keeps them apprised of the financial condition of the city.¹⁰⁷ The elected officials of the city must deal with employees through the manager.¹⁰⁸ The mayor may appoint a city attorney, city clerk, tax collector, city accountant, internal auditor, and municipal court judge, all subject to council approval.¹⁰⁹

⁹⁶ City Charter of Valdosta, Georgia, Section 1.4.

⁹⁷ *Id.*, Sections 2.1, 2.2.

⁹⁸ *Id.*, Section 2.14.

⁹⁹ *Id.*, Sections 2.25, 4.12.

¹⁰⁰ *Id.*, Section 4.12.

¹⁰¹ *Id.*, Section 4.13.

¹⁰² City Charter of Dunwoody, Section 2.01.

¹⁰³ *Id.*, Section 2.10.

¹⁰⁴ *Id.*, Section 3.01.

¹⁰⁵ *Id.*, Section 3.02.

¹⁰⁶ *Id.*, Section 3.04.

¹⁰⁷ *Id.*

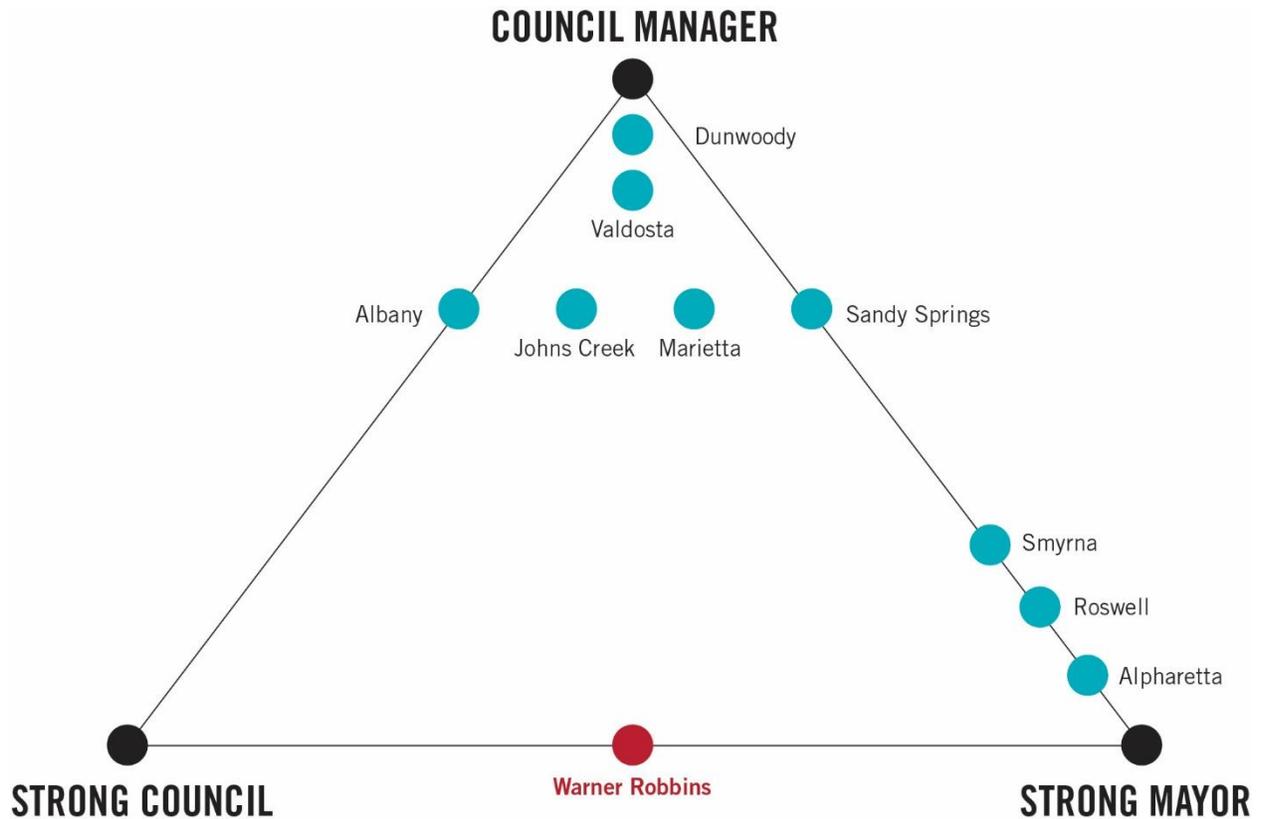
¹⁰⁸ *Id.*, Section 3.05.

¹⁰⁹ *Id.*, Sections 3.08, 3.09, 3.10, 3.11, 3.12, 4.02.

City	Official Who Possesses Hiring/Firing Power	Official Who Presents Budget	Mayor Possesses Veto	Mayoral Vote on Matters
Sandy Springs	Manager; but mayor may make recommendations	Manager	Yes; overridden by 4 votes	To break tie or serve as third vote needed for passage
Roswell	Administrator*	Mayor	Yes; overridden by 4 votes	To break tie and in committee
Johns Creek	Manager	Manager	Yes; overridden by 4 votes	Votes as a member of council
Warner Robins	Mayor; Council (independent of each other)	Mayor	No	Votes as a member of council
Albany	Manager	Manager	Only has line item veto on appropriations; overridden by 4 votes	Votes as a member of council
Alpharetta	Mayor	Administrator**	Yes; overridden by 4 votes	Votes as a member of council
Marietta	Manager	Manager	Yes; overridden by 5 votes	Votes to break a tie
Smyrna	Administrator** for most employees; Mayor and council for department heads	Administrator*	Yes; overridden by 2/3 of council	Votes to break a tie
Valdosta	Manager	Manager	No	Votes to break tie and on selecting city officers
Dunwoody	Manager	Manager	No	Votes as a council member

*This power is conferred merely by an ordinance.

**This position and power are delegated through a mere ordinance by the mayor and council.



The graphic above attempts to place Warner Robins and the comparison cities within the framework of the three main forms of government based on the key roles and responsibilities of their elected officials and appointed manager or administrator. We recognize that how cities operate will differ in practical ways that deviate from the classic examples of the three forms of government described above. However, this illustration helps conceptualize some of the organizational differences. Most of the city governments reviewed fall into the council-manager category, with city managers, appointed by the mayor and council, that possess hiring and firing power and serve as the official budget officer. Dunwoody and Valdosta come very close to representing classic council-manager forms of government. Most of the executive authority in Dunwoody and Valdosta is vested in the city manager while the mayors serve in largely ceremonial capacities. The cities of Albany, Johns Creek, Marietta, and Sandy Springs are all council-manager forms of government that vest hiring/firing power and budget duties in a city manager, but also afford the mayor some executive power beyond mere ceremony. These four cities are plotted left to right based on how much additional authority the mayor has compared to the members of city council. For example, the mayor of Albany has a limited line item veto, and the mayor of Sandy Springs can veto measures passed by council, vote to break a tie, and may make recommendations to the manager on hiring/firing. Alpharetta most closely approaches the strong mayor form of government, while Roswell and Smyrna also have strong

mayors. Alpharetta, Roswell, and Smyrna have all chosen to delegate some executive authority, by ordinance, to a city administrator.¹¹⁰

Observations

A few additional observations are worthy of note.

- The clear majority of cities reviewed in this report employ the council-manager form of government.
- The three newest cities (those created within the last 15 years)—Sandy Springs, Dunwoody, and Johns Creek—all utilize the council-manager form of government.
- Even the cities with a strong mayor form of government have seen value in creating a city administrator position and delegating some executive powers to it.
- None of the other city charters grants simultaneous independent power to the mayor and council to hire and fire employees.

Conclusions

A carefully crafted form of government is critically important to a city government in standing the test of time. The council-manager form of government is touted by many as the national trend, and it appears to be the trend in Georgia as well. Organizations such as the International City/County Management Association and others insist that the council-manager form leads to better, more professional, and less political local government.¹¹¹ Even so, some would make the case for the benefit of having those elected by the people more directly involved in operational decision making. Should the Georgia General Assembly choose to alter the form of government of the City of Warner Robins, we hope some of the information contained in this report will prove useful.

¹¹⁰ As mentioned above, power delegated to a city administrator by ordinance can be amended or revoked by ordinance. Thus, city administrators operating in cities with power delegated by ordinance can not rely on the city charter and the state law requirement that changes to the form of government in the charter must be made by the state legislature. This makes the authority exercised by the city administrator more precarious.

¹¹¹ For more of ICMA's take on the council-manager form of government, see <https://icma.org/professional-local-government-management>.

Appendix



HOUSE OF REPRESENTATIVES

COVERDELL LEGISLATIVE OFFICE BUILDING
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HEATH CLARK
REPRESENTATIVE, DISTRICT 147
305 TARRASA DR.
WARNER ROBINS, GA
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**STANDING COMMITTEES
CHAIRMAN**
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APPROPRIATIONS
INSURANCE
INTRAGOVERNMENTAL COORDINATION
SCIENCE AND TECHNOLOGY
SPECIAL RULES
PUBLIC SAFETY AND HOMELAND SECURITY

Dr. Meadows:

The Houston County House delegation would like to request the Carl Vinson institute to perform an analysis of the City of Warner Robins charter.

Please include examples of similar cities and what their charter details as roles and responsibilities of different officials.

A handwritten signature in blue ink, appearing to read "Heath Clark".

Heath Clark
State Representative District 147
478-227-2320