WHAT CAN CITIES DO?

The primary obligation of cities is to promote the public peace, health, and safety. This is primarily done through services to its citizens. Common services include:

- Police and fire protection
- Street construction and maintenance
- Water and Sewer Services
- Parks and Recreation
- Zoning, building inspection and enforcement

Cities were created to provide specialized services for people in more densely populated areas and to set localized policy. In Georgia counties were originally established as administrative arms of the state for the statewide provision of certain services like the courts and to budget for local constitutional officers such as the sheriff and the tax commissioner. Today, some urban counties provide municipal services. Problems may arise when local elected officials attempt to exceed their powers and affect policy issues entrusted to the state or federal government.

WHAT CAN CITIES NOT DO?

The order of laws from highest to lowest is as follows: the U.S. Constitution, federal statutes, the state constitution, state statutes, local acts and municipal ordinances and resolutions. The higher levels of law take precedence over city charters and municipal ordinances and may limit, expand or preempt a city's power to act. For instance, under the U.S. Constitution cities may not infringe on free speech, may not conduct unlawful searches and seizures and must provide all citizens with due process and equal protection of the laws. Thus when a city acts to regulate signs, freedom of speech issues will need to be considered and may limit the city's ability to regulate signs.

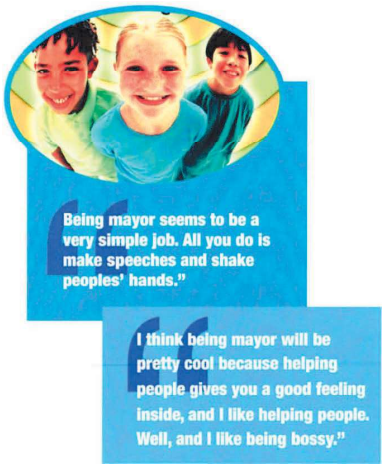
Under the Georgia Constitution, cities are also generally prohibited from making donations of public funds to private or charitable causes, regardless of how worthwhile.

For more information

- For more information on the Open Meetings and Open Records Acts, see GMA Publication. Government In the Sunshine: Open Meetings/Records Guide for City Officials. [12thEd1t1on. 2014). or Georgia Code sections starting at 50-14-1 and 50-18-70.
- For more information on municipal elections in Georgia. see Georgia Election Code and Rules of the State Election Board; 0 CG A Tit. 21. ch 2.
- Further publications on municipal issues are available on the GMA website under "Resources "

GEORGIA MUNICIPAL ASSOCIATION

For more information on GMA, visit:
www.gacities.com



Quotes courtesy of the Georgia Municipal Association's "If I Were Mayor, I Would" essay contest for 6th graders.

GEORGIA MUNICIPAL ASSOCIATION

RUNNING FOR MUNICIPAL ELECTED OFFICE

What may cities do?

What can cities not do?

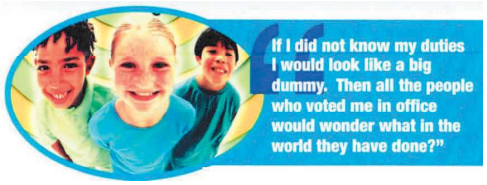
What do city officials do?

What things can city officials not do?

Mechanics of running for municipal office.

You've been elected. Now what?

People run for municipal office for a variety of reasons, but it is important to know about the role of elected city officials before undertaking this important job. It is both a privilege and a responsibility of citizens to actively participate in their community. However, if the goals, expectations, or commitments of the individuals running for office do not coincide with the actual duties of the elective office, the city and its constituents may, at the least, be disappointed, and at the worst, be harmed. This pamphlet is a very general and basic guide for those considering running for municipal elected office.



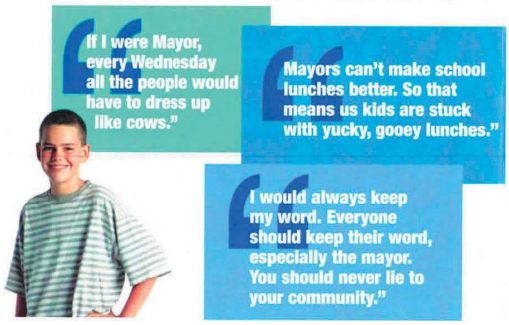
Quotes courtesy of the Georgia Municipal Association "If I Were Mayor, I Would"" essay contest for 6th graders.

WHAT DO CITY OFFICIALS DO?

There are three primary forms of municipal government in Georgia; council-manager, strong-mayor and weak-mayor. The form of government is determined by looking at the **city's charter.** Depending upon the form of government of the municipality, elected officials will have different levels of responsibility over the day-to-day affairs of the city. Thus, it is important to know the form of government of your city, as it will help you to understand the roles and expectations of both elected officials and appointed staff, reducing misunderstandings and improving service. **The charter may be found at city hall,** and many are now located online either on the city's website or the website of a commercial code service such as the Municipal Code Corporation [www.municode.com]. Prospective candidates should read the city's charter before running for office.

Establishment of Policy:

Setting policy about which services to offer, the level of services and the city budget is usually done through the adoption of reasonable ordinances and resolutions by the city council. These ordinances and resolutions must be consistent with state law and the municipal charter. City officials may also set policy by making changes to the charter by ordinance but this power 1s limited. Ordinances have the strength of law 1n the municipality, and generally councils are bound by preexisting ordinances unless and until they change them.



WHAT THINGS CAN CITY OFFICIALS NOT DO?

There are legal and ethical constraints on municipal elected officials. City officials may amend the city charter, but they **DO NOT have the power to change the form of government**, the procedure for election or appointment to elective office, or limitations on continuance in office without the assistance of the General Assembly. Cities cannot enact charter changes regarding certain taxes, courts and criminal offenses. City officials also do not have the power to change the exercise of eminent domain, expand regulation of areas already controlled by the Public Service Commission or affect the establishment of an independent public school system.

City officials may not hold secret meetings or keep documents from the public. Under Georgia law, almost all city matters must be available to the public in the form of open meetings and open records. Under the Open Meetings Act, when a quorum of the members of the city council is present and the matters discussed are public business, with few exceptions, the meeting must be open and accessible to the public.

Georgia law authorizes elected city officials to set their own compensation and benefits **but city officials may not change their own pay or benefits** without first publishing a notice of intent to adopt the change, and the decision is not effective until after the next election. They also may not make such changes between the qualifying date and inauguration date. This sort of transparency keeps local elected officials responsible and responsive to their constituents.

The law also contains a number of ethical limitations. **Elected city officials may not hold more than one office with the city**, such as councilmember and city clerk or mayor and police chief. They also may not vote on a matter if they (or an immediate family member) have a personal financial interest in the matter. Further, **the sale of real or personal property to the city by a city official or employee is limited by state law,** and is, in some cases, a criminal offense. City officials also have procedures they must follow in zoning decisions to avoid a conflict of interest if the official or his or her immediate family has any business or property affected by the zoning decision, or has received a campaign contribution of $250 or more from the applicant or someone opposed to the zoning. In addition to being unethical, a violation of the conflict of interest rules surrounding zoning decisions is a misdemeanor.

MECHANICS FOR RUNNING FOR MUNICIPAL OFFICE

State law requires candidates for municipal office to be a registered voter and to be at least 21 years of age, although a city ordinance may lower the age to 18 years. It also requires that the candidate have lived in the city for at least 12 months, though the city charter may set a shorter time.

Persons who wish to run for municipal office must file a notice of candidacy in the office of the municipal election superintendent of that city during the qualifying period and pay the qualifying fee set by the municipality. The qualifying period allows the election superintendent to examine and challenge the candidate's qualifications for office (such as age, residency, illegally holding public funds, etc.). Eligible voters then have two weeks after the deadline for qualifying to file with the superintendent any written complaints about the qualifications of the individual running for office. Also, if a person intends to accept campaign contributions or establish a campaign committee, additional forms may also have to be filed with the municipal filing officer.

All candidates and public officials are required to file Personal Financial Disclosure Reports annually with the local filing officer.

YOU'VE BEEN ELECTED. NOW WHAT?

Upon election to a local government office, there is a mandatory training program that covers such topics as municipal law, municipal finance, ethics, economic development, emergency management, and open meetings/open records. There are also a wide variety of elective courses offered to city officials through GMA. These classes can be invaluable tools for elected municipal officials. Finally, if you do choose to run for office and are elected, remember the following tips:

- **Know what you are getting into.**
- **Don't make promises you can't keep.**
- **Don't try to please everyone.**
- **Recognize the value of teamwork and consensus building.**
- **Consult with and follow the advice of the city attorney.**