

Sec. 77(3). - Civil service board—Composition, election, terms, qualifications, removal, filling vacancies.

- (a) The original civil service board of the city which was organized under the prior amendment to the city charter (1959 Ga. Laws, pages 3217 et seq.) shall remain in effect and continue to function as herein provided and present members of the civil service board, who were appointed to the office as hereinafter provided, shall continue as members thereof until the expiration of their terms as provided in this section. Said members were selected as follows: The mayor and council of the City of Smyrna appointed a resident of said city as a member of said civil service board for a term of six (6) years; the members of the fire and police departments, by secret ballot, elected a resident of said City of Smyrna as a member of said civil service board for a term of four (4) years and the election was certified by the chiefs of the fire and police departments to the mayor and council of the City of Smyrna and entered upon the minutes of said council. The two (2) persons so elected a third resident of Smyrna for a term of two (2) years, and this selection was in writing and signed by them and entered upon the minutes of the mayor and council of the City of Smyrna. Thereby staggering the date of election of the members whereby one new member is chosen every two (2) years. In a subsequent charter revision (Ord. of 2-17-92(92-02)), the staggered terms of the members were set at four (4) year terms as each member was reelected. The present members of the civil service board, who were appointed to office prior to this revision shall continue as members of the civil service board until the expiration of their terms as provided in this section and shall function as an appellate body as set forth in this charter revision. Beginning with the adoption of this revision, each civil service board members term shall be for two (2) years as each member is reelected.
- (b) In the event of a vacancy upon said board caused by death, resignation, incapacity, inability or other cause, the vacancy shall be filled in the same manner that seat was originally filled, [i.e. by election by: a) either the mayor and council of the City of Smyrna, or b) the members of the departments of the city subject to the provisions of this act, or c) the two (2) members of said board who shall elect such successor] for the unexpired term.
- (c) All present members of the civil service board shall continue in office for the remainder of their respective terms and persons elected for a full term after passage of this act shall be elected for a two (2) year term. There shall be three (3) members of said board at all times and a member shall be eligible to succeed himself or herself if duly elected and otherwise qualified to do so. Although elected by separate bodies, the members of the board shall owe allegiance only to the fulfillment of their duties, and are not representatives of any group or department, and shall not undertake to represent any group or department but only to uphold the charter and laws of the City of Smyrna.
- (d) If any member of the civil service board shall:
  - (1) Miss and fail to attend any two (2) consecutive meetings of the board duly and properly called,
  - (2) Violate any rule, law or ordinance of the City of Smyrna, State of Georgia, or County of Cobb, involving moral turpitude, misuse of funds or which prohibit any act which is repugnant to the public welfare or good conscience or morals of the community, or
  - (3) Violate any rule, law or ordinance of the City of Smyrna coming under this division or knowingly permit another person to do so, or
  - (4) Become physically or mentally unable to perform his regular duties as a civil service board member,
  - (5) Accept anything of value where the donor's intent is to influence any decision of the civil service board member,

then in such event the mayor and council of the City of Smyrna, after having given ten (10) days' prior notice, in writing, of the cause [and] thereafter having conducted a due process hearing thereon, at any regular or special meeting of the mayor and council of the City of Smyrna, may by resolution remove from office such member and declare that a vacancy exists on said board which shall be filled as hereinbefore provided in the same manner and by the same body as the person was elected for the remainder of his or her term of office. If so removed the successor shall be elected in the same manner and by the same body as the person was elected. No member of the civil service board who was removed by mayor and

council for reasons relating to conduct or violation of any rule, ordinance or law shall be eligible to again become a member of the civil service board.

- (e) No person shall be eligible to be a member of said board who is employed in any capacity or who holds any office of profit or trust under the city, county or state, or may otherwise have a conflict of interest by serving on the board, or who is less than twenty-five (25) years of age and a bona fide resident for at least one (1) year prior to his election and qualified voter of said city. At the expiration of the term of each member presently serving, a successor shall be elected by the mayor and council to fill the office of the member elected by them and by the members of the departments subject to the provisions of this act to fill the office of the member elected by the members, of the police and fire departments and the third members' terms shall be filled as herein provided.

(Ord. No. 94-13, 8-15-94; Mo. of 3-20-95)