

Bond Case Briefs

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EMPLOYMENT - GEORGIA

Kautz v. Powell

Court of Appeals of Georgia - March 19, 2014 - S.E.2d - 2014 WL 1043882

Mayor brought declaratory judgment action, seeking a declaration that she had sole authority to terminate the employment of the city attorney. The trial court entered judgment finding that authority to terminate city attorney was vested in the city council. Mayor appealed.

The Court of Appeals held that city charter did not implicitly give mayor the sole authority to terminate the employment of the city attorney, even though it expressly authorized mayor to hire the city attorney. Charter did not expressly give mayor or any other officer the sole authority to terminate the employment of any appointed city officer, and charter expressly reserved to the city council all powers of government not otherwise delegated, leaving no gap from which an implied power could arise.