

# **Bond Case Briefs**

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## **MUNICIPAL GOVERNANCE - GEORGIA**

### **City of Stockbridge v. Stuart**

**Court of Appeals of Georgia - October 21, 2014 - S.E.2d - 2014 WL 5334067**

Mayor brought declaratory judgment action against city, alleging city council's actions in extending city administrator's contract were illegal and ultra vires, and sought injunctive relief and attorney fees. The trial court granted mayor a permanent injunction, declared the actions of the council void, and awarded mayor attorney fees. City appealed.

The Court of Appeals held that:

- City council lacked the authority to unilaterally extend city administrator's employment contract with city beyond the end of the contract term, and thus, any extension beyond the contract term was ultra vires, or void;
- Mayor was entitled to reasonable attorney fees for independent counsel he retained to bring declaratory judgment action against city; and
- Counsel's affidavit submitted in support of city mayor's request for attorney fees was sufficient to support an award of reasonable attorney fees.

Council lacked the authority to unilaterally extend city administrator's employment contract with city beyond the end of the contract term, and thus, any extension beyond the contract term was ultra vires, or void. While city had the power to enter into contracts with private persons under city charter, the position of city administrator existed by virtue of the mayor's delegation of his authority and his power to appoint officers and employees of city, and thus, any employment of city administrator beyond that provided for in charter and ordinance, was governed by the same procedure set forth in the charter for the mayor's delegation of authority and power to appoint.