

Bond Case Briefs

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EMPLOYMENT - GEORGIA

Kautz v. Powell

Supreme Court of Georgia - June 15, 2015 - S.E.2d - 2015 WL 3658804

Mayor brought declaratory judgment action, seeking a declaration that she had sole authority to terminate the employment of the city attorney. The Superior Court entered judgment finding that authority to terminate city attorney was vested in the city council. Mayor appealed. The Court of Appeals affirmed. Mayor petitioned for a writ of certiorari.

The Supreme Court of Georgia held that mayor retained the power to remove city attorney after appointing him or her for an otherwise indefinite period of time.

Mayor retained the power to remove city attorney after appointing him or her for an otherwise indefinite period of time, regardless of city charter provision that vested city council with all powers of government of city. While city charter provided city council with powers not expressly granted to mayor, it was not specific enough to counter the universally accepted rule that is provided by law giving mayor the power to remove city attorney as incident to her power to appoint.