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City of College Park v. Martin

Court of Appeals of Georgia - October 18, 2022 - S.E.2d - 2022 WL 10225601

Former city firefighter brought action against city and city officials challenging city's termination of her employment, alleging, among other things, that city violated Open Meetings Act (OMA) in appointing interim city manager without a public vote and that city manager thus was not authorized to uphold firefighter's termination.

The Superior Court initially granted summary judgment to defendants. On firefighter's appeal, the Court of Appeals, affirmed in part and reversed in part, but the Supreme Court granted certiorari to defendants, affirmed in part and reversed in part, and remanded for further consideration of key issue for firefighter's OMA claim, namely whether city charter required a public vote on appointment of an interim city manager. On remand, the Superior Court granted summary judgment to firefighter, holding that interim city manager's appointment without a public vote was improper. Defendants appealed.

The Court of Appeals held that:

- Provision in city charter providing for appointment of an interim city manager did not require that a public vote be taken on the appointment, and
- Interim city manager was not improperly appointed and was authorized to uphold city's termination of firefighter's employment.

Provision in city charter providing that the mayor and the city council "shall have full powers to make a temporary appointment" to the office of city manager in the event of a vacancy does not require that a vote be taken on appointment of an interim city manager.

City did not violate the Open Meetings Act by failing to vote on the appointment of an interim city manager in an open meeting, and interim city manager was thus not improperly appointed and was authorized to uphold city's termination of firefighter's employment; city charter permitted mayor and council to appoint an interim city manager without a public vote.

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