

ACCOUNTABILITY CLIFF NOTES FOR RESIDENTS

BY

EARNESTINE D. PITTMAN, FORMER MAYOR & COUNCIL MEMBER

This is a collection of articles that will help Residents & our Elected Officials better understand their respective roles in our government. I am providing this information so that both groups will better understand the background and documentation for my Website Updates and future articles. Please READ & SHARE with other Residents. I hope that those of you who have access to legal friends will seek out their advice also.

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GEORGIA DEPARTMENT OF LAW

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ATTORNEY GENERAL

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JUN 16 2011

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BY: *BR*

June 15, 2011

Nina Hickson, Esq.
City Attorney, City of East Point
2777 East Point Street
East Point, Georgia 30344

RE: Open Meetings Act Complaint from Mayor Earnestine Pittman regarding the
East Point City Council

Dear Ms. Hickson:

I am writing to you in your capacity as the attorney for the City of East Point. Mayor Earnestine Pittman came to our office and met with Attorney General Sam Olen on June 8, 2011 regarding concerns about potential violations of the Open Meetings Act by members of the City Council of East Point. At the conclusion of that meeting, she also tendered a written Open Meetings Complaint to our office in which she expressed numerous concerns regarding the actions of the East Point City Council. A copy of that complaint is enclosed for your information.

Mayor Pittman alleges that five city council members are violating the Open Meetings Act by engaging in discussions and then making decisions collectively about city business prior to the actual Council meeting, holding discussions and reaching decisions prior to Council meetings about items to place on the Consent Agenda in order to minimize discussion and the opportunity for public input and access at the Council meetings, and working collectively to switch items to and from the agendas for work sessions and regular Council meetings in order to minimize discussion and the opportunity for public input and access. Mayor Pittman alleges that the purpose of the actions of the five council members is to effectively cut-out the remaining council members from the process and to deny the public the opportunity to be present during the discussion of city matters.

Under Georgia law the Attorney General, as an independent constitutional officer, has the discretionary authority to enforce the Open Records and Open Meetings Acts. O.C.G.A. §§ 50-18-73(a), 50-14-5(a). It is under that authority that our office is looking into the allegations of Mayor Pittman's complaint.

I am not aware of all the circumstances surrounding the allegations, nor am assuming at this

Nina Ilickson, Esq.

June 15, 2011

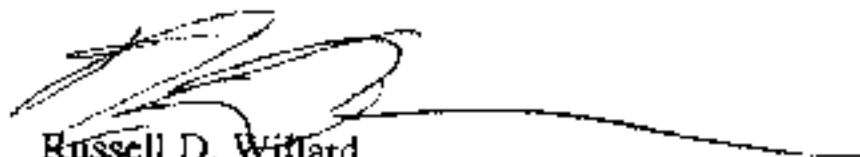
Page 2 of 2

point that the City has violated the law. However, Mayor Pittman's allegations and accompanying documentation, including email correspondence between the five members of the Council that appear to buttress Mayor Pittman's allegations, have raised serious concerns about the Council's compliance with the provisions of the Open Meetings Act.

I would ask that the City provide a response to Mayor Pittman's allegations within the next 10 days. In your response, please provide a detailed explanation of the Consent and Council Agendas, including who decides and how it is decided which items will be placed on these Agendas. Furthermore, please provide a detailed explanation of what notice and disclosure of communications are provided for the pre-meeting communications between the council members where city business apparently is being affirmatively discussed and acted upon, and provide the authority that the Council members are relying upon in so conducting city business.

I look forward to the City's response to the concerns set forth in Mayor Pittman's complaint.

Sincerely,



Russell D. Willard
Senior Assistant Attorney General

RDW/sg
Enclosures

cc: Mayor Earnestine Pittman ✓
(w/out encl.)

**MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF SAVANNAH AND THE OFFICE OF THE ATTORNEY GENERAL
TO ASSURE FUTURE COMPLIANCE WITH
THE OPEN RECORDS AND OPEN MEETINGS ACTS**

This 23rd day of June, 2011
County of Chatham, Georgia

COMES NOW the MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH, a municipal corporation of the State of Georgia (the "City") and the MAYOR AND THE MEMBERS OF CITY COUNCIL (the "Savannah City Council"), on the one part, and the OFFICE OF ATTORNEY GENERAL, on the other, and, as attested by the underlying signatures and pursuant to a resolution passed by the City Council approving this Memorandum of Understanding, hereby agree as follows:

WHEREAS, the City of Savannah as a "council/manager" form of government where laws, ordinances, and resolutions are passed governing the City by the COUNCIL, which is presided over by the Mayor of the CITY OF SAVANNAH; and

WHEREAS, the SAVANNAH CITY COUNCIL is, therefore, the primary governmental body of the CITY OF SAVANNAH and is ultimately responsible for governmental operations and good government in the CITY OF SAVANNAH; and

WHEREAS, the SAVANNAH CITY COUNCIL is an "agency" within the meaning of Georgia law, O.C.G.A. §§ 50-14-1, 50-18-1, and is subject to the requirements of Georgia's Open Meeting Act and Georgia's Open Records Act, O.C.G.A. § 50-14-1 *et seq.* and O.C.G.A. § 50-18-1 *et seq.*; and

WHEREAS, the SAVANNAH CITY COUNCIL, endeavors on a forward going basis to bring itself into full compliance with Georgia's Open Meeting Act and Georgia's Open Records Act and to at all times going forward to comply with the law; and

WHEREAS, the ATTORNEY GENERAL, alleges that the SAVANNAH CITY COUNCIL or its

Mayor and its Aldermen functioning in their official capacities as members of the COUNCIL or employees or officers of the CITY OF SAVANNAH has violated the Open Meetings and Open Records Acts by engaging in the following:

- 1.) failing to fully and completely produce records in compliance with the Open Records Act;
- 2.) failing to properly conduct open meetings when interviewing for the position of city manager of the City in January 2011;
- 3.) failing to provide proper notices and agendas for its meetings when interviewing or discussing the position of city manager of the City during the period from November 2010 through February 2011;
- 4.) failing to properly post agendas for the "workshop" sessions of its meetings held every other Thursday;
- 5.) failing to consider the property damage claim of Alderwoman Mary Osborne in a session of the council open to the public and failing to vote on the approval of the payment of such a claim in an open session;
- 6.) failing to execute sufficient affidavits to inform the public in their detail that closed or executive sessions of the Council were limited to the purposes of which meetings may be closed under Georgia law, see O.C.G.A. §§ 50-14-2, 50-14-3;
- 7.) executing or approving the execution of affidavits for the closure of meetings which were not lawfully closed under Georgia law;
- 8.) discussing or conducting business in a closed session beyond that permitted by Georgia law; and
- 9.) discussing or conducting City business outside of public meetings in groups or in such a manner that such business was effectively resolved before an open meeting was held; and

WHEREAS, the ATTORNEY GENERAL has the civil and criminal authority and standing to enforce Georgia's Open Meeting Act and Georgia's Open Records Act, O.C.G.A. §§ 50-14-5, 50-18-73; and

WHEREAS, the parties wish to resolve all disputed claims amongst them and agree that the CITY

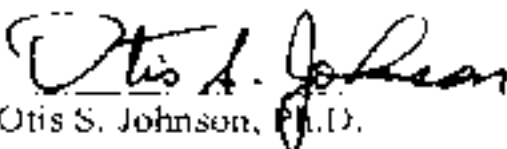
AND THE savannah city council and their officers and employees should henceforth fully comply with Georgia's Open Meeting Act and Georgia's Open Records Act;

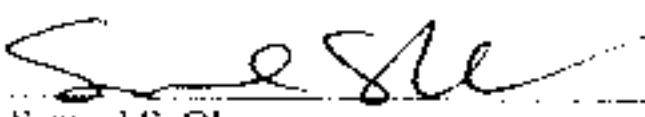
NOW THEREFORE the parties agree and stipulate as follows:

1. the CITY OF SAVANNAH and the SAVANNAH CITY COUNCIL attest and pledge that henceforth they will take all necessary and proper steps to assure compliance with each and all of the requirements of Georgia's Open Meeting Act and Georgia's Open Records Act;
2. the SAVANNAH CITY COUNCIL attest and pledges that it will conduct all of its meetings, and all meetings between its aldermen and/or the mayor regarding city business, in open session except as permitted by Georgia law narrowly construed; provide and properly adequate notices and agendas for such meetings; and properly and timely make available proper summaries and final minutes of such meetings;
3. the SAVANNAH CITY COUNCIL attests and pledges that it will conduct executive or closed sessions limited only on the matters to which the meeting is permitted to be closed and not conduct other City business in such a closed session; and
4. the SAVANNAH CITY COUNCIL AND ITS Mayor attest and pledge that affidavits for executive sessions will be executed by the mayor and approved by the Council with sufficient detail to know that the meeting was properly closed (rather than relying on canned assertions of exceptions).

SO AGREED.

This 23rd day of June, 2011.


Otis S. Johnson, Ph.D.
Mayor and presiding officer of the
City Council City of Savannah


Samuel S. Olens
Attorney General

2024 CODE OF GEORGIA

Title 9 - CIVIL PRACTICE (§§ 9-1-1 — 9-17-14)

Chapter 6 - EXTRAORDINARY WRITS (§§ 9-6-1 — 9-6-66)

Article 2 - MANDAMUS (§§ 9-6-20 — 9-6-28)

Section 9-6-24 - What interest required to enforce public right

Universal Citation:

GA Code § 9-6-24 (2024)

Where the question is one of public right and the object is to procure the enforcement of a public duty, no legal or special interest need be shown, but it shall be sufficient that a plaintiff is interested in having the laws executed and the duty in question enforced.

2024 CODE OF GEORGIA

Title 36 - LOCAL GOVERNMENT (§§ 36-1-1 — 36-93-1)

PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY (§§ 36-30-1 — 36-45-20)

Chapter 35 - HOME RULE POWERS (§§ 36-35-1 — 36-35-8)

Section 36-35-4 - Compensation and benefits for employees and members of governing authority; conditions and requirements governing increases for elective members of governing authority

- (a) The governing authority of each municipal corporation is authorized to fix the salary, compensation, and expenses of its municipal employees and the members of its municipal governing authority and to provide insurance, retirement, and pension benefits, coverage under federal old-age, survivors and disability programs, hospitalization benefits, and workers' compensation benefits for its employees, their dependents, and their survivors and for members of the municipal governing authority, their dependents, and their survivors, when such benefits are provided to municipal employees. Any previous actions to extend insurance, federal old-age, survivors and disability programs, retirement, hospitalization, and workers' compensation benefits to members of the municipal governing authority are validated. With the exception of the provision of insurance, federal old-age, survivors and disability programs, retirement, hospitalization, and workers' compensation benefits, any action to increase the salary or compensation of the elective members of the municipal governing authority shall be subject to the following conditions and requirements:
 - (1) Any such increase shall not be effective until after the taking of office of those elected at the next regular municipal election which is held immediately following the date on which the action to increase the compensation was taken;

- **(2)** Such action shall not be taken during the period of time beginning with the date that candidates for election to membership on the municipal governing authority may first qualify as such candidates and ending with the date members of the municipal governing authority take office following their election; and
- **(3)** Such action shall not be taken until notice of intent to take the action has been published in a newspaper of general circulation designated as the legal organ in the county and in the municipal corporation at least once a week for three consecutive weeks immediately preceding the week during which the action is taken.
- **(b)** As used in subsection (a) of this Code section, the phrase "elective members of the municipal governing authority" means, notwithstanding any terminology or designation of a municipal governing authority or governing body contained in any municipal charter, any elective municipal official who exercises any executive or legislative or executive and legislative powers of the municipal corporation, specifically including a mayor, vice-mayor, president or chairman of a municipal council, member of a municipal council, member of a board of aldermen, or member of a board of commissioners. Such phrase shall also include any person who is appointed to fill a vacancy in any such elective office.
- **(c)** As used in subsection (a) of this Code section, the words "salary or compensation," as applied to the elective members of a municipal governing authority, shall include any expense allowance or any form of payment or reimbursement of expenses, except reimbursement for expenses actually and necessarily incurred by members of a municipal governing authority in carrying out their official duties. The governing authority of each municipal corporation shall be authorized to provide by ordinance for the reimbursement of such actual and necessary expenses.
- **(d)** As used in subsection (a) of this Code section, the words "retirement" and "pension" shall mean termination from municipal service with the right to receive a benefit based upon all or part of such municipal service in accordance with the terms of the ordinance or contract pursuant to which the municipality provides for payment of such benefits. The General Assembly declares and affirms that the Act approved April 17, 1981 (Ga. L. 1981, p. 1741) was intended to assure that prior advertisement of actions to provide insurance, federal old-age, survivors and disability programs, retirement, pension, hospitalization, and workers' compensation benefits to elected members of the municipal governing authority, their dependents, and their survivors is not required.

2024 CODE OF GEORGIA

Title 36 - LOCAL GOVERNMENT (§§ 36-1-1 — 36-93-1)

PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY (§§ 36-30-1 — 36-45-20)

Chapter 35 - HOME RULE POWERS (§§ 36-35-1 — 36-35-8)

Section 36-35-5 - Filing of charter amendments or revisions, notices, and affidavits; publication and distribution of amendments and revisions by Secretary of State

Universal Citation:

GA Code § 36-35-5 (2024)

No amendment or revision of any charter made pursuant to this chapter shall become effective until a copy of the amendment or revision, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided in this chapter, has been filed with the Secretary of State and in the office of the clerk of the superior court of the county of the legal situs of the municipal corporation. The Secretary of State shall provide for the publication and distribution of all such amendments and revisions at least annually.

2024 CODE OF GEORGIA

Title 36 - LOCAL GOVERNMENT (§§ 36-1-1 — 36-93-1)

PROVISIONS APPLICABLE TO MUNICIPAL CORPORATIONS ONLY (§§ 36-30-1 — 36-45-20)

Chapter 35 - HOME RULE POWERS (§§ 36-35-1 — 36-35-8)

Section 36-35-6 - Limitations on home rule powers

Universal Citation:

GA Code § 36-35-6 (2024)

- **(a)** The power granted to municipal corporations in subsections (a) and (b) of Code Section 36-35-3 shall not be construed to extend to the following matters or to any other matters which the General Assembly by general law has preempted or may hereafter preempt; but such matters shall be the subject of general law or the subject of local Acts of the General Assembly to the extent that the enactment of such local Acts is otherwise permitted under the Constitution:
 - **(1)** Action affecting the composition and form of the municipal governing authority, the procedure for election or appointment of the members thereof, and the continuance in office and limitation thereon for such members, except as authorized in Chapter 2 of Title 21 or as provided in Code Section 36-35-4.1;
 - **(2)**
 - **(A)** Action defining any offense, which so defined, is also an offense under the criminal laws of Georgia;
 - **(B)** Action providing for confinement in excess of six months; and
 - **(C)** Action providing for fines and bond forfeitures in excess of \$1,000.00;
 - **(3)** Action adopting any form of taxation beyond that authorized by law or by the Constitution;
 - **(4)** Action affecting the exercise of the power of eminent domain;
 - **(5)** Action expanding the power of regulation over any business activity regulated by the Public Service Commission beyond that authorized by charter or general law or by the Constitution;
 - **(6)** Action affecting the jurisdiction of any court; and
 - **(7)** Action changing charter provisions relating to the establishment and operations of an independent school system.
- **(b)** The power granted in subsections (a) and (b) of Code Section 36-35-3 shall not include the power to take any action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

GEORGIA ATTORNEY GENERAL'S OFFICIAL OPINION 99-3

The Mayor and some Council Members have been spending money in violation of the City Charter and Ordinances without passing Amendments or Resolutions in accordance with the City's Purchasing Ordinance because they believe that if it is in the Adopted Budget there is no reason to follow established laws. Georgia Attorney General totally disagrees and in his written Official Opinion states why.



THURBERT E. BAKER
ATTORNEY GENERAL

Department of Law State of Georgia

40 CAPITOL SQUARE SW
ATLANTA, GA 30334-1300

Official Opinion 99-3

FEBRUARY 24, 1999

To: State Auditor
Department of Audits and Accounts

Re: The requirement that amendments to the budgets of local governments be adopted by ordinance or resolution is not satisfied by the adoption of a "blanket amendment" in the local government's budget resolution.

This is in response to your request for an opinion regarding whether the requirement in O.C.G.A. § 36-81-3(d) that amendments to local government budgets be adopted by ordinance or resolution can be satisfied by a "blanket amendment" in the local government's budget resolution.

Article I of Chapter 81 of Title 36 of the Official Code of Georgia Annotated (Michie) governs local government budgets and audits and O.C.G.A. § 36-81-3 addresses amendments to local government budgets. That Code Section was amended in 1998 to add to subsection (d)(1) the sentence "[s]uch amendment shall be adopted by ordinance or resolution," and to add new subsection (3). Official Code of Georgia Annotated § 36-81-3(d) now provides as follows:

(d) Nothing contained in this Code section shall preclude a local government from amending its budget so as to adapt to changing governmental needs during the budget period. Amendments shall be made as follows, unless otherwise provided by charter or local law:

(1) Any increase in appropriation at the legal level of control of the local government, whether accomplished through a change in anticipated revenues in any fund or through a transfer of appropriations among departments, shall require the approval of the governing authority. Such amendment shall be adopted by ordinance or resolution;

(2) Transfers of appropriations within any fund below the local government's legal level of control shall require only the approval of the budget officer; and

(3) The governing authority of a local government may amend the legal level of control to establish a more detailed level of budgetary control at any time during the budget period. Said amendment shall be adopted by ordinance or resolution.

O.C.G.A. § 36-81-3(d).

It is a fundamental rule of law that "construction of statutes requires determination of the legislative intent, keeping in mind the old law, the evil, and the remedy.

O.C.G.A. § 1-3-1(a)." 1995 Op. Att'y Gen. 95-42, p. 114. "[A]ll words, except words of art, shall be given their ordinary significance. OCGA § 1-3-1(b)." City of Roswell v. City of Atlanta, 261 Ga. 657 (1991). The legislative intent with respect to this Article is specifically set forth in the Code at O.C.G.A. § 36-81-1.

The intent of this article is to provide minimum budget, accounting, and auditing requirements for local governments so as to provide local taxpayers with an opportunity to gain information concerning the purposes for which local revenues are proposed to be spent and are actually spent and to assist local governments in generally improving local financial management practices while maintaining, preserving, and encouraging the principle of home rule over local matters. It is the further intent of this article to provide a mechanism through which appropriate information may be collected to assist state and local policy makers in carrying out

their lawful responsibilities. It is also the intent of this article to provide for the collection and reporting of information so as to assist local taxpayers and local policy makers in understanding and evaluating local government service delivery and operations.

The adoption of a local government's budget requires certain formalities. The budget must be made available for public inspection, O.C.G.A. § 36-81-5(d), notice of the budget's availability for inspection must be published in the newspaper, O.C.G.A. § 36-81-5(e), and the governing authority must conduct a public hearing upon notice, O.C.G.A. § 36-81-5(f) and (g). The requirement that amendments be adopted by ordinance or resolution promotes accountability, disclosure and public knowledge of budget changes. In contrast, permitting a "blanket amendment" in the initial budget resolution violates the clear language of the statute and has the potential of undermining the budgetary process because changes to the budget are permitted without any notice or other formalities.

Thus, it is my official opinion that the requirement that amendments to the budgets of local governments be adopted by ordinance or resolution is not satisfied by the adoption of a "blanket amendment" in the local government's budget resolution. The law requires that any amendments "shall be adopted by ordinance or resolution."

Prepared by:

SHEREEN M. WALLS

Assistant Attorney General

My Copy

Accountability of Elected Officials

A Presentation for
the Citizens of East Point

Presented by:
Attorney Amil C. Johnson

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Fiduciary Duty

Elected officials and appointed officers of the city are trustees and servants of the citizens of the city. They have a fiduciary duty to the citizens, and shall act in accordance with their fiduciary responsibilities and duties for the benefit of such citizens.

City of East Point Code of Ordinances
Sec. 2-501

Fiduciary. 1. One who owes to another the duties of good faith, trust, confidence, and candor. 2. One who must exercise a high standard of care in managing another's money or property.

Trustee. One who, having legal title to property, holds it in trust for the benefit of another and owes a fiduciary duty to that beneficiary.

Source: Black's Law Dictionary, 7th Edition.

"All public servants have a fiduciary duty to use city fiscal and human resources in a manner which advances the public interest, and to refrain from using city resources for their personal benefit; therefore, public servants are prohibited from using city resources in any manner which violates any applicable law or policy, and are expressly prohibited from using any city resource to obtain any personal benefit; accordingly, public servants shall act responsibly in the care and use of city resources, and shall not negligently or intentionally abuse, damage, lose, misappropriate, misplace, misuse, steal or waste any city resources, including, but not limited to: business cards, books, computers, copy machines, electricity, equipment, facilities, fax lines, Internet, inventory, money, official stationery, office space, personnel, postage, records, supplies, telephones, time, tools, typewriters, uniforms, vehicles."

City of East Point Code of Ordinances
Ethics Policy, Sec. 2-4104(e).

Complaints to the Board of Ethics

1. Who may file a complaint?

"Any person may file a complaint with the board [of ethics]..."

City of East Point Code of Ordinances
Ethics Policy, Sec. 2-4020(a).

2. What should the complaint include?

A written notarized complaint should be filed with the board of ethics stating the specific chapter of the code of ethics that have allegedly been violated along with facts alleged to constitute the violation.



3. What happens next?

Within seven (7) business days of receiving the complaint, the board of ethics must acknowledge its receipt, and forward the complaint to the full board and the person against whom the complaint was filed.

Within thirty (30) days of the complaint being filed with the board of ethics, the board must submit a preliminary written analysis of the complaint to the mayor and council.

Within thirty (30) days of the preliminary written analysis being submitted, the board must review and consider the complaint. If a hearing is to be held, the board must set a date for the hearing, which must be within thirty (30) days (unless the accused persons request more time and the board grants the request).

Within thirty (30) days of the hearing, if one was held, or after considering a complaint for that time, the board shall take any action that it deems appropriate.

City of East Point Code of Ordinances
Ethics Policy, Sec. 2-4022(e), (d), (l), and (m).

4. What happens if my complaint gets dismissed?

If the complaint is dismissed, the person who submitted it will have fifteen (15) business days from its dismissal to amend the complaint and re-file it with the board.

City of East Point Code of Ordinances
Ethics Policy, Sec. 2-4022 (i).

5. What are the Council's options?

If the board of ethics files its finding with the city council, the matter must be referred to the council's appropriate standing committee for a report, or the council may appoint a special committee.

The committee then makes a recommendation to the council. After notice and the opportunity for a hearing, the council makes a final determination regarding the committee's recommendation.

Their options are:

- (1) Dismissal of the findings of the board, and
- (2) Reprimand by the council.

City of East Point Code of Ordinances
Ethics Policy, Sec. 2-4023 (a) through (d).

Recalling (Removing) an Elected Official

1. *Who may be recalled and how?*

Every public official who holds elected office is subject to recall from office by electors who are registered and qualified to vote in the recall election and who reside in the electoral district where the candidate was elected.

O.C.G.A. § 21-4-4(a)
(O.C.G.A. stands for Official Code of Georgia Annotated.)

At least 30% of the number of electors registered and qualified to vote at the last preceding election for that position must petition to recall the official.

O.C.G.A. § 21-4-4(a)(1).

2. *What are the grounds for recalling an elected official?*

(A) While holding public office, the official has conducted himself or herself in a manner which:

- (1) relates to and adversely affects the administration of his or her office; and
- (2) adversely affects the rights and interests of the public, and

(B) That the official:

- (1) Has committed an act or acts of malfeasance while in office;
- (2) Has violated his or her oath of office;
- (3) Has committed an act of misconduct in office;
- (4) Is guilty of a failure to perform duties prescribed by law; or
- (5) Has willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with the elective office to which the official has been elected or appointed.

O.C.G.A. § 21-4-3 (7).

3. *What happens after the petition is completed?*

The election superintendent is responsible for determining the legal sufficiency of the recall petition within 30 days after it has been filed with him or her; provided, however, that in cases where more than one recall petition is subject to review for verification, the election superintendent shall be responsible for determining the legal sufficiency of any recall petition within 45 days after it has been filed with him or her.

4. *What happens next?*

Within ten days after having received certification of the sufficiency of the recall petition by the election superintendent, a recall election shall be called and published, as provided in this Code section, and shall be conducted not less than 30 days nor more than 45 days after such call; provided, however, that, if a primary or general election is to be held not less than 30 days nor more than 45 days after such call is issued, the recall election shall be conducted on that date.

O.C.G.A. § 21-4-13(a).

Conviction of a Felony

Upon final conviction of a felony, the office of any state or local officer shall be vacated immediately without further action. The vacancy shall be filled in the manner provided by law for filling vacancies in such office caused by death or resignation.

O.C.G.A. § 45-5-2.

Miscellaneous Actions

1. Mandamus

Legal action to compel a government officer to perform a mandatory or purely ministerial duty correctly.

Ministerial. Relating to non-discretionary acts that involve obedience to laws instead of discretion or judgment.

Source: Black's Law Dictionary, 7th Edition.

All official duties should be faithfully performed; and whenever, from any cause, a defect of legal justice would ensue from a failure to perform or from improper performance, the writ of mandamus may issue to compel a due performance, if there is no other specific legal remedy for the legal rights.

O.C.G.A. § 9-6-20.

2. Quo Warranto

Legal action that challenges an elected official's authority by which they hold public office.

Source: Black's Law Dictionary, 7th Edition.

It may be granted only after the application by some person either claiming the office or interested in it.

O.C.G.A. § 9-6-60.

Gratuities

Gratuity. 1. Action or payment given or performed without obligation to do so.

2. Done unnecessarily.

Source: Black's Law Dictionary, 7th Edition.

Except as otherwise provided in the Constitution, (1) the General Assembly [including city councils] shall not have the power to grant any donation or gratuity or to forgive any debt or obligation owing to the public, and (2) the General Assembly [including city councils] shall not grant or authorize extra compensation to any public officer, agent, or contractor after the service has been rendered or the contract entered into.

Georgia Constitution Article III, Section VI, Paragraph VI(a).