

From: [Donald, Odie](#)
To: [Manigault, Shannon K.](#)
Cc: [Dickens, Andre](#); [Hickson, Nina R.](#); [Gordon, Lisa Y](#)
Subject: Re: Follow-up: Referral letter -- Residency
Date: Wednesday, November 30, 2022 2:34:04 PM
Attachments: [image001.png](#)
[referral letter.residency.8.22.22\[821\].pdf](#)

Dear Inspector General Manigault:

The Office of Mayor Andre Dickens is in receipt of the report of the Office of the Inspector General (OIG) dated August 22, 2022 concerning an alleged violation of a residency requirement set forth in Section 3-305 of the City of Atlanta Charter by a former commissioner of a department within the City of Atlanta government. Please accept this communication as our office's response to the recommendations of the OIG contained therein.

As is noted in the August 22, 2022 report of the OIG, 3-305(b) of the City of Atlanta Charter provides as follows:

Residency. A commissioner, deputy commissioner, or bureau administrator of a department need not be a resident of the city at the time of his or her appointment but shall reside in the city throughout such appointment.

However, as also noted in the August 22, 2022 report of the OIG, state law at OCGA Sec. 45-2-5 provides that:

No municipal or county government in this state shall require as a condition of employment by such government that applicants for employment as officers or employees, or such officers or employees now or hereafter employed, must reside within the boundaries of the municipality or county.

Thus, in its August 22, 2022 report, the OIG concludes that Georgia law preempts the applicability of the residency requirement contained in 3-305(b) of the Charter. We fully agree with this conclusion.

The Georgia Constitution provides that “[l]aws of a general nature shall have uniform operation throughout this state and no local or special law shall be enacted in any case for which provision has been made by an existing general law”. Ga. Const. Art. III, § 6, ¶ IV(a). Thus, a general law may be repealed, amended, or modified by another general law, but it can not be repealed, amended, or modified by a local or special law. Irwin Cnty. Elec. Membership Corp. v. Haddock, 214 Ga. 682, 683, 107 S.E.2d 195, 197 (1959); Stewart v. Anderson, 140 Ga. 31, 78 S.E. 457 (1913).

The City of Atlanta Charter was originally adopted pursuant to a local act of the General Assembly. Ga. Laws 1996, p. 4469. Conversely, OCGA Sec. 45-2-5 is a law of a general nature as it operates uniformly throughout the state upon all persons of a designated class. See Gliemmo v. Cousineau, 287 Ga. 7, 8, 694 S.E.2d 75, 77 (2010); see also Terrell County v. Albany/Dougherty Hosp. Auth., 256 Ga. 627, 630(6), 352 S.E.2d 378 (1987); see also McAllister v. American Nat. Red Cross, 240 Ga. 246, 248(2), 240 S.E.2d 247 (1977). Accordingly, as a local law affecting a subject for which provision has been made by general law, the residency requirement contained in 3-305(b) of the City of Atlanta Charter is preempted by OCGA Sec. 45-2-5 in accordance with the Constitution of the State of Georgia.

In light of this preemption, in its August 22, 2022 report, the OIG recommended that the City of Atlanta:

1. Take legislative action to remove or revise Section 3-505 of the City of Atlanta Code of Ordinances to conform with state law; and
2. Conduct a broader review of the City of Atlanta Code of Ordinances to remove or revise other residency requirements that conflict with state law.

However, it is our opinion that as Georgia constitutional, statutory and case law addresses this matter as described herein, there is no need for the City of Atlanta to take any action in regards thereto at this time. As such, we believe that this matter is hereby rectified and positively concluded.

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In Service,

Odie Donald II, MBA
Chief of Staff
Mayor Andre Dickens
Office of the Mayor
55 Trinity Avenue, SW
Atlanta, GA 30303



From: Manigault, Shannon K. <SKManigault@AtlantaGa.Gov>

Date: Monday, October 24, 2022 at 3:49 PM

To: Dickens, Andre <ADickens@AtlantaGa.Gov>, Hickson, Nina R.

<NinaRHickson@AtlantaGa.Gov>, Gordon, Lisa Y <lygordon@AtlantaGa.Gov>, Donald, Odie <Odie@atlantaGA.gov>

Subject: Follow-up: Referral letter -- Residency

Good afternoon,

Further to the attached, can you please let me know the City's response to the OIG residency

recommendations? If the City accepts the recommendations, please provide an update on the status of implementation; if the City rejects the recommendations, please provide the City's explanation/reasoning.

Thanks very much,

Shannon

Shannon K. Manigault
Inspector General
City of Atlanta
404.546.0772 (o)
470.528.1373 (c)
atloig.org
(she/her/hers)

From: Dickens, Andre <ADickens@AtlantaGa.Gov>
Sent: Tuesday, August 23, 2022 12:49 AM
To: Manigault, Shannon K. <SKManigault@AtlantaGa.Gov>
Cc: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Gordon, Lisa Y <lygordon@AtlantaGa.Gov>; Donald, Odie <Odie@atlantaGA.gov>
Subject: Re: Referral letter -- Residency

Ms Manigault,
Thank you for this letter and the work that went into it. We will consider the two options with the city attorney and select a path accordingly.
Thanks again,

Andre Dickens
Atlanta Mayor

From: Manigault, Shannon K. <SKManigault@AtlantaGa.Gov>
Sent: Monday, August 22, 2022 5:11:17 PM
To: Dickens, Andre <ADickens@AtlantaGa.Gov>
Cc: Hickson, Nina R. <NinaRHickson@AtlantaGa.Gov>; Gordon, Lisa Y <lygordon@AtlantaGa.Gov>; Donald, Odie <Odie@atlantaGA.gov>
Subject: Referral letter -- Residency

Good afternoon,

Attached please find a referral letter concerning a recently concluded investigation into a violation of a City residency requirement.

Please let me know if you have any questions.

Thank you,

Shannon

Shannon K. Manigault
Inspector General
City of Atlanta
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