

House Bill 342 (AS PASSED HOUSE AND SENATE)

By: Representative Ramsey of the 72nd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Senoia; to provide for incorporation, boundaries, and
2 powers of the city; to provide for a governing authority of such city and the powers, duties,
3 authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions,
4 conflicts of interest, and suspension and removal from office relative to members of such
5 governing authority; to provide for inquiries and investigations; to provide for oaths,
6 organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and
7 codes; to provide for a mayor and certain duties, powers, and other matters relative thereto;
8 to provide for administrative affairs and responsibilities; to provide for boards, commissions,
9 and authorities; to provide for a city attorney, a city clerk, and other personnel and matters
10 relating thereto; to provide for rules and regulations; to provide for a municipal court and the
11 judge or judges thereof and other matters relative to those judges; to provide for the court's
12 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
13 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,
14 service charges, and assessments; to provide for bonded and other indebtedness; to provide
15 for auditing, accounting, budgeting, and appropriations; to provide for city contracts and
16 purchasing; to provide for the conveyance of property and interests therein; to provide for
17 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing
18 personnel; to provide for penalties; to provide for definitions and construction; to provide for
19 other matters relative to the foregoing; to repeal specific Acts; to provide for an effective
20 date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

52 (b) The powers of the city shall be liberally construed in favor of the city. The specific
53 mention or failure to mention particular powers shall not be construed as limiting in any way
54 the powers of the city.

55 **SECTION 1.4.**

56 Exercise of corporate powers.

57 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
58 employees shall be carried into execution as provided by this charter and general law. In
59 cases where this charter makes no provision, such shall be carried into execution as provided
60 by ordinance or in the manner provided by pertinent laws of this state.

61 **SECTION 1.5.**

62 Adoption of legislation; force and effect of
63 ordinances; publication and distribution.

64 (a) Acts of the Mayor and Council which have the force and effect of law shall be enacted
65 by ordinance. The power to adopt an ordinance amending this charter shall only be derived
66 from subsection (b) of Code Section 36-35-3 of the O.C.G.A. or any successor law relating
67 to the home rule powers of municipal corporations. All proposed ordinances shall be
68 introduced in writing in the form required for final adoption. No ordinance shall contain a
69 subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained
70 by the Mayor and Council of the City of Senoia, Georgia, and established as follows:" and
71 every ordinance shall so begin.

72 (b) A proposed ordinance may be introduced by any member of the Mayor and Council,
73 including the mayor or presiding officer, at any meeting of the Mayor and Council.
74 Ordinances shall be considered and adopted or rejected in accordance with procedural rules
75 which the Mayor and Council may establish; provided, however, that an ordinance shall not
76 be finally adopted the same day it is introduced, except for ordinances whose subject matter
77 involves a zoning decision, the annexation of territory into the boundaries of the city, or an
78 emergency matter as provided in general state law. Upon the introduction of any proposed
79 ordinance, the city clerk shall distribute copies to each member of the Mayor and Council,
80 the city manager, and the city attorney, and shall make copies thereof available for public
81 inspection and copying as provided by law. Upon final adoption of any ordinance, the city
82 clerk shall authenticate its adoption by the city clerk's signature and record the original in a
83 properly indexed book kept for that purpose, which shall be a public record of the city and
84 available for public inspection and copying at all reasonable times. Not less than quarterly,

85 the city clerk shall cause all ordinances to be codified in a publication known as "The Code
86 of Senoia, Georgia," which shall be available for sale to the public and accessible, without
87 charge, on the city's website. All ordinances shall become effective upon their final adoption
88 unless a later effective date is specified therein.

89 **ARTICLE II**

90 **MAYOR AND COUNCIL**

91 **SECTION 2.1.**

92 Corporate and governing authority.

93 The municipal governing body shall consist of a board of five citizens, hereinafter referred
94 to collectively as the "Mayor and Council." The Mayor and Council shall be the legislative
95 and governing authority of the city; provided, however, a city manager shall administer the
96 daily affairs of the city within the law and ordinances of the city, under the general oversight
97 of the Mayor and Council. The Mayor and Council shall be vested with all the powers of
98 government of the city, but no individual member of the Mayor and Council shall have or
99 exercise any power, duty, or function, unless otherwise provided by general law or this
100 charter. Members of the Mayor and Council shall possess the qualifications and be elected
101 in the manner provided by general law and this charter; provided, however, that members of
102 the Mayor and Council in office on the effective date of this charter shall in all respects be
103 successors to and a continuation of the governing authority elected under the prior charter
104 and shall serve the terms for which elected. The members of the Mayor and Council shall
105 devote as much of their time to the office as may be necessary.

106 **SECTION 2.2.**

107 Qualification and election of Mayor and Council.

108 (a) Any person who is a citizen of this state, has attained the age of 18 years, and has at least
109 12 months' residency within the city shall be eligible to hold office as a member of the Mayor
110 and Council. No person who is not a registered voter; who has been convicted of a felony
111 involving moral turpitude, unless that person's civil rights have been restored and at least ten
112 years have elapsed from the date of completion of the sentence without a subsequent
113 conviction of another felony involving moral turpitude; who is a defaulter for any federal,
114 state, county, municipal, or school system taxes required of such officeholder or candidate
115 if such person has been finally adjudicated by a court of competent jurisdiction to owe those
116 taxes, unless such ineligibility has been removed by the full payment thereof, or by making
117 payments to the tax authority pursuant to a payment plan, or under such other conditions

118 provided by general law; who holds any other federal, state, county, or municipal elective
119 office, or qualifies for such office more than 30 days prior to the expiration of the present
120 municipal office; or who is the holder of public funds illegally; shall be eligible to hold office
121 as a member of the Mayor and Council.

122 (b) Except upon the death, resignation, felony conviction of an elected municipal officer, or
123 his or her recall from office, notice of the cause of disqualification or vacancy in the office
124 shall be given to the incumbent office holder at least ten days prior to a hearing before the
125 remaining members of the Mayor and Council, who following the hearing shall determine
126 if a vacancy in the office exists.

127 (c) Elections for the members of the Mayor and Council shall be held and conducted by the
128 Coweta County Board of Elections and Registration in accordance with Chapter 2 of Title 21
129 of the O.C.G.A. or other such laws as are or may hereafter be enacted. All city elections
130 shall be conducted "at-large"; provided, however, candidates for council shall qualify for a
131 numbered seat or post, without any district or residency requirement. All qualified electors
132 residing within the city may vote for candidates in any city elections.

133 (d) Members of the Mayor and Council shall serve a term of four years and until their
134 successors are duly elected and qualified. Before assuming the duties of the office or
135 exercising the powers thereof, a newly elected member of the Mayor and Council shall be
136 sworn before any federal or state judicial officer, or any officer of this state duly authorized
137 to administer oaths, at any time following certification of his or her election. Except for
138 Mayor and Council members elected to fill unexpired terms, newly elected Mayor and
139 Council members shall take office at the first regular meeting in January following their
140 election.

141 (e) The two councilmembers serving upon the effective date of this Act who were elected
142 to a four-year term in the municipal general election conducted on the Tuesday following the
143 first Monday in November, 2011, shall continue to serve until their successors are elected
144 and duly sworn following the municipal general election to be held on the Tuesday following
145 the first Monday in November, 2015. Two councilmembers and the mayor shall be elected
146 in a municipal general election conducted on the Tuesday following the first Monday in
147 November, 2013, and shall serve a term of four years and until their successors are elected
148 and duly sworn. Thereafter, municipal elections shall continue to be held on a staggered
149 basis.

150 (f) Members of the Mayor and Council shall receive compensation and expenses for their
151 services as provided by an ordinance enacted in accordance with O.C.G.A. § 36-35-4.

152 (g) No member of the Mayor and Council shall serve more than three consecutive terms as
153 a councilmember, and no member shall serve more than two consecutive terms as mayor;
154 provided, however, no person shall hold the elective offices of councilmember and mayor,

155 in any combination, for more than five consecutive terms. Upon completion of the term
156 limits imposed hereunder, no member shall immediately succeed himself or herself in a city
157 elective office. This limitation shall apply only to those members elected to office in the
158 municipal general election held on the Tuesday following the first Monday in November,
159 2013, and subsequent municipal general elections.

160 **SECTION 2.3.**

161 Majority vote not required.

162 The candidate for member of the Mayor and Council who receives a plurality of the votes
163 cast by all qualified electors voting in the election shall be declared elected.

164 **SECTION 2.4.**

165 Oath of Office.

166 Upon entering each term of elected office, each member of the Mayor and Council shall take
167 and subscribe to the following written oath:

168 "I do solemnly swear and affirm that I will faithfully and honestly discharge the duties of
169 office of Mayor/Councilmember of the City of Senoia, Georgia, to the best of my skill and
170 knowledge, in accordance with its charter and all applicable laws. I do further swear that
171 I am not the holder of any unaccounted for public money due this state or any political
172 subdivision or authority thereof, and I will well and truly account for and pay over all
173 public moneys and property that may come into my hands during my term of office. I do
174 further swear that I am not the holder of any office of trust under the government of the
175 United States, this state, or any foreign state, which by the laws of the State of Georgia
176 would prohibit me from holding municipal elected office. I do further swear that I am
177 qualified to hold the office of Mayor/Councilmember of the City of Senoia according to
178 the Constitution and laws of Georgia. I do further swear that I will support the Constitution
179 of the United States and the Constitution of the State of Georgia. I do further swear that
180 I am a resident of the city and have been a resident of the city for more than 12 months as
181 required by the laws of this state and charter of the city. So help me God."

182 **SECTION 2.5.**

183 Vacancy; filling of vacancies in office.

184 (a) The office of a member of the Mayor and Council shall become vacant upon the
185 occurrence of any event specified by the Constitution or general laws of this state or upon
186 the incumbent Mayor and Council member losing the qualifications required for holding the
187 office.

188 (b) A vacancy in the office of Mayor and Council shall be filled for the remainder of the
189 unexpired term, if any, by appointment of the Mayor and Council if less than 18 months
190 remains in the unexpired term; otherwise, by a special election, as provided in Title 21 of the
191 O.C.G.A., or other such laws as are or may hereafter be enacted.

192 **SECTION 2.6.**

193 Quorum for Mayor and Council meeting; voting; conflicts of interest.

194 (a) The mayor and two councilmembers, or any three councilmembers, shall constitute a
195 quorum. In order to enact ordinances or take action, the vote of a majority of those present
196 shall control. An abstention, except when based upon the member's disqualification for
197 announced conflict of interest or other legal grounds, shall be counted as an affirmative vote.
198 Except when a roll call vote is requested by any member, votes may be cast by voice ("aye"
199 or "nay") or by show of hands. The mayor shall announce all votes and declare each matter
200 approved or rejected.

201 (b) No Mayor and Council member shall hold any other city office or city employment
202 during the term for which that person was elected. A member may serve, by appointment
203 of the Mayor and Council, on boards, authorities, and commissions only if specifically
204 allowed by general law.

205 (c) No Mayor and Council member shall vote, act upon, or seek to influence the approval
206 or rejection of any ordinance, resolution, contract, or other matter within the official
207 jurisdiction of the city in which that person is financially interested. Any Mayor and Council
208 member having a financial interest, directly or indirectly, in any ordinance, resolution,
209 contract, or matter pending before or within a department of the city shall publicly disclose
210 such interest, in writing, to the Mayor and Council at the earliest opportunity and disqualify
211 himself or herself from participating in any decision or vote relating thereto.

212 **SECTION 2.7.**

213 Meetings of the Mayor and Council.

214 (a) Except as otherwise provided by law, all meetings of the Mayor and Council shall be
 215 called, noticed, posted, and conducted in compliance with O.C.G.A. § 50-14-1, "The Georgia
 216 Open Meetings Law." All votes at any meeting shall be taken in public after due notice of
 217 the meeting and compliance with the posting and agenda requirements of the law, and the
 218 presence of a quorum, have been certified by the mayor or presiding officer. The city clerk
 219 shall keep minutes of all proceedings and shall summarily record all actions of the Mayor
 220 and Council therein; provided, however, at a minimum, the minutes shall include the names
 221 of the members present at the meeting, a description of each motion or other proposal made,
 222 the identity of the member making and seconding the motion or proposal, and a record of all
 223 votes.

224 (b) At the last regular meeting in December of each year, the Mayor and Council shall
 225 prescribe, by resolution, the time, place, and dates of regular meetings for the ensuing
 226 calendar year. This schedule shall be posted and maintained in a conspicuous place available
 227 to the public, on the city's website, and available to the public upon request.

228 **SECTION 2.8.**

229 Rules of procedure.

230 The Mayor and Council may adopt rules of procedure and orders of business consistent with
 231 the provisions of this charter and general law. In the absence of such procedures, should a
 232 parliamentary question arise, the mayor shall follow *Rosenberg's Rules of Order* (League of
 233 California Cities, © 2003) to resolve such dispute. Procedural rules and similar
 234 administrative matters affecting governance of the city may be adopted by resolution instead
 235 of ordinance.

236 **SECTION 2.9.**

237 Inquiries and investigative powers.

238 (a) The Mayor and Council shall exercise general legislative oversight over all elected and
 239 appointed officers, departments, agencies, and employees of the city and shall have the right,
 240 from time to time as a majority of such Mayor and Council deems necessary, to call upon
 241 such officers and employees for an accounting of their actions in the performance of their
 242 official duties; provided, however, that if a code of ethics and procedures for the enforcement

243 of alleged violations of such code of ethics has been adopted by ordinance, such ordinance
244 shall take precedence over this section.

245 (b) Following the adoption of an authorizing resolution defining the scope thereof, the
246 Mayor and Council may conduct inquiries and make investigations into the affairs of the city,
247 its elected and appointed officers, and the conduct of any department, agency, or employee
248 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony under
249 oath or affirmation, and require the production of evidence. Any person who fails or refuses
250 to obey a lawful order issued in the exercise of these powers shall be punished as provided
251 by ordinance.

252 **SECTION 2.10.**

253 Duties of Mayor.

254 The mayor shall be the chief executive officer and shall preside at all meetings of the Mayor
255 and Council. The mayor shall be entitled to make or second any motion or other proposal
256 and to vote on all motions, proposals, or other matters brought before the Mayor and Council
257 for action. The mayor (or in his or her absence, the mayor pro tem) shall sign all orders,
258 checks, and warrants for the payment of any moneys out of the treasury of the city and shall
259 execute on behalf of the city all contracts, deeds, notes, and other legal documents.
260 Whenever a duty of the mayor is expressly defined by general state law or this charter, and
261 the mayor fails or refuses to perform the same, the council, by the vote of at least three
262 councilmembers, may direct the mayor to perform such duty, including directives to sign any
263 order, check, warrant, contract, deed, or other obligation, and upon such vote taken for that
264 purpose, it shall be the duty of the mayor to execute the same. The mayor shall have the
265 power to appoint committees of the Mayor and Council, naming the members of the
266 committee and designating a chairperson; define, in writing, its scope and purpose; and the
267 duties or responsibilities of such committees. The mayor shall also accept notices given
268 pursuant to O.C.G.A. § 36-33-5 and personal service of summons and complaints on behalf
269 of the city.

270 **SECTION 2.11.**

271 Mayor Pro Tem.

272 The mayor shall designate, in writing, a member of the council to serve during the absence
273 or physical or mental disability of the mayor, who shall be known as the mayor pro tem.
274 This appointment may be changed periodically at the mayor's discretion. In the absence or
275 unavailability of the designated mayor pro tem, any councilmember, chosen by a majority

276 vote of the council, may serve as mayor pro tem. The mayor pro tem shall be clothed with
 277 all the rights and privileges of the mayor while acting in such position and shall perform the
 278 duties of mayor so long as his or her absence or disability shall continue. While serving as
 279 mayor pro tem, he or she shall only have one vote as a member of the council.

280 **ARTICLE III**

281 **APPOINTIVE OFFICERS AND EMPLOYEES**

282 **SECTION 3.1.**

283 **Officers other than Mayor and Council enumerated.**

284 There shall be as appointive public officers of the City of Senoia the following:

- 285 (1) City manager;
- 286 (2) City attorney;
- 287 (3) City clerk/records management officer;
- 288 (4) Judge of the municipal court;
- 289 (5) Solicitor of the municipal court;
- 290 (6) Municipal court clerk;
- 291 (7) Open records officer;
- 292 (8) Municipal elections superintendent and/or municipal registrar; and
- 293 (9) Such additional officers and/or deputy officers as the Mayor and Council, by
 294 ordinance, shall create, defining therein the duties and compensation for such officers.

295 **SECTION 3.2.**

296 **City manager.**

297 (a) The Mayor and Council shall appoint a city manager for an indefinite term and shall fix
 298 the manager's compensation. The manager shall be appointed solely on the basis of
 299 administrative and professional qualifications and experience, without political favor or
 300 affiliation, and shall, at a minimum, be:

- 301 (1) The holder of a bachelor's degree or higher in management, public administration,
 302 public finance, public policy, urban planning and community development, or any
 303 comparable field;
- 304 (2) At least 21 years of age;
- 305 (3) Of good moral character; and
- 306 (4) Free of a history of conviction for any felony or misdemeanor involving moral
 307 turpitude.

308 Although an "at-will employee" of the Mayor and Council and not subject to a contract of
309 employment for a fixed or designated term, the Mayor and Council, as an incentive to hiring
310 a qualified individual, may enter into a written agreement with the city manager setting a
311 reasonable severance benefit, not to exceed six months' pay if terminated without good cause,
312 which shall be deemed deferred compensation.

313 (b) The city manager shall be the administrative and fiscal head of the city's government and
314 shall devote his or her entire time and attention to the office. Except for purposes of inquiries
315 and investigations under Section 2.9 of this charter, the Mayor and Council shall deal with
316 all officers and employees who are subject to the direction and supervision of the city
317 manager solely through the city manager, and neither the Mayor and Council nor its
318 individual members shall give orders or direction to any such officer or employee, either
319 publicly or privately, other than the city manager.

320 (c) By written designation filed in the city's minutes, the city manager shall designate,
321 subject to approval of the Mayor and Council, a qualified city administrative officer to
322 exercise the powers and perform the duties of the city manager during the city manager's
323 temporary absence or physical or mental disability. During any prolonged absence or
324 disability, the Mayor and Council may revoke such designation at any time and appoint
325 another officer of the city to serve until the city manager shall return or his or her disability
326 shall cease.

327 (d) The city manager shall be responsible to the Mayor and Council for the administration
328 of all city affairs placed in his or her charge under this charter, by general law, or by
329 ordinance or resolution of the Mayor and Council. As the chief administrative officer, the
330 city manager shall appoint and fix the compensation and benefits for all administrative
331 department managers, subject to budgetary approval of the Mayor and Council, and approve
332 the hiring of all subordinate employees; provided, however, that all such managers and
333 employees shall serve for an indefinite term at the pleasure of the city manager, unless
334 provided otherwise by personnel ordinance. Upon approval of the Mayor and Council, by
335 resolution, and within the constraints of the annual operating budget, the city manager shall
336 establish, and from time to time may revise, the administrative organization of the city. As
337 necessary for the good of the city, the city manager may suspend or remove all administrative
338 department managers and employees, except as otherwise provided by law or personnel
339 ordinances adopted pursuant to this charter.

340 (e) The city manager is employed at will and may be summarily removed from office,
341 without cause or notice, at any time upon the affirmative vote of at least four members of the
342 Mayor and Council.

343

SECTION 3.3.

344

Duties of the city manager.

345 As the chief administrative officer the city manager shall:

346 (1) Direct and supervise the administration of all departments and agencies of the city,
347 unless otherwise restricted by law or this charter;348 (2) Attend all meetings of the Mayor and Council and have the right to participate in
349 discussion, but not vote; provided, however, that the city manager shall have no right to
350 attend closed meetings of the Mayor and Council held for the purpose of deliberating upon
351 the appointment, compensation, discipline, or removal of the city manager;352 (3) See that all laws, provisions of this charter, and ordinances of the city are faithfully
353 executed and performed, subject to delegation to subordinate officers, managers, and
354 employees. It shall be the duty of the city manager to supervise performance by his or her
355 delegates at all times;356 (4) Prepare and submit to the Mayor and Council a proposed annual operating budget and
357 capital project budgets for the city and its enterprise funds sufficiently in advance of the
358 next fiscal year. Upon approval by the Mayor and Council, the budgets shall serve as an
359 appropriations ordinance for the line items indicated therein and a level of control over the
360 city manager's authority to commit or expend city funds;361 (5) Submit to the Mayor and Council on a timely basis monthly financial operating reports
362 and an annual audit showing the financial position of the city, its departments, and its
363 utilities at fiscal year end;364 (6) Make monthly written reports to the Mayor and Council of administrative activities
365 concerning the operations of the city, its departments, and its utilities under the city
366 manager's supervision and such other reports as the Mayor and Council may require or
367 request;368 (7) Keep the Mayor and Council fully informed as to the financial condition of the city and
369 its future needs and make recommendations to the Mayor and Council concerning the
370 financial affairs of the city; and371 (8) Perform such other duties as are specified in this charter, by general law, or as from
372 time to time are required by the Mayor and Council by ordinance or resolution.

373

SECTION 3.4.

374

City attorney.

375 There shall be appointed by the Mayor and Council a city attorney, who shall hold office and
376 serve at the pleasure of the Mayor and Council. The city attorney shall be a member of the

377 State Bar of Georgia in good standing, having at least five years' experience in the practice
378 of law and familiarity in the field of municipal law. The city attorney shall perform the
379 duties of chief legal officer of a municipal corporation, whose duties shall include
380 prosecution and defense of legal actions brought in the name of or filed against the city, its
381 officers, and its employees in any court; code enforcement and abatement of public
382 nuisances; drafting and review of ordinances, contracts, and other legal documents; general
383 counsel to the Mayor and Council and city manager; and legal oversight over operations of
384 the city, its departments, and its utilities. The Mayor and Council shall fix the compensation
385 for the office and determine, by ordinance or contract, whether the officer shall be full time
386 or part time; provided, however, that the city attorney shall at all times be subject to the
387 Georgia Rules of Professional Conduct. The city attorney may be removed from office at
388 any time, without cause or notice, upon the affirmative vote of at least four members of the
389 Mayor and Council.

390 **SECTION 3.5.**

391 City clerk.

392 There shall be appointed by the Mayor and Council a city clerk, who shall serve at the
393 pleasure of the Mayor and Council. Such officer shall be, at a minimum, at least 18 years
394 of age, a high school graduate or have completed a general education degree equivalent,
395 exhibit basic skills in office management, and possess such minimum qualifications as
396 established by general law, if any. The city clerk shall complete such statutory training and
397 certification requirements, within the time allowed by law, as may now or hereafter be
398 required for the office. The Mayor and Council shall fix the compensation for the office by
399 ordinance or resolution. The city clerk may be removed from office at any time, without
400 cause or notice, upon the affirmative vote of at least four members of the Mayor and Council.
401 The city clerk shall attend all meetings of the Mayor and Council and perform such duties
402 as imposed upon the clerk to the governing body of a municipal corporation by general state
403 law, by this charter, or as expressly assigned by ordinance or resolution of the Mayor and
404 Council. Unless the Mayor and Council has appointed a person to act as the city's records
405 management officer, pursuant to O.C.G.A. §50-18-99, the city clerk shall also perform the
406 duties of records management officer.

407

SECTION 3.6.

408

Municipal court judge.

409 (a) There shall be appointed by the Mayor and Council a judge of the municipal court,
410 whose service shall be defined by ordinance as to term, whether part time or full time, and
411 compensation, subject to the Rules of the Judicial Qualifications Commission. Such judge
412 shall be a member of the State Bar of Georgia in good standing, having at least seven years'
413 experience in the practice of law. The judge shall preside over all sessions of the Municipal
414 Court of the City of Senoia, Georgia, and perform all judicial functions required by general
415 law and this charter. The judge may be removed from office at any time, but only for good
416 cause shown, upon the affirmative vote of at least four members of the Mayor and Council.
417 Before assuming the duties of the office, the person appointed municipal court judge shall
418 subscribe to the following oath: "I swear (or affirm) that I will well, faithfully, and
419 impartially and without fear, favor, or affection discharge my duties as judge of the
420 Municipal Court for the City of Senoia, Georgia."

421 (b) The Mayor and Council may also appoint one or more assistant municipal court judges
422 to hold and preside over the municipal court in the absence, disability, or disqualification of
423 the municipal court judge, and shall set the term and compensation thereof by resolution.
424 Assistant judges shall possess all qualifications and satisfy all training requirements for the
425 office of municipal court judge. While presiding, the assistant municipal court judge(s) shall
426 have and may exercise all powers and duties of the municipal court judge as granted by law
427 or this charter.

428 (c) In addition to the powers and duties granted by law or this charter, the judge and assistant
429 judge(s) of the municipal court shall have and may exercise the same powers and authorities
430 as magistrates in the matter of and pertaining to criminal cases of whatever nature returnable
431 to the several courts of this state.

432

SECTION 3.7.

433

Municipal court solicitor.

434 (a) There shall be appointed by the Mayor and Council a solicitor of the municipal court,
435 whose service shall be defined by ordinance as to term, whether part time or full time, and
436 compensation, subject to the Georgia Rules of Professional Conduct. Such solicitor shall be
437 a member of the State Bar of Georgia in good standing, having at least three years'
438 experience in the practice of law. The solicitor may be removed from office at any time, but
439 only for good cause shown, upon the affirmative vote of at least four members of the Mayor
440 and Council.

441 (b) The solicitor shall be the prosecuting attorney of the municipal court and shall represent
 442 the City of Senoia, Georgia, before such court in all matters pertaining to ordinance
 443 violations, misdemeanor offenses triable in municipal court, and such other duties as set forth
 444 by law, particularly in O.C.G.A. § 15-18-96. The person appointed as solicitor shall be
 445 licensed to practice law in this state and admitted to practice before the trial and appellate
 446 courts of this state. The solicitor shall satisfactorily complete any required training for such
 447 office within the time allowed by law. Before assuming the duties of the office, the person
 448 appointed as solicitor shall subscribe to the following oath: "I swear (or affirm) that I will
 449 well, faithfully, and impartially and without fear, favor, or affection discharge my duties as
 450 Solicitor of the Municipal Court for the City of Senoia, Georgia."

451 (c) If the solicitor is disqualified from engaging in the prosecution of a particular case or is
 452 unable to perform the duties of such office due to illness or incapacity, the city attorney or
 453 his or her designee shall serve as substitute prosecuting attorney until such time as the
 454 solicitor is available unless an assistant solicitor has been appointed by the Mayor and
 455 Council.

456 **SECTION 3.8.**

457 Municipal court clerk.

458 There shall be appointed by the Mayor and Council a clerk of the municipal court, who shall
 459 serve at the pleasure of the Mayor and Council. Such officer shall possess the qualifications
 460 established by law and complete such certification requirements, within the time allowed by
 461 law, as may now or hereafter be required for the office. The Mayor and Council shall fix the
 462 compensation for the office by ordinance or resolution. The municipal court clerk may be
 463 removed from office at any time, without cause or notice, upon the affirmative vote of at
 464 least four members of the Mayor and Council.

465 **SECTION 3.9.**

466 Open records officer.

467 There may be appointed by the Mayor and Council an open records officer who shall serve
 468 at the pleasure of the Mayor and Council. Such officer shall possess the qualifications
 469 established by law and complete such certification requirements, within the time allowed by
 470 law, as may now or hereafter be required for the office. The Mayor and Council shall fix the
 471 compensation for the office by ordinance or resolution. The open records officer may be
 472 removed from office at any time without cause or notice upon the affirmative vote of at least
 473 four members of the Mayor and Council. The open records officer shall perform the duties

474 set forth at O.C.G.A. § 50-18-71(b) relating to acceptance and compliance with open records
475 requests.

476 **SECTION 3.10.**

477 Municipal elections superintendent and municipal registrar.

478 There shall be appointed by the Mayor and Council a municipal elections superintendent,
479 who shall also serve as municipal registrar; provided, however, that where the duties of
480 municipal elections superintendent are being performed, under ordinance or contract, by the
481 Coweta County Board of Elections and Registration, such officer shall only perform the
482 duties of municipal registrar as established in Title 21 of the O.C.G.A., the "Georgia Election
483 Code." This officer shall serve at the pleasure of the Mayor and Council, who shall fix the
484 compensation for the office by ordinance or resolution. This officer may be removed from
485 office at any time, without cause or notice, upon the affirmative vote of at least four members
486 of the Mayor and Council.

487 **SECTION 3.11.**

488 Assistant appointive officers.

489 Upon recommendation of the city manager and approval by the Mayor and Council, the
490 appointive officers named or described above may designate deputies or assistants, as
491 necessary, and delegate such duties and functions of the office, in writing, to such deputies
492 or assistants as the officers deem proper. When acting in the place and stead of the
493 appointive officer, such deputies or assistants shall enjoy the same rights and immunities as
494 the appointive officer.

495 **SECTION 3.12.**

496 Oaths of appointive officers; bonds.

497 (a) Before exercising the duties of office, all appointive officers and their deputies shall
498 appear before any officer duly authorized by law to administer an oath and subscribe the oath
499 of office as required by law. Official oaths shall be filed in the office of the Judge of the
500 Probate Court of Coweta County, Georgia.

501 (b) All appointive officers and their deputies shall give bond, with good and sufficient
502 surety, payable to the Mayor and Council, in the amount established by ordinance for the
503 specific office, conditioned upon the faithful discharge of the duties of the office by the
504 officer during such time he or she continues in office or discharges the duties thereof, and

505 such other conditions as the Mayor and Council may require, by ordinance. In the absence
 506 of an ordinance or resolution specifying the amount of bond required, the amount of such
 507 bond shall not be less than \$100,000.00. All bonds shall be filed in the office of the Judge
 508 of the Probate Court of Coweta County, Georgia. Where authorized by law, blanket bonds
 509 for one or more appointive officers may be accepted in lieu of individual bonds.

510 **ARTICLE IV**

511 **JUDICIAL BRANCH**

512 **SECTION 4.1.**

513 Creation; name.

514 There shall be a court having all of the jurisdiction afforded by this charter and general law
 515 known as the Municipal Court of the City of Senoia, Georgia. The municipal court shall
 516 convene, upon order of the judge, at regular intervals as often as necessary to try and punish
 517 violations of this charter, all city ordinances, and such other laws over which it has
 518 jurisdiction.

519 **SECTION 4.2.**

520 Procedure; rules of court.

521 The municipal court shall have the same authority as superior courts to compel the
 522 production of evidence in the possession of any party; to compel the presence of all parties
 523 necessary to a proper disposal of each case by issuance of summons, subpoenas, and warrants
 524 which may be served or executed by any officer authorized by law; to enforce obedience to
 525 orders, judgments, and sentences, including the express power to punish by contempt of
 526 court; and to administer oaths as necessary. The judge shall have full power and authority
 527 to make and publish reasonable rules and regulations necessary and proper to secure the
 528 efficient and successful administration of the municipal court, including public access to
 529 court records for inspection and copying; provided, however, that all rules and regulations
 530 so adopted shall be filed with the municipal court clerk and made available for public
 531 inspection and copying. Upon request, a copy shall be furnished to all defendants and their
 532 attorneys at least 48 hours prior to such proceedings.

533 **SECTION 4.3.**

534 Certiorari.

535 In those cases where a right of appeal does not exist by law, the right to certiorari from the
 536 final decision and judgment of the municipal court shall exist in all ordinance violation cases,
 537 and such certiorari shall be obtained under the sanction of the judge of the Superior Court of
 538 Coweta County, Georgia, as provided by law.

539 **ARTICLE V**540 **POWERS GENERALLY**541 **SECTION 5.1.**

542 General corporate powers.

543 As a body corporate the city may sue and be sued; have and use a common seal; own,
 544 purchase, have, hold, receive, and enjoy any estate, whether real, personal, or any other kind,
 545 located inside or outside the limits of the city; and may, subject to general law governing
 546 sale, leasing, or disposition of property, sell, lease, or dispose of the same for the benefit of
 547 the city, as the Mayor and Council at any regular or called meeting may adjudge proper and
 548 right.

549 **SECTION 5.2.**

550 Powers enumerated.

551 The Mayor and Council shall have full power and authority to adopt such reasonable
 552 ordinances and regulations as it may deem proper, not in conflict with the Constitution of the
 553 United States or the Constitution of Georgia or otherwise preempted by the general laws of
 554 this state, including, without limitation, the following:

555 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 556 large of animals and fowl, and to provide for the impoundment of same if in violation of
 557 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
 558 destruction of animals and fowl when not redeemed as provided by ordinance; and to
 559 provide punishment for violation of ordinances enacted hereunder;

560 (2) Appropriations and expenditures. To make appropriations for the support of the
 561 government of the city; to authorize the expenditure of money for any purposes authorized
 562 by this charter and for any purpose for which a municipality is authorized by the laws of
 563 the State of Georgia; and to provide for the payment of expenses of the city;

564 (3) Building regulations. To regulate and to license the erection and construction of
565 buildings and all other structures; to enforce building, housing, plumbing, electrical, gas,
566 and heating and air conditioning codes; and to regulate all housing and construction trades;
567 provided, however, that where standardized technical codes are to be enforced, a copy of
568 the adopted technical code or regulation shall be available for inspection and copying in
569 the city manager's office during reasonable business hours;

570 (4) Business regulation and taxation. To levy and to provide for the collection of
571 occupation taxes, sales and use taxes, or other excise taxes on businesses, occupations,
572 trades, and professions as authorized by Title 48 of the O.C.G.A., or other such applicable
573 laws as are or may hereafter be enacted; to permit and regulate the same as allowed by law;
574 to provide for the manner and method of payment of regulatory fees; and to revoke permits
575 after due process for failure to pay regulatory fees or failure to meet other regulatory
576 requirements;

577 (5) Condemnation. To exercise the power of eminent domain to condemn property, inside
578 or outside the corporate limits of the city, for present or future use and for any corporate
579 purpose deemed necessary by the governing authority, utilizing procedures enumerated in
580 Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

581 (6) Contracts. To enter into contracts and agreements with other governmental entities and
582 with private persons, firms, and corporations for the express purposes allowed by law. To
583 be binding upon the city, all contracts shall be in writing, approved by the city attorney as
584 to form, authorized by a vote of the Mayor and Council, and spread upon its minutes. All
585 contracts signed by the mayor, attested by the city clerk, and bearing the city seal shall
586 carry the presumption of validity and authenticity;

587 (7) Emergencies. To establish procedures for determining and proclaiming that an
588 emergency situation exists inside or outside the city, and to make and carry out all
589 reasonable provisions deemed necessary to deal with or meet such an emergency for the
590 protection, safety, health, or well-being of the citizens of the city;

591 (8) Environmental protection. To protect and preserve the natural resources, environment,
592 and vital areas of the city through the preservation and improvement of air quality, the
593 restoration and maintenance of water resources and storm waters, the control of erosion and
594 sedimentation, the management of solid and hazardous waste, and other necessary actions
595 for the protection of the environment;

596 (9) Fire regulations. To fix and establish fire limits and, from time to time, to extend,
597 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
598 general law, relating to both fire prevention and detection and to fire fighting; and to
599 prescribe penalties and punishment for violations thereof;

600 (10) General health, safety, and welfare. To define, regulate, and prohibit any act,
601 practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness,
602 welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such
603 standards;

604 (11) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
605 any purpose related to powers and duties of the city and the general welfare of its citizens,
606 on such terms and conditions as the donor or grantor may impose;

607 (12) Health and sanitation. To prescribe standards of health and sanitation and to provide
608 for the enforcement of such standards;

609 (13) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
610 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
611 city;

612 (14) Municipal agencies and delegation of power. To create, alter, or abolish, by
613 ordinance, committees, boards, and agencies of the city, and to confer upon such entities
614 the necessary and appropriate authority for carrying out all the powers conferred upon or
615 delegated to the same; to establish the qualifications and duties of members; to provide for
616 the compensation and reimbursement of members' expenses, provided that all board
617 members shall serve at will and may be removed at any time without cause or notice.
618 Except where otherwise prescribed by law, all appointees shall be nominated by the mayor
619 and affirmed by majority vote of the council. No board member shall hold elective or
620 appointive office or employment in the city during their appointment, unless authorized by
621 general law or this charter;

622 (15) Municipal debts. To appropriate and borrow money, including temporary
623 borrowings, for the payment of debts of the city and to issue bonds for the purpose of
624 raising revenue to carry out any project, program, or venture authorized by this charter or
625 the laws of the State of Georgia;

626 (16) Municipal property ownership. To acquire, dispose of, lease, and hold, in trust or
627 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
628 outside the property limits of the city, on such terms as the Mayor and Council, in its sole
629 discretion, shall deem appropriate;

630 (17) Municipal property protection. To provide for the preservation and protection of
631 property and equipment of the city, and the administration and use of same by the public;
632 and to prescribe penalties and punishment for violations thereof;

633 (18) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
634 of municipal utilities, including, but not limited to, a system of public water supply,
635 treatment, and distribution, a system for the collection, treatment, and disposal of sewerage
636 and storm water, gas works, electric distribution and generation facilities, cable television,

637 telephone and other telecommunications facilities, transportation facilities, transit systems,
638 public airports, and any other public utility; and to fix taxes, charges, rates, fares, fees,
639 assessments, regulations, and penalties, and to provide for the withdrawal of service for
640 refusal or failure to pay the same. Such municipal systems may be operated, both inside
641 and outside the territorial boundaries of the city, as a utility or enterprise fund;

642 (19) Nuisance. To define a nuisance and provide for its abatement whether on public or
643 private property;

644 (20) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
645 the authority of this charter and limitations imposed by the laws of the State of Georgia;

646 (21) Planning and zoning. To provide comprehensive city planning; to classify property
647 and land uses by zoning; and to provide development regulations and the like as the Mayor
648 and Council deems necessary and reasonable to ensure a safe, healthy, and esthetically
649 pleasing community;

650 (22) Police and fire protection. To exercise the power of arrest through duly appointed
651 police officers, and to establish, operate, or contract for a police agency and a fire-fighting
652 agency;

653 (23) Public hazards: removal. To provide for the destruction and removal of any building
654 or other structure which is or may become dangerous or detrimental to the public;

655 (24) Public improvements. To provide for the acquisition, construction, building,
656 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
657 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
658 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
659 recreational, conservation, sport, curative, corrective, detention, penal, and medical
660 institutions, agencies, and facilities; to provide any other public improvements, inside or
661 outside the corporate limits of the city; and to regulate the use of public improvements. For
662 such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A.
663 or such other applicable laws as are or may hereafter be enacted;

664 (25) Public peace. To provide for the prevention and punishment of drunkenness, riots,
665 public disturbances, and disorderly conduct;

666 (26) Public transportation. To organize and operate such public transportation systems as
667 are deemed beneficial;

668 (27) Public utilities and services. To grant franchises or make contracts for or impose
669 taxes on public utilities and public service companies; and to prescribe the rates, fares,
670 regulations, standards, and conditions of service applicable to the service to be provided
671 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of
672 the Public Service Commission;

- 673 (28) Regulation of rights of way and roadside areas. To prohibit or regulate and control
674 the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings,
675 utilities, and any and all other structures or obstructions upon or adjacent to the rights of
676 way of streets and roads or within view thereof, within or abutting the corporate limits of
677 the city; and to prescribe penalties and punishment for violation of such ordinances;
- 678 (29) Retirement and benefit plans. To provide and maintain a retirement plan and other
679 benefit plans for officers and employees of the city; provided, however, that all such plans
680 shall be nondiscriminatory;
- 681 (30) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
682 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
683 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
684 walkways within the corporate limits of the city; and to grant franchises and rights of way
685 throughout the streets and roads and over the bridges and viaducts for the use of public
686 utilities; and to require real estate owners to repair and maintain in a safe condition the
687 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- 688 (31) Solid waste collection and disposal. To levy, fix, assess, and collect solid waste
689 collection and disposal fees, and other sanitary service charges, taxes, or fees for such
690 services as may be necessary in the operation of the city from all individuals, firms, and
691 corporations residing in or doing business therein benefiting from such services; to enforce
692 the payment of such charges, taxes, or fees; and to provide for the manner and method of
693 collecting such service charges;
- 694 (32) Special areas of public regulation. Unless prohibited by general law, to regulate junk
695 dealers, pawn shops, and the manufacture, sale, or transportation of intoxicating liquors;
696 to regulate the transportation, storage, and use of combustible, explosive, and inflammable
697 materials, the use of lighting and heating equipment, and any other business or situation
698 which may be dangerous to persons or property; to regulate and control the conduct of
699 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
700 by taxation or otherwise; and to license, tax or regulate, professional fortunetelling,
701 palmistry, adult entertainment, adult bookstores, and massage parlors;
- 702 (33) Special assessments. To levy and provide for the collection of special assessments
703 to cover the costs for any public improvements;
- 704 (34) Taxes: ad valorem. To levy and provide for the levy and collection of taxes on all
705 property subject to taxation; to grant, by local law approved at a referendum called for that
706 purpose, such exemptions from taxation and the amount thereof as allowed by law;
- 707 (35) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
708 future by law;

709 (36) Taxicabs and vehicles for hire. To regulate and license vehicles operated for hire in
 710 the city; to limit the number of such vehicles; to require the operators thereof to be
 711 licensed; to require public liability insurance on such vehicles in the amounts to be
 712 prescribed by ordinance; and to regulate the parking of such vehicles;

713 (37) Urban redevelopment. To organize and operate urban redevelopment agencies and
 714 conduct urban redevelopment programs; provided, however, that the city shall not exercise
 715 the powers granted in O.C.G.A. § 36-44-1, et seq., the "Redevelopment Powers Law,"
 716 unless so authorized by a separate local law and approval at a referendum called for that
 717 purpose;

718 (38) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 719 and immunities necessary or desirable to promote or protect the safety, health, peace,
 720 security, good order, comfort, convenience, or general welfare of the city and its
 721 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
 722 all powers granted in this charter as fully and completely as if such powers were fully
 723 stated herein; and to exercise all powers now or in the future authorized to be exercised by
 724 other municipal governments under other laws of the State of Georgia. No listing of
 725 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 726 general words and phrases granting powers, but shall be held to be in addition to such
 727 powers unless expressly prohibited to municipalities under the Constitution or applicable
 728 laws of the State of Georgia.

729 **ARTICLE VI**

730 **TRANSITION, REPEALER, AND EFFECTIVE DATE**

731 **SECTION 6.1.**

732 Existing code and prior ordinances.

733 All provisions of the Code of Senoia, Georgia, and any uncodified ordinances, resolutions,
 734 rules, and regulations now in force in the city not inconsistent with this charter are hereby
 735 declared valid and of full effect and force until expressly amended or repealed by ordinance
 736 enacted by the Mayor and Council.

737 **SECTION 6.2.**

738 Existing personnel and officers.

739 Except as specifically provided otherwise by this charter, all personnel and appointive
 740 officers of the city and their rights, privileges, and powers shall continue beyond the time this
 741 charter takes effect for a period of 180 days before or during which the Mayor and Council

742 shall pass a transition ordinance detailing any changes in personnel and appointive officers
 743 required or desired and arranging such titles, rights, privileges, and powers as may be
 744 required or desired to allow a reasonable transition.

745 **SECTION 6.3.**

746 Pending matters.

747 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 748 contracts, and legal or administrative proceedings shall continue and any such ongoing work
 749 or cases shall be completed by the appropriate city officer, departments, agencies, or
 750 personnel.

751 **SECTION 6.4.**

752 Construction.

753 (a) Section captions in this charter are informative only and are not to be considered as a part
 754 thereof.

755 (b) The word "shall" is mandatory and the word "may" is permissive.

756 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
 757 versa.

758 **SECTION 6.5.**

759 Severability.

760 If any article, section, subsection, paragraph, or sentence or part thereof of this charter shall
 761 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
 762 or impair other parts of this charter unless it clearly appears that such other parts are wholly
 763 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
 764 legislative intent in enacting this charter that each article, section, subsection, paragraph, and
 765 sentence or part thereof be enacted separately and independent of each other.

766 **SECTION 6.6.**

767 Specific repealer.

768 An Act providing a new charter for the City of Senoia, approved April 19, 2000
 769 (Ga. L. 2000, p. 3806), and the amendatory Act thereto, approved May 6, 2009 (Ga. L. 2009,
 770 p. 3737), are repealed in their entireties; provided, however, no elected official's term of

771 office shall be modified or terminated and those elected officers serving a term as of
772 January 1, 2014, shall complete the term to which elected. Officers elected in the municipal
773 general election to be held on the Tuesday following the first Monday in November, 2013,
774 shall take office on January 1, 2014, under the provisions of this charter.

775 **SECTION 6.7.**

776 Effective date.

777 This charter shall become effective on January 1, 2014, provided it is submitted to the U.S.
778 Department of Justice, Civil Rights Division, under Section 5 of the Voting Rights Act of
779 1965, as amended, for preclearance within 60 days following certification of its enactment
780 by the Secretary of State, with a copy thereof to the Attorney General of Georgia. No portion
781 of this charter shall be implemented or enforced until final receipt of notice of preclearance
782 from the U.S. Attorney or his or her designee in an administrative proceeding under
783 Section 5, or until precleared by Declaratory Judgment of the United States District Court
784 for the District of Columbia.

785 **SECTION 6.8.**

786 General repealer.

787 All laws and parts of laws in conflict with this Act are repealed.