

**STATE OF GEORGIA
COUNTY OF BARROW**

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF
STATHAM REQUESTING THE INTRODUCTION OF LOCAL LEGISLATION
AMENDING THE CHARTER OF THE CITY OF STATHAM, GEORGIA**

WHEREAS, the municipal charter of the City of Statham, Georgia provides for the creation, structure, and operations for the City of Statham, Georgia located in Barrow County, Georgia; and

WHEREAS, currently vests all corporate legislative and other powers of the City in the Mayor and five City Councilmembers; and

WHEREAS, the current iteration of the municipal charter of the City of Statham was adopted by the General Assembly in 1967; and

WHEREAS, significant legal developments have occurred since the last adoption of the municipal charter by the General Assembly, including, but not limited, to the adoption of the 1983 Constitution of the State of Georgia and revisions and additions to Title 36 of the Official Code of Georgia Annotated; and

WHEREAS, these legal developments have preempted many provisions of the 1967 municipal charter or otherwise rendered significant portions of the 1967 municipal charter unenforceable as written; and

WHEREAS, the Mayor and City Council have engaged in a lengthy review and revision process, which includes consulting with other municipalities and jurisdictions to establish best practices for municipalities of a similar size to that of the City of Statham, Georgia; and

WHEREAS, the Mayor and City Council held a public hearing to solicit public input from the citizens of the City of Statham, Georgia regarding the contents of the municipal charter; and

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of Arcade to petition the legislative delegation of Barrow County and the City of Statham to amend and recodify the municipal charter; and

WHEREAS, the Mayor and Council desire the local Barrow County delegation of the Georgia General Assembly approve the proposed revisions to the municipal charter for the City of Statham as identified herein;

NOW THEREFORE, BE IT RESOLVED that the City of Statham petitions the local Barrow County delegation and members of the General Assembly to introduce and approve local legislation amending the municipal charter for the City of Statham as provided on Exhibit "A" attached hereto and incorporated herein by reference.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2024.

Debi Krause, Mayor

Lee Patterson, City Council

Scott Penn, City Council

Christine Bogenrieder, City Council

Frank Burnette, City Council

Tim Terilli, City Council

ATTEST:

Approved as to form:

Interim/Acting City Clerk

Jody Charles Campbell, City Attorney

Exhibit “A”

A BILL TO BE ENTITLED

AN ACT

To provide a new charter for the City of Statham, Georgia; to repeal all prior charters for the City of Statham, Georgia and/or enactments, local legislation or home rule amendments relating thereto made prior to the effective date of this enactment; to provide for definitions; to provide for city limits; to provide for corporate powers; to provide that all ordinances, by-laws, rules and regulations in force in the City of Statham, which are not inconsistent with this Act, shall remain in force until amended or repealed by the Mayor and City Council; to provide for the registration of electors; to provide for election of the Mayor and Councilmember; to provide for certain restrictions on candidates and their supporters; to provide for penalties; to provide that the Mayor and five councilmember shall compose the City Council; to provide that all corporate legislative and other powers of the city, except as otherwise provided by this Act, shall be vested in the City Council; to provide for the compensation and expenses of the Mayor and Councilmember; to provide that the Mayor shall preside at meetings of the City Council and shall have certain other powers and duties; to provide that the Mayor shall have power to veto legislation; to provide that the Mayor shall have power to appoint a City Administrator; to provide for the election of a Vice-Mayor by the City Council from its membership to provide for the filling of vacancies in the Office of Mayor and Councilmember; to provide for certain restrictions on Councilmember; to provide that the office of Councilmember shall be declared vacant under certain circumstance; to provide for a City Clerk; to provide for City legislation and the procedures connected therewith; to provide for rules and regulations; to provide for the organization of the city government; to provide for city planning and the procedure connected in addition; to provide for the administrative duties of the Mayor; to provide for a City Attorney; to provide for certain officers and employees; to provide for official bonds; to provide that certain political activity shall be prohibited; to provide for penalties; to provide for the fiscal administration of said City and the procedures connected in addition; to provide for the assessment of property for taxation and the procedures connected in addition; to provide for a tax levy; to provide for tax due dates and tax bills; to provide for the collection of delinquent taxes; to provide for special assessments; to provide for disbursements by checks; to provide for an official depository; to provide for restrictions on actions for damages against the city; to provide that the City Council may use the provisions of general laws; to provide for penalties; to provide the procedures connected with the foregoing; to provide for severability; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I.

CHARTER, DEFINITIONS, CITY LIMITS AND CORPORATE POWERS.

Section 1.01. Charter. This Act shall constitute the whole charter of the City of Statham, Georgia, repealing and replacing all previous charters and/or enactments, local legislation and home rule amendments thereto enacted prior to the effective date of this enactment. The City of Statham, Georgia, in the County of Barrow, and the inhabitants thereof, are hereby constituted and declared a body politic and corporate by the name and style of City of Statham, Georgia, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all the courts of law and equity, and in all actions whatsoever, and may have and use a common seal and change it at pleasure.

Section 1.02. Definitions. As used in this Act the following words and terms shall have the following meanings:

- (a) "City" shall mean the City of Statham, Georgia.
- (b) "Councilmember" shall mean a person elected to the city council as provided in this Act. "Member of the council" shall mean the Mayor and each councilmember.
- (c) "Non-partisan" shall mean without any designation of candidates and members or candidates of any state or national political party or organization.
- (d) "At large" shall mean the entire city, as distinguished from representation by wards or other districts.
- (e) "Public way" shall mean any land used by the public as a passageway, including but not limited to streets, roads, highways, expressways, freeways, boulevards, avenues, parkways, alleys, lanes, sidewalks, walks, bridges, viaducts, subways, underpasses, tunnels, parking lots or spaces and other thoroughfares, and including the right-of-ways of such public ways.
- (f) "Code" shall mean any publication or compilation of rules, regulations, specifications, standards, limitations, or requirements by an agency of the Federal or State government, or by a municipality, or by a trade association or other organization generally recognized as an authority in its field of activity.
- (g) "Agency" shall mean any office, court, utility, board, commission, institution, or other organization in charge of or administering any public function or municipal affair of the city.
- (h) "Officer" shall mean and include the Mayor, councilmember, member of boards and commissions, and any other persons classified as public officers by the laws or judicial decisions of this State. An "officer" in this definition shall fill an "office", and an "employee" shall fill a "position of employment".
- (i) "Elector" shall mean a person residing within the city who is qualified to vote therein.
- (j) The masculine shall include the feminine, and the singular shall include the plural and vice versa.
- (k) The word "shall" is mandatory; "may" is permissive.

Section 1.03. City limits. The municipal limits of the City shall be the same as those existing immediately before this enactment and such boundaries as may be annexed or

deannexed in the future as provided by law.

Section 1.04. Corporate powers. The corporate powers of the city, to be exercised by the city council, shall include the following:

(a) To levy and to provide for the assessment, including special assessments, and collection of taxes on all property subject to taxation; and to levy and collect such other taxes as may be allowed now or in the future by law.

(b) To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes: and to revoke such licenses after due process for failure to pay any city taxes or fees.

(c) To appropriate and borrow money to provide for payment of the debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized by this Charter or the laws of the State of Georgia

(d) To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purpose authorized by this Charter and for any purpose which a municipality is authorized to by the laws of the State of Georgia; and to provide for the payment of expenses of the City.

(e) To enter into contracts and agreements with other governments and entities and with private persons, firms and corporations.

(f) To acquire, dispose of, and hold in trust or otherwise any real, personal or mixed property, in fee simple or lesser interest, inside or outside the City.

(g) To condemn property, inside or outside the City, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22, 32 and 36 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(h) To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties associated with the use of said utilities by customers; and to provide for the withdrawal of service for refusal or failure to pay the same.

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

(j) To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid

regulations of the Public Service Commission.

(k) To provide for the acquisition, construction, building, operation and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, parking facilities, and/or charitable, cultural, educational, recreational sport, conservation, curative, corrective, detention, penal and medical institutions, agencies and facilities, and any other public improvements, inside or outside the city; and to regulate the use of public improvements.

(l) To prescribe standards of health and sanitation and to provide for the enforcement of such standards.

(m) To provide for and regulate the collection and disposal of garbage, rubbish and refuse; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to such solid waste services and to provide that charges may be imposed to cover the costs of such services which, if unpaid, shall constitute a lien against any property of persons served, which lien shall be second in priority only to liens for county and city property taxes and shall be enforceable in the same manner and under the same remedies as a lien for city property taxes.

(n) To define, regulate and prohibit any act, practice, conduct, or use of property, detrimental, or likely to be detrimental, to the health, morals, safety, security, peace, convenience, or general welfare of inhabitants of the city; and to provide for the enforcement of such standards.

(o) To establish minimum standards for and to regulate building construction and repair and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; to regulate all housing and building trades; and to provide for the enforcement of such standards.

(p) To regulate and license or prohibit the keeping or running at large of animals and fowls and to provide for the impoundment of same in violation of any ordinance or lawful order; to provide for their disposition, by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted pursuant to this paragraph.

(q) To regulate the emission of smoke or other exhaust which pollutes the air, and to prevent the pollution of natural streams which flow within the corporate limits of the city.

(r) To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter adorn with shade trees or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to negotiate and execute leases over, through, under or across any city property or the right-of-way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city, for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefore in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the

corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities and for private use.

(s) To regulate the operation of motor vehicles and exercise control over all traffic, including traffic and speed control regulations and devices on any public way and parking upon or across and public way the streets, roads, alleys and walkways of the city.

(t) To regulate and license vehicles operated for hire in the city, to limit the number of such vehicles, to require the operators to be licensed, to require public liability insurance of such vehicles in amounts prescribed by ordinance, and to regulate and rent parking spaces in public ways for the use of such vehicles.

(u) To organize and operate such public transportation systems as are deemed beneficial.

(v) To levy and provide for the collection of special assessments for public improvements.

(w) To provide penalties for the violation of any ordinance, rule, regulation or order adopted pursuant to the authority of this Charter and the laws of the State of Georgia as a misdemeanor(s); to provide that persons sentenced to jail sentences may satisfy such sentences in any public works or on the streets, roads, drains and squares in the city; to provide for the commitment of such persons to any jail, or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials.

(x) To define a nuisance and provide for its abatement whether on public or private property.

(y) To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire protection agency.

(z) To fix and establish fire limits and from time to time to extend, enlarge or restrict the same; to prescribe fire safety regulations consistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof.

(aa) To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the Council deems necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.

(bb) To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.

(cc) To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale of firearms; to regulate the transportation, storage and use of combustible, explosive and flammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances,

exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors.

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

(ee) To create, alter or abolish departments, boards, offices, commissions and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same including, without limitation, to establish the terms, conditions, rules, and policies for employment of city employees including compensation and providing of employment benefits such as insurance or retirement.

(ff) To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, morals, and general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in the Act as fully and completely as if such powers were fully enumerated herein; to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia. No list of particular powers in this Act shall be held to be exclusive of others nor restrictive of general words and phrases granting powers but shall be held to be in addition to such powers unless expressly prohibited to cities under the Constitution or applicable public Acts of the State.

Section 1.05. Ordinances. All ordinances, by-laws, rules and regulations now in force in said city, not inconsistent with this Act, are hereby declared valid and of force until amended or repealed by said Mayor and councilmember of said city.

**ARTICLE II.
MAYOR AND CITY COUNCIL**

Section 2.01. City Council. The Mayor and five councilmembers shall compose the City Council, in which is vested all corporate and legislative authority and other powers of the City, except as otherwise provided in this Act. The council shall be the final judge of the election and qualifications of its members.

(a) The City Council shall hold regular public meetings at a stated time and place, as provided by ordinance. The council shall exercise its powers only in public meetings. A majority of the City Council shall constitute a quorum. The City Council may by ordinance adopt rules and by-laws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members.

(b) The City Council shall hold special meetings upon the call of such meeting by the Mayor or any two councilmembers. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the Mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and by attendance at the meeting. Only the business stated in the call may be transacted at the special meeting.

Section 2.02. - Council terms and qualifications for office; term limits.

(a) The Mayor and councilmembers shall serve for four-year terms or until their respective successors are elected and qualified. No person shall be eligible to serve as Mayor or councilmember unless he/she has been a resident of the city for one (1) year preceding the date of election of the Mayor or councilmembers and must be a qualified voter in municipal elections for officers of this city. The Mayor or councilmember shall continue to reside in the municipal limits during their period of service and to be registered and qualified to vote in municipal elections of this city.

(b) The Mayor and City Councilmembers shall be elected from the city at-large for a term of four years commencing on the first day of January after each regular municipal election. Any mayor or city councilmember who has been elected for two consecutive four-year terms under the provisions of this Charter shall not be eligible to hold the same elected office for the succeeding term. Any individual that has been elected to hold any combination of elected offices of the City for four consecutive, four-year terms shall be ineligible to qualify for any elected office for a period of four years thereafter. For purposes of calculating any municipal term limit, an elected official's first term of office shall be considered the term of office commencing after December 31, 2023.

Section 2.03. Compensation: The City Council may determine by ordinance the annual salary of the Mayor and councilmembers, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of the Mayor and councilmember following the next regular election, provided that such regular election follows the adoption of such ordinance by at least six months. The Mayor and councilmembers shall be reimbursed for actual and necessary expenses incurred in the performance of their duties of office.

Section 2.04. - Vacancy; filling of vacancies; Removal of Officers.

(a) Vacancy in Office. The office of Mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, failing or ceasing to reside in the City, has been continuously disabled for a period of six months so as to prevent him/her from discharging the duties of his/her office, or removal from office in any manner authorized by this Charter or the general laws of the State of Georgia. A vacancy in the office of Mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 6 months remain in the unexpired term, otherwise by special election as provided for in Titles 21 and 45 of the Official Code of Georgia Annotated or such other laws as are or may hereafter be enacted.

(b) Removal of Officer.

1. The Mayor or councilmembers may be removed from office for any one or more of the following causes:
 - a. Conviction of a crime involving moral turpitude;
 - b. Failure at any time to possess any qualifications of office as provided by this Charter or by law;
 - c. Knowingly violating any express prohibition of this Charter;
 - d. Abandonment of office or neglect to perform the duties thereof;
 - e. Failure for any other cause to perform the duties of office as required by this Charter or by state law.
2. Removal of any officer pursuant to this subsection (b) of this section shall be heard first following referral to an investigative hearing conducted by the Municipal Court Judge. The referral may be made by the Mayor or a majority vote of the City Council. The notice of the investigative hearing shall contain in writing the nature of the charges and the specific sections or subsections of the Charter or Municipal Code, which the Mayor or councilmember is alleged to have violated. Upon referral, the City Solicitor shall present the case on behalf of the referring party. The Mayor or councilmember subject to removal shall be entitled to be represented and to present evidence and arguments to the Municipal Court Judge in his/her own defense. The hearing shall be conducted according to the rules of evidence and procedure, including the right of cross-examination, order of proof, and right of rebuttal applicable in the Municipal Court. The City Council shall have the burden of proving its case by clear and convincing evidence of the grounds for removal. The Municipal Court Judge shall make a

recommendation to the City Council regarding any removal or disciplinary action for the Mayor or councilmember.

3. At their next regularly scheduled meeting, the City Council shall consider the recommendation of the Municipal Court Judge and shall either accept the recommendations or make any amendment, revisions or modification to the Municipal Court Judge's recommendation. Any action to remove an officer, Mayor, or councilmember from his/her office shall require majority vote of the remaining council. The officer whose removal or discipline is being considered shall not vote on his/her own removal or discipline.
4. Any elected officer sought to be removed from office under this subsection shall have the right to appeal the decision of the City Council to the Superior Court of Barrow County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from lower courts.

Section 2.05. - Holding other office; voting when personally interested. Except as authorized by law, the Mayor or any councilmember shall not hold any other city office or other city employment during the term for which he was elected. Neither the Mayor nor any councilmember shall vote upon, sign or veto any ordinance, resolution, contract or other matter in which he/she shall receive a direct personal financial gain.

Section 2.06. Powers and Duties of Mayor.

- (a) Mayor as presiding officer. The Mayor shall preside at meetings of the City Council, shall have a vote only in case of a tie, shall be the ceremonial head of the city, shall sign ordinances and resolutions on their final passage unless vetoed as provided in subsection (b), shall sign deeds, bonds and contracts when authorized by the council to do so, shall be the officer to accept process against the city, and shall perform other duties imposed by this Act and ordinances not inconsistent with this Act.
- (b) Mayor's power to veto Legislation. Within 96 hours after the adjournment of any council meeting, the city clerk shall present to the Mayor the draft record of proceedings of the meeting together with all ordinances and resolutions adopted at the meeting. Within seven days of receipt of an ordinance or resolution, the Mayor shall return it to the City Clerk with his/her signature for approval or with his/her veto. If an ordinance or resolution is vetoed, the Mayor shall attach a written statement explaining the reasons for his/her veto. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the City Council, and the City Council may pass the ordinance over the veto by the affirmative vote of four of its members. The effective date of an ordinance passed over the Mayor's veto shall not be less than fifteen days after the date of final passage. The Mayor's veto power shall extend to disapproving or reducing individual appropriation items in the budget or any ordinance or resolution, except appropriations for auditing or investigating any part of the executive branch. The Mayor shall not have the power to veto any emergency ordinance.

- (c) **City Administrator.** The Mayor shall appoint a City Administrator who shall be approved by the City Council. The City Administrator may only be removed upon recommendation of the Mayor by a majority vote of the City Council. Said City Administrator shall be the principal managerial aide to the Mayor and shall perform such duties as may be assigned by the Mayor.

Section 2.07. Vice-Mayor. The City Council at the first regular meeting, after the newly elected councilmembers have taken office following each regular election, shall elect from its membership a Vice-Mayor for a term of two years. In the event that no decision is reached at such first regular meeting, the councilmember who received the highest number of votes when he/she was last elected shall become vice-Mayor. The Vice-Mayor shall perform the duties of the Mayor during his/her absence or inability to act and shall, in the event of a vacancy in the office of Mayor, fill out any unexpired term in the office of Mayor until said vacancy is filled pursuant to Section 2.04 of this Charter, in which case a new Vice-Mayor shall be elected by majority vote of the City Council.

Section 2.08. Elections. All primaries and elections shall be held and conducted in accordance with Title 21 of the Official Code of Georgia, as now effective, or hereafter amended. There shall be a municipal general election biennially in the odd years as provided by this Charter and state law on the Tuesday next following the first Monday in November. It is the intent of this section of the Charter of the City of Statham that the elected officials of the City of Statham serve staggered terms with the Mayor and two councilmembers to be elected in 2023 and every four years thereafter and with three councilmembers to be elected in 2025 and every four years thereafter. Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations. The person receiving a plurality of the votes cast for any city office shall be elected.

Section 2.09. Restrictions on Councilmembers. The City Council shall act in all matters as a body, and no member shall seek individually to influence the official acts of the Mayor or any other officer or employee of the city, or to direct or request the appointment of any person to, or his/her removal from, any office or position of employment, or to interfere in any way with the performance of duties by the Mayor or any other officer or employee. Councilmembers shall deal with the various agencies, officers and employees of the city, except boards of commissions authorized by this Act, solely through the Mayor, and shall not give orders to any subordinates of the Mayor, either publicly or privately. Nothing herein contained shall prevent the City Council from conducting such inquiries into the operation of the city government and the conduct of the city's affairs as it may deem necessary

Section 2.10. City Clerk. The Mayor shall appoint a City Clerk who shall be approved by a majority vote of the City Council. The City Clerk shall be responsible for keeping and preserving the city seal and all records of the City Council; attending meetings of the City Council and the official minutes of its proceedings, including the names of members present and absent, the vote of each member on each question, each motion considered, and the title of each resolution or ordinance considered; preparing, the certifying copies of official records in his/her office, for which fees may be prescribed by ordinances; and performing such other duties as may be required by the City Council or Mayor. The City Clerk may only be removed upon

recommendation of the Mayor by a vote of the City Council.

Section 2.11. City Legislation. Any action of the City Council having a regulatory or penal effect, relating to revenue or the expenditure of money or required to be done by ordinance under this Act, shall be done only by ordinance. Each motion, resolution and ordinance shall be in written form before being introduced. The affirmative vote of at least three members of the council shall be required to pass any motion, resolution or ordinance, including two readings in the case of an ordinance. Each ordinance, before being adopted, shall be read at two meetings not less than one week apart, and shall take effect ten days after its adoption, except that, where an emergency exists and the public safety and welfare require it, an ordinance containing a full statement of the facts and reasons for the emergency may be made effective upon its adoption if approved by at least four members of the council. No ordinance relating to a franchise, exclusive contract, or other special privilege shall be passed as an emergency ordinance. Amendments of ordinances and resolutions or parts thereof shall be accomplished only by setting forth the complete section, sections, subsections in their amended form. The original copies of all ordinances, resolutions and motion shall be filed and preserved by the city clerk. The City Clerk shall maintain a compilation of all ordinances passed, and this compilation shall be known and cited officially as "The Code of the City of Statham, Georgia."

Section 2.12. Rules and Regulations. The City Council may by ordinance authorize officers and agencies of the city to promulgate formal rules and regulations within their respective jurisdictions, subject to such restrictions and standards of guidance as the City Council may prescribe. No such formal rule or regulation shall take effect until it is filed with the City Clerk, who shall file and preserve the original copy in his/her office. Amendments of such rules and regulations shall be accomplished only by setting forth complete sections or subsections in their amended form.

Section 2.13. Investigations. The council by simple majority vote may make investigations into the affairs of the city and the conduct of any department, office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

ARTICLE III. ORGANIZATION AND PERSONNEL

Section 3.01. Organization. The city government shall be organized into a Department of Government Administration, Police Department, Department of Public Works and Planning Department as provided in Section 3.02, unless and until otherwise provided by ordinance. All department heads shall be nominated by the Mayor and approved by the City Council and shall be subject to removal only by majority vote of the City Council. The City Council by such ordinances may establish, abolish, merge, or consolidate offices, positions or employment, departments, and agencies of the city, may provide that the same person shall fill any number of offices and positions of employment, and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city, subject to the following exceptions: all officers and employees of the City, except as otherwise specifically provided in

this Act, shall be appointed and removed by and shall be under the direction and control of the Mayor.

Section 3.02 Planning.

- (a) Planning Director. There shall be a Planning Department headed by a director who shall be appointed by the Mayor and confirmed by the majority of the City Council. The Planning Director shall have the following responsibilities:
1. To advise the Mayor and City Council on any matter affecting the physical development of the city;
 2. To formulate and recommend to the Mayor and City Council a comprehensive plan and modifications of the comprehensive plan;
 3. To review and make recommendations regarding proposed council action implementing said comprehensive plan pursuant to subsection (d) of this Section; and
- (c) Comprehensive Plan. The City Council shall adopt, and may from time to time modify, a comprehensive plan setting forth in graphic and textual form policies to govern the future physical development of the city. Such plan may cover the entire city and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire city and all of its functions and services.

Upon receipt from the Mayor of a proposed comprehensive plan or proposed modification of the existing plan, the City Council shall hold a public hearing on the proposed comprehensive plan or modification ~~thereof~~ and shall ~~thereafter~~ adopt it by resolution with or without amendment. The comprehensive plan shall serve as a non-binding guide to all future council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

- (d) Implementation of the Comprehensive Plan. The City Council may by ordinance adopt land use and development regulations including but not limited to an official map and zoning and subdivision regulations.

The City Council may by ordinance provide for redevelopment, rehabilitation, conservation and renewal programs for: (1) The alleviation or prevention of slums, obsolescence, blight or other conditions of deterioration, and (2) the achievement of the most appropriate use of land.

Section 3.03 Administrative duties of Mayor.

The Mayor shall:

- (a) be the executive head of the city government, responsible for the efficient and orderly administration of the city's affairs.
- (b) be responsible for the enforcement of laws, rules and regulations, ordinances and franchises in the city, and the City Attorney shall take such legal actions as the Mayor may direct for such purposes.
- (c) have the authority with the approval of City Council to appoint and remove department heads; provided, however, that if the Mayor fails to appoint a department head within 120 days of vacancy, the City Council may vote to appoint that department head;
- (d) have authority to appoint, promote, demote, transfer, suspend and remove all officers and employees, except department heads, and to direct and control their work, except as otherwise provided in the Act.
- (e) submit to the Council annual budgets, reports, and such other information as the council may require. The Mayor shall have authority to make allotments of funds within the limits of appropriations and no expenditure shall be made without the Mayor's approval.
- (f) If no other employee is designated as purchasing agent to act as purchasing agent for the City.
- (g) He/She may conduct inquiries and investigations into the conduct of the city's affairs and shall have such other powers and duties as may be provided by ordinances not inconsistent with this Act.

Section 3.04. City Attorney. The Mayor shall appoint a city attorney with the approval of the City Council, together with such assistant city attorneys as may be authorized. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a part, and shall advise the City Council, Mayor and other officers and employees of the City concerning legal aspects of the city's affairs.

Section 3.05. Other officers and employees. After receiving the written recommendations of the Mayor, the City Council may establish by ordinance offices and positions of employment and may abolish, combine or modify them in accordance with such recommendations. The powers and duties of such offices and positions of employment may be defined by ordinance, and if not defined by ordinance shall be defined in formal rules and regulations issued by the Mayor, but in any event the Mayor may require officers and employees of the city, except those appointed by and accountable to the council, to perform such additional duties as may be considered necessary by the Mayor for the proper and efficient conduct of the city's affairs. Public utilities owned or operated by the city may be under the supervision of the Mayor and employees appointed by the Mayor or may be under boards or commissions appointed by and answerable to the council, as provided by ordinance. The salaries of all employees of the city shall be fixed by ordinance under a pay plan applying uniformly to all employees having similar responsibilities and doing like work.

Section 3.07. Appointment, suspension and removal of employees. All employees of the City, except as otherwise provided in this Act, shall be appointed, promoted, demoted, transferred, suspended and removed by the Mayor. During a suspension an employee's salary may be reduced or eliminated, as determined by the Mayor. Before suspending for more than thirty days or removing an employee, the Mayor shall serve the employee with a written notice of intention to suspend or remove him/her, containing a clear statement of the grounds for such proposed action and notification that the employee may appeal to the City Council by filing, within ten days, with the City Clerk written notice of his/her intention to do so. The decisions of the City Council in cases of such appeals by employees shall be final. The Mayor shall provide in writing to the City Council, within ten days, any appointment, promotion, demotion, transfer, suspension or removal of any employee along with reasons for doing so.

Section 3.08. Oath of office. Before a person takes any office in the city government, he/she shall take, subscribe to, and file with the City Clerk the following oath or affirmation:

"I [name of affiant] do solemnly swear (or affirm) that I faithfully discharge the duties of the office of _____, and that I will in all respects, observe the provisions of the Charter and Ordinances of the City of Statham, and that I will support and defend the Constitution and the laws of the State of Georgia and of the United States."

Section 3.09. Political Activity Prohibited. No officer or employee of the city, other than the Mayor and councilmember, shall continue in the employment of the city after becoming a candidate for nomination or election to any public office. No person shall directly or indirectly give, render, or pay any money, service or other valuable consideration to any person for or on account of or in connection with any test, appointment, proposed appointment, promotion, or proposed promotion to any office or position of the city government. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or political purpose from any officer or employee of the city. An officer or employee of the city, other than the Mayor and councilmember, shall not make any contribution to the campaign funds of any candidate in any city election, and shall not take part in the management, affairs or political campaign of any city election, other than in the exercise of his/her rights as a citizen to express his/her opinions and to cast his/her vote. Political campaigning shall not be allowed during Council meetings, meetings of any committee or employees of the City or any other meetings involving official City business. Candidates for office, including those currently serving as Mayor or City Councilmember, may rent city-owned or controlled facilities for political campaigning purposes subject to the rules and regulations for renting of city facilities for the general public. Nothing contained herein shall prevent or prohibit candidates for office from conducting political campaigning or related activities during special events, festivals, or other community events, whether conducted or sponsored by the City.

**ARTICLE IV.
FISCAL ADMINISTRATION.**

Section 4.01. Fiscal Year. The fiscal year of the city government shall begin on the first day of July and shall end on the thirtieth day of June of the Succeeding year, but another fiscal year may be fixed by ordinance for the entire city government or for any utility.

Section 4.02. Mayor to submit Annual Budget. On or before a date fixed by the City Council but not later than forty-five days prior to the beginning of each fiscal year, the Mayor shall submit to the City Council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following:

- (a) revenue and expenditures during the preceding fiscal year,
- (b) Appropriations and estimated revenue and expenditures for the current fiscal year,
- (c) estimated revenue and recommended expenditures for the next fiscal year,
- (d) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated assets, liabilities, reserves and surplus at the end of the current fiscal year, and
- (e) such other information and data, such as work programs and unit costs, in justification of recommended expenditures, as may be considered necessary by the Mayor or requested by the City Council. The Mayor may recommend and estimate additional revenue measures, providing such estimates are separated clearly from normal revenue estimates. The budget shall be accompanied by a message from the Mayor containing a statement of the general fiscal policies of the City, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget and such other comments and information as he/she may deem pertinent. A sufficient number of copies of the Mayor's message shall be reproduced to furnish a copy to any person desiring one, at cost of reproduction, and a copy of the budget in full shall be filed with the City Council and furnished to each councilmember.

Section 4.03. Public Hearing. After receiving the budget from the Mayor, the City Council shall fix a time and place for a public hearing thereon and shall cause a public notice thereof to be posted at a public place designated by the City Council at least ten days in advance of the date of the hearing. The public hearing shall be held before the City Council at the stated time and place, and all persons present shall be given an opportunity to be heard.

Section 4.04. Action by Council on Budget. After the public hearing and before the beginning of the next fiscal year the City Council shall adopt an appropriation ordinance, based on the Mayor's budget with such modifications as the City Council considers necessary or desirable. The City Council shall not make any appropriations in excess of estimated revenue, except to provide for an actual emergency threatening the health, property or lives of the

inhabitants of the city; providing the City Council unanimously agrees there is such an emergency. If emergency conditions prevent the adoption of an appropriation ordinance before the beginning of the new fiscal year, the appropriations for the last fiscal year shall become the appropriations for the new fiscal year, subject to amendment as provided in this section. Amendments may be made to the original appropriation ordinance at any time during a current fiscal year after a public hearing before the City Council on five days' notice posted at a public place designated by the City Council, provided that increased appropriations may be made only after the Mayor has certified in writing that a sufficient amount of unappropriated revenue will be available, except for emergency appropriations as provided above. Any portion of an annual appropriation remaining unexpended and unencumbered at the close of a fiscal year shall lapse and be credited to the general fund, except that any balance remaining in any other fund at the end of a fiscal year may remain to the credit of that fund and be subject to further appropriation. At the end of each month the Mayor shall submit a detailed budget report to the City Council, showing estimated and actual receipts and expenditures or encumbrances for that month and the fiscal year to the end of that month, as well as the amount encumbered or expended in excess of any of the itemized estimates of expenditures supporting the appropriations.

Section 4.05. Allotments. No contracts or purchases, except those made by the City Council, may be made in excess of the amount permitted by such purchasing policy established by the City Council. In no event may contracts or purchases be made in excess of appropriations. Any expenditures except for salaries and wages may be reduced or eliminated through such allotment control.

Section 4.06. Contracts and Purchasing. The City Council may by ordinance establish contracting and purchasing procedures; provided, however, that no contract with the City shall be binding on the City unless:

- (a) It is in writing;
- (b) It is drawn by or submitted and reviewed by the City Attorney, and as a matter of course, is signed by the City Attorney to indicate approval of the form;
- (c) It is reviewed as to substance by the Mayor (or the Mayor's designee) and City Council and the director of the department most affected by the contract, signed by such director to indicate approval as to substance, and signed by the Mayor;
- (d) The expenditure has been approved in accordance with the City's financial and purchasing policies;
- (e) It is attested to by the City Clerk

Section 4.07. Sale of City Property. The Mayor may sell any City property which is obsolete, surplus or unusable, if the acquisition cost of such property did not exceed five hundred dollars (\$500.00), without taking bids, but sealed bids shall be taken or a public auction shall be held for any sale of property having an acquisition cost of more than five hundred dollars

(\$500.00); provided that any sale of real estate shall be subject to approval by the City Council. Notwithstanding the foregoing, the sale of any City property shall be made in conformance with Georgia law.

Section 4.08. Annual Audit. The City Council shall employ a certified public accountant to make an annual audit of all financial books and records of the City. The accountant shall file his/her report with the City Council, at a time agreed to between him/her and the City Council, and shall prepare a summary of the report which shall be posted in a public place designated by the City Council.

Section 4.09. - Property tax. The City Council may assess, levy and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the council in its discretion.

Section 4.10. Millage rate; due dates; payment methods. The City Council, by ordinance, shall establish a millage rate for the property tax, a due date, and the time period within which these taxes must be paid. The council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

Section 4.11. Occupation and business taxes. The City Council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The council may classify businesses, occupations, professions or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in [Section 4.17](#) of this Charter.

Section 4.12. Licenses; permits; fees. The City Council by ordinance shall have the power to require any individual or corporation who transacts business in the City or who practices or offers to practice any profession or calling within the City to obtain a license or permit for such activity from the city and to pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the City of regulating the activity and, if unpaid, shall be collected as provided by ordinance. The City Council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

Section 4.13. Franchises. The City Council shall have the power to grant franchises for the use of the city's public ways for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies and other similar organizations. The City Council shall determine the duration, terms, whether the

same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted unless the City receives just and adequate compensation therefore. The City Council shall provide for the registration of all franchises with the City Clerk. The City Council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

Section 4.14. Service charges. The City Council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside and outside the city limits of the City. If unpaid, such charges shall be collected as provided in Section 4.17 of this Charter.

Section 4.15. Special assessments. The City Council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 4.17 of this Charter.

Section 4.16. Construction; other taxes. This City shall be empowered to levy any other tax allowed now or hereafter by law, and the specific mention of any right, power or authority in this article shall not be construed as limiting in any way the general powers of this City to govern its local affairs.

Section 4.17. Collection of delinquent taxes and fees. The City Council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the City under Sections 4.09 through 4.16 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of Writs of Fieri Facias; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking City licenses for failure to pay any City taxes or fees; and providing for the assignment or transfer of tax executions.

Section 4.18. General obligation bonds. The City Council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

Section 4.19. Revenue bonds. Revenue bonds may be issued by the City Council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

Section 4.20. Short-term loans. The city may obtain short-term loans and repay such loans not later than December 31 of each year, unless otherwise provided by law.

Section 4.14. Disbursements by Checks. All City checks and drafts shall be signed by

two officers including, the Mayor, the City Administrator and/or the City Clerk. In the absence or unavailability of the Mayor, the Vice-Mayor of the City Council may sign in his/her place.

Section 4.15. Official Depository. The City Council shall designate an official depository or depositories for deposit and safekeeping of the funds of the City and may require such collateral security as it deems necessary.

ARTICLE V. MUNICIPAL COURT

Section 5.01. Creation; name. There shall be a court to be known as the Municipal Court of the City of Statham.

Section 5.02. Municipal judge; associate judge. The Municipal Court shall be presided over by a municipal judge or such part-time, full-time, or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided by ordinance. No person shall be qualified or eligible to serve as a judge of the Municipal Court unless he/she shall have attained the age of twenty-one years, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by mayor and approved by the City Council. Before assuming office, each judge shall take an oath that he/she will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality.

Section 5.03. Convening. The Municipal Court shall be convened at regular intervals as provided by ordinance.

Section 5.04. Jurisdiction; powers.

- (a) The Municipal Court shall try and punish violations of this Charter, all city ordinances, and such other violations as provided by law.
- (b) The Municipal Court shall have authority to punish those in its presence for contempt, by fine, as allowed by law, or fifteen days of imprisonment and labor on the public works of the city, or by both fine and imprisonment.
- (c) The Municipal Court may fix punishments for offenses within its jurisdiction by fine in an amount not to exceed \$1,000.00 or by imprisonment for up to 12 months in jail or any combination thereof or by labor on the public works of the city for one year, or alternative sentencing as allowed by law.
- (d) The Municipal Court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to state or superior courts for violations of state law.
- (e) The Municipal Court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said Court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for his/her appearance and shall fail to appear at the time fixed for trial, his/her bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his sureties with a rule nisi, at least two days before a hearing

on the rule. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

- (f) The Municipal Court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments and sentences; and to administer such oaths as are necessary.
- (g) The Municipal Court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this Charter or by law.
- (h) Each judge of the Municipal Court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the City, and each judge of the Municipal Court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.
- (i) The Municipal Court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

Section 5.05. Certiorari. The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violations cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Barrow County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

Section 5.06. Rules for court. With the approval of the City Council, the Municipal Court Judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the Municipal Court; provided, however, that the City Council may adopt in part or in toto the rules and regulations applicable to the Municipal Court. The rules and regulations made or adopted shall be filed with the City clerk, Shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in Municipal Court proceedings.

ARTICLE VI. MISCELLANEOUS

Section 6.01. General Laws may be used. The council in its discretion may elect to use the provisions of any general laws of the State in addition to or instead of the provisions of this Act.

Section 6.02. Prior Ordinances and Enactments. All ordinances, resolutions, rules and regulations now in force in the City consistent with this Charter are hereby declared valid and of full effect and force until amended or repealed by the City Council.

Section 6.03. Severability. If any article, section, subsection, paragraph, sentence, or part, of this Act shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair other parts of this Act unless it clearly appears that such other parts are wholly and necessarily dependent upon the part or parts held to be invalid or unconstitutional, it being the legislative intent in enacting this Act that each article, section, subsection, paragraph, sentence, or part thereof, be enacted separately and independently of each other.

Section 6.04. Effective date. This Charter shall become effective upon its adoption by the General Assembly and signature by the Governor.

Section 6.05. Repealer. All laws and parts of laws in conflict with this Charter are repealed.