

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND THE CITY CHARTER TO BE CONSISTENT WITH THE ~~CITY COUNCIL~~ MANAGER FORM OF GOVERNMENT AND WITH STATE GENERAL LAW; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.

WHEREAS, the General Assembly changed the City's form of government in 2010 to provide for a City Manager to administer City government in 2010; and

WHEREAS, certain provisions of the Charter nonetheless contemplate the Mayor in an administrative role reserved for the City Manager per Charter § 3.02; and

WHEREAS, certain provisions of the City Charter have been in place since 1967 and are now inconsistent with State general law; and

WHEREAS, the City is authorized to amend its Charter pursuant to its home rule powers as set forth in O.C.G.A. § 36-35-3.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston as follows:

SECTION 1. City Charter Section 1.03, subsection (o) is hereby deleted and replaced with the following statement:

“(o) To define a nuisance in the City and to provide for its abatement consistent with standards and procedures established by general law.”

SECTION 2. City Charter Section 2.02 is hereby deleted and replaced with the following language:

“Sec. 2.02 – City Council.

(a) The mayor and six (6) council ~~men members~~ shall compose the city council, in which is vested all corporate, legislative 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. ~~The salaries so set by the mayor and council shall not exceed the sum of one thousand two hundred dollars (\$1,200.00) per year payable monthly for mayor and three hundred dollars (\$300.00) per year for each member of the council for the years 1967 and 1968, provided, that in the event the mayor should for any reason fail to serve as judge of the recorder's court, his salary shall not exceed six hundred dollars (\$600.00) for said years; thereafter, t~~

(b) The compensation of the mayor and council members shall be as prescribed by ordinance; provided that salary changes enacted shall not

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become effective during the term of the council enacting such change, consistent with State general law. The council ~~men~~ members and mayor shall receive their actual and necessary expenses incurred in the performance of their duties of office.

(c) The council shall hold regular public meetings at a stated time and place, as provided by ordinances. The council shall meet in special session on written call of ~~the mayor or~~ any two (2) council ~~men~~ members, upon twenty-four (24) hours notice to the public pursuant to State general law and notice ~~of which has been~~ served on the other members personally or left at their residences at least twelve (12) hours in advance of the meeting. But such notice to council members of a special meeting shall not be required if the mayor and all council ~~men~~ members are present when the special meeting is called. The mayor may also call a special meeting, pursuant to the procedures just set forth, with the written consent of two council members. During a state of emergency or disaster declared by the Governor or his designee, the Mayor may call a special meeting pursuant to O.C.G.A. § 38-3-54 upon providing such notice to the council members as may be possible under the circumstances. Only the business stated in the written call may be transacted at a special meeting, except by unanimous consent of all members of the council.

(d) The council shall exercise its powers in public meetings. A majority of the council shall constitute a quorum. The 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.

(e) The council may subpoena and examine witnesses, may order the production of books and papers, to punish for refusal to obey such an order or subpoena, or for disorderly or contemptuous behavior in the presence of the council.”

SECTION 3. City Charter Section 3.04 is hereby deleted and replaced with the following language:

“Sec. 3.04 – Municipal Court – Appointment of Judge.

The City of Clarkston Municipal Court shall be presided over by a qualified judge appointed by the City Council on an annual basis. Such judge shall receive such compensation as shall be fixed by the City Council and may be removed by the City Council pursuant to standards and procedures established by general law.”

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SECTION 4. City Charter Section 3.06, subsection (a) is hereby deleted and replaced with the following language:

“(a) The Municipal Court shall try and punish violators for crimes defined by State law where jurisdiction over the prosecution of such crimes is conveyed to the Municipal Court by general law and shall try and punish violators for violation of City ordinances. Where State law or the applicable City ordinance does not fix the punishment for an offense, the Municipal Court may fix punishment for offenses within its jurisdiction not exceeding a fine of One Thousand Dollars (\$1,000.00) or imprisonment for six (6) months, or both.”

SECTION 5. City Charter Section 3.10 is hereby deleted and replaced with the following language:

“Sec. 3.10 – Other Officers and Employees.

The City Manager may establish such offices and positions of employment within the City as may be necessary and appropriate for the effective and efficient administration of the City’s affairs.”

SECTION 6. City Charter Section 4.02 is hereby deleted and replaced with the following language:

“Sec. 4.02 – City Manager to Submit Annual Budget; Mayor May Advise.

(a) On or before a date fixed by the City Council, but not later than forty-five (45) days prior to the beginning of each fiscal year, the City Manager 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: (ai) revenues and expenditures during the preceding fiscal year, (bii) appropriations and estimated revenues and expenditures for the current fiscal year, (eiii) estimated revenues and recommended expenditures for the next fiscal year, (eiv) 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 (ev) such other information and data as may be considered necessary by the City Manager or requested by the City Council.”

(b) The Mayor shall have the privilege to review the City Manager’s proposed budget and to provide the City Manager with his/her suggestions regarding the proposed budget prior to it being submitted to the City Council.”

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SECTION 7. City Charter Section 4.03 is hereby amended to replace the word “Mayor’s” in the first sentence of said Charter Section with the words “City Manager’s”.

SECTION 8. City Charter Section 4.04 is hereby deleted and replaced with the following language:

“Sec. 4.04 – Sale of City Property.

The City Council may authorize the sale of any City property which is deemed obsolete, surplus or unusable. Such sale shall be accomplished pursuant to the procedures set forth in general law for the sale of municipal property.”

SECTION 9. City Charter Section 4.06 is hereby deleted and replaced with the following language:

“Sec. 4.06 – Property Taxes.

All property subject to taxation for State or County purposes shall be subject to a property tax levied by the City. All such taxable property shall be appraised and assessed in accordance with general law and property owners shall have a right to appeal tax assessments as provided for by general law.”

SECTION 10. City Charter Section 4.07 is hereby deleted and replaced with the following language:

“Sec. 4.07 – Tax Levy.

The City Council shall make a tax levy by establishing an annual millage rate as provided for by general law.”

SECTION 11. City Charter Sections 5.01, 5.02, and 5.03 are hereby repealed. City Charter Sections 5.01, 5.02, and 5.03 are hereby designated as “reserved.”

SECTION 12. This Ordinance is intended to be severable. If any section, subsection, paragraph, sentence or word of this Ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence or word of this Ordinance irrespective of the invalidity of any other section, subsection, paragraph, sentence or word.

SECTION 13. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 14. This Ordinance shall become effective immediately upon its final adoption by the City Council at the second of two consecutive regular meetings.

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[signatures follow]

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APPROVED, this _____ day of _____, 20__.

SO ORDAINED, this ____ day of _____, 2017~~6~~.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Ted Terry, Mayor

Approved as to Form:

Stephen G. Quinn, City Attorney