

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND THE CITY CHARTER TO BE CONSISTENT WITH THE CITY 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 to provide for a City Manager 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 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.”

SECTION 3. 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 4. 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 5. City Charter Section 4.02 is hereby deleted and replaced with the following language:

**“Sec. 4.02 – City Manager to Submit Annual Budget.**

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: (a) revenues and expenditures during the preceding fiscal year, (b) appropriations and estimated revenues and expenditures for the current fiscal year, (c) estimated revenues 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 as may be considered necessary by the City Manager or requested by the City Council.”

SECTION 6. 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 7. 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 8. 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 9. 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 10. 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 11. 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 12. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 13. This Ordinance shall become effective immediately upon its final adoption by the City Council at the second of two consecutive regular meetings.

SO ORDAINED, this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST:

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

By \_\_\_\_\_  
Tracy Ashby, City Clerk

\_\_\_\_\_  
Ted Terry, Mayor

Approved as to Form:

\_\_\_\_\_  
Stephen G. Quinn, City Attorney