

ENROLLMENT

H.B. No. 342

Act No. 75

General

Assembly



April 1 2013
The Committee of the House on Information and Audits has examined the within and finds the same properly enrolled.

Barbara Sims

Chairman

David Galter

Speaker of the House

Robert Ramsey

Clerk of the House

Cassy Cough

President of the Senate

Robert F. Coving

Secretary of the Senate

Received Chris W. Aldy
Secretary, Executive Department

This 1ST day of April 2013

Approved

Nathan Deal
Governor

This 24 day of April 2013

AN ACT

To provide a new charter for the City of Senoia; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal specific Acts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

IN HOUSE

Read 1st time 2-14-13

Read 2nd time 2-19-13

Read 3rd time 2-21-13

And Passed

Yeas 160

Nays 1

Robert Ramsey
Clerk of the House

IN SENATE

Read 1st time 2-22-13

Read 2nd time

Read 3rd time

And Passed 3-13-13

Yeas 47

Nays 0

Passed Both Houses

Robert F. Coving
Secretary of the Senate

By: Rep. Ramsey of the 72nd

AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.1.
Corporate name.

The territory hereinafter designated in Coweta County, Georgia, is hereby reincorporated by the enactment of this charter under the name and style of the City of Senoia, Georgia, a body politic and corporate, having the power to sue and be sued, with all the powers hereinafter specified, and all other powers, duties, rights, and immunities as are granted by the Constitution and general laws of the State of Georgia to municipal corporations.

SECTION 1.2.

Corporate limits.

The corporate limits of such city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of the city shall at all times be shown on a map, to be retained permanently as a public record in the office of the city manager at the City Hall, Senoia, Georgia, and designated as the "Official Map of Senoia, Georgia." The original of such map, which is expressly by reference incorporated herein as an integral part of this charter, shall be signed and dated by the mayor and be attested thereto by the city clerk. All future alterations of such map, as directed by the Mayor and Council by ordinance to reflect lawful changes in the corporate boundary, shall be signed and dated by the mayor and attested thereto by the city clerk. Reproductions of such map, whether hand-drawn, photographic, or digital, when certified by the city clerk, shall be admitted as evidence in all courts and shall have the same force and effect as the original map.

SECTION 1.3.

Corporate powers.

(a) The city shall have all the powers possible for any municipal corporation to have under the present and future Constitution and laws of this state as completely as though they were specifically enumerated in this charter. The city shall have all the powers of self-government not otherwise prohibited, reserved, or limited by this charter, general law, or the present or future Constitution of this state.

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

SECTION 1.4.

Exercise of corporate powers.

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

SECTION 1.5.

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

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

(b) A proposed ordinance may be introduced by any member of the Mayor and Council, including the mayor or presiding officer, at any meeting of the Mayor and Council. Ordinances shall be considered and adopted or rejected in accordance with procedural rules which the Mayor and Council may establish, provided, however, that an ordinance shall not be finally adopted the same day it is introduced, except for ordinances whose subject matter involves a zoning decision, the annexation of territory into the boundaries of the city, or an emergency matter as provided in general state law. Upon the introduction of any proposed ordinance, the city clerk shall distribute copies to each member of the Mayor and Council, the city manager, and the city attorney, and shall make copies thereof available for public inspection and copying as provided by law. Upon final adoption of any ordinance, the city clerk shall authenticate its adoption by the city clerk's signature and record the original in a properly indexed book kept for that purpose, which shall be a public record of the city and available for public inspection and copying at all reasonable times. Not less than quarterly, the city clerk shall cause all ordinances to be codified in a publication known as "The Code of Senoia, Georgia," which shall be available for sale to the public and accessible, without charge, on the city's website. All ordinances shall become effective upon their final adoption unless a later effective date is specified therein.

ARTICLE II

MAYOR AND COUNCIL

SECTION 2.1.

Corporate and governing authority.

The municipal governing body shall consist of a board of five citizens, hereinafter referred to collectively as the "Mayor and Council." The Mayor and Council shall be the legislative

and governing authority of the city; provided, however, a city manager shall administer the daily affairs of the city within the law and ordinances of the city, under the general oversight of the Mayor and Council. The Mayor and Council shall be vested with all the powers of government of the city, but no individual member of the Mayor and Council shall have or exercise any power, duty, or function, unless otherwise provided by general law or this charter. Members of the Mayor and Council shall possess the qualifications and be elected in the manner provided by general law and this charter; provided, however, that members of the Mayor and Council in office on the effective date of this charter shall in all respects be successors to and a continuation of the governing authority elected under the prior charter and shall serve the terms for which elected. The members of the Mayor and Council shall devote as much of their time to the office as may be necessary.

SECTION 2.2.

Qualification and election of Mayor and Council.

(a) Any person who is a citizen of this state, has attained the age of 18 years, and has at least 12 months' residency within the city shall be eligible to hold office as a member of the Mayor and Council. No person who is not a registered voter; who has been convicted of a felony involving moral turpitude, unless that person's civil rights have been restored and at least ten years have elapsed from the date of completion of the sentence without a subsequent conviction of another felony involving moral turpitude; who is a defaulter for any federal, state, county, municipal, or school system taxes required of such officeholder or candidate if such person has been finally adjudicated by a court of competent jurisdiction to owe those taxes, unless such ineligibility has been removed by the full payment thereof, or by making payments to the tax authority pursuant to a payment plan, or under such other conditions provided by general law; who holds any other federal, state, county, or municipal elective office, or qualifies for such office more than 30 days prior to the expiration of the present municipal office; or who is the holder of public funds illegally, shall be eligible to hold office as a member of the Mayor and Council. '

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

(c) Elections for the members of the Mayor and Council shall be held and conducted by the Coweta County Board of Elections and Registration in accordance with Chapter 2 of Title 21 of the O.C.G.A. or other such laws as are or may hereafter be enacted. All city elections

shall be conducted "at-large"; provided, however, candidates for council shall qualify for a numbered seat or post, without any district or residency requirement. All qualified electors residing within the city may vote for candidates in any city elections.

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

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

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

(g) No member of the Mayor and Council shall serve more than three consecutive terms as a councilmember, and no member shall serve more than two consecutive terms as mayor; provided, however, no person shall hold the elective offices of councilmember and mayor, in any combination, for more than five consecutive terms. Upon completion of the term limits imposed hereunder, no member shall immediately succeed himself or herself in a city elective office. This limitation shall apply only to those members elected to office in the municipal general election held on the Tuesday following the first Monday in November, 2013, and subsequent municipal general elections.

SECTION 2.3.

Majority vote not required.

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

SECTION 2.4.

Oath of Office.

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

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

SECTION 2.5.

Vacancy; filling of vacancies in office.

- (a) The office of a member of the Mayor and Council shall become vacant upon the occurrence of any event specified by the Constitution or general laws of this state or upon the incumbent Mayor and Council member losing the qualifications required for holding the office.
- (b) A vacancy in the office of Mayor and Council shall be filled for the remainder of the unexpired term, if any, by appointment of the Mayor and Council if less than 18 months remains in the unexpired term; otherwise, by a special election, as provided in Title 21 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

SECTION 2.6.

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

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

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

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

SECTION 2.7.

Meetings of the Mayor and Council.

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

(b) At the last regular meeting in December of each year, the Mayor and Council shall prescribe, by resolution, the time, place, and dates of regular meetings for the ensuing

calendar year. This schedule shall be posted and maintained in a conspicuous place available to the public, on the city's website, and available to the public upon request.

SECTION 2.8.

Rules of procedure.

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

SECTION 2.9.

Inquiries and investigative powers.

(a) The Mayor and Council shall exercise general legislative oversight over all elected and appointed officers, departments, agencies, and employees of the city and shall have the right, from time to time as a majority of such Mayor and Council deems necessary, to call upon such officers and employees for an accounting of their actions in the performance of their official duties; provided, however, that if a code of ethics and procedures for the enforcement of alleged violations of such code of ethics has been adopted by ordinance, such ordinance shall take precedence over this section.

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

SECTION 2.10.

Duties of Mayor.

The mayor shall be the chief executive officer and shall preside at all meetings of the Mayor and Council. The mayor shall be entitled to make or second any motion or other proposal and to vote on all motions, proposals, or other matters brought before the Mayor and Council

for action. The mayor (or in his or her absence, the mayor pro tem) shall sign all orders, checks, and warrants for the payment of any moneys out of the treasury of the city and shall execute on behalf of the city all contracts, deeds, notes, and other legal documents. Whenever a duty of the mayor is expressly defined by general state law or this charter, and the mayor fails or refuses to perform the same, the council, by the vote of at least three councilmembers, may direct the mayor to perform such duty, including directives to sign any order, check, warrant, contract, deed, or other obligation, and upon such vote taken for that purpose, it shall be the duty of the mayor to execute the same. The mayor shall have the power to appoint committees of the Mayor and Council, naming the members of the committee and designating a chairperson; define, in writing, its scope and purpose; and the duties or responsibilities of such committees. The mayor shall also accept notices given pursuant to O.C.G.A. § 36-33-5 and personal service of summons and complaints on behalf of the city.

SECTION 2.11.

Mayor Pro Tem.

The mayor shall designate, in writing, a member of the council to serve during the absence or physical or mental disability of the mayor, who shall be known as the mayor pro tem. This appointment may be changed periodically at the mayor's discretion. In the absence or unavailability of the designated mayor pro tem, any councilmember, chosen by a majority vote of the council, may serve as mayor pro tem. The mayor pro tem shall be clothed with all the rights and privileges of the mayor while acting in such position and shall perform the duties of mayor so long as his or her absence or disability shall continue. While serving as mayor pro tem, he or she shall only have one vote as a member of the council.

ARTICLE III

APPOINTIVE OFFICERS AND EMPLOYEES

SECTION 3.1.

Officers other than Mayor and Council enumerated.

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

- (1) City manager;
- (2) City attorney;
- (3) City clerk/records management officer;
- (4) Judge of the municipal court;
- (5) Solicitor of the municipal court;

- (6) Municipal court clerk;
- (7) Open records officer;
- (8) Municipal elections superintendent and/or municipal registrar; and
- (9) Such additional officers and/or deputy officers as the Mayor and Council, by ordinance, shall create, defining therein the duties and compensation for such officers.

SECTION 3.2.

City manager.

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

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

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

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

(c) By written designation filed in the city's minutes, the city manager shall designate, subject to approval of the Mayor and Council, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during the city manager's temporary absence or physical or mental disability. During any prolonged absence or disability, the Mayor and Council may revoke such designation at any time and appoint

another officer of the city to serve until the city manager shall return or his or her disability shall cease.

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

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

SECTION 3.3.

Duties of the city manager.

As the chief administrative officer the city manager shall:

- (1) Direct and supervise the administration of all departments and agencies of the city, unless otherwise restricted by law or this charter;
- (2) Attend all meetings of the Mayor and Council and have the right to participate in discussion, but not vote; provided, however, that the city manager shall have no right to attend closed meetings of the Mayor and Council held for the purpose of deliberating upon the appointment, compensation, discipline, or removal of the city manager;
- (3) See that all laws, provisions of this charter, and ordinances of the city are faithfully executed and performed, subject to delegation to subordinate officers, managers, and employees. It shall be the duty of the city manager to supervise performance by his or her delegates at all times;
- (4) Prepare and submit to the Mayor and Council a proposed annual operating budget and capital project budgets for the city and its enterprise funds sufficiently in advance of the next fiscal year. Upon approval by the Mayor and Council, the budgets shall serve as an

appropriations ordinance for the line items indicated therein and a level of control over the city manager's authority to commit or expend city funds;

(5) Submit to the Mayor and Council on a timely basis monthly financial operating reports and an annual audit showing the financial position of the city, its departments, and its utilities at fiscal year end;

(6) Make monthly written reports to the Mayor and Council of administrative activities concerning the operations of the city, its departments, and its utilities under the city manager's supervision and such other reports as the Mayor and Council may require or request;

(7) Keep the Mayor and Council fully informed as to the financial condition of the city and its future needs and make recommendations to the Mayor and Council concerning the financial affairs of the city; and

(8) Perform such other duties as are specified in this charter, by general law, or as from time to time are required by the Mayor and Council by ordinance or resolution.

SECTION 3.4.

City attorney.

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

SECTION 3.5.

City clerk.

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

SECTION 3.6.

Municipal court judge.

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

(b) The Mayor and Council may also appoint one or more assistant municipal court judges to hold and preside over the municipal court in the absence, disability, or disqualification of the municipal court judge, and shall set the term and compensation thereof by resolution.

Assistant judges shall possess all qualifications and satisfy all training requirements for the office of municipal court judge. While presiding, the assistant municipal court judge(s) shall have and may exercise all powers and duties of the municipal court judge as granted by law or this charter.

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

SECTION 3.7.

Municipal court solicitor.

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

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

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

SECTION 3.8.

Municipal court clerk.

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

SECTION 3.9.

Open records officer.

There may be appointed by the Mayor and Council an open records officer who shall serve at the pleasure of the Mayor and Council. Such officer shall possess the qualifications established by law and complete such certification requirements, within the time allowed by law, as may now or hereafter be required for the office. The Mayor and Council shall fix the compensation for the office by ordinance or resolution. The open records officer may be removed from office at any time without cause or notice upon the affirmative vote of at least four members of the Mayor and Council. The open records officer shall perform the duties set forth at O.C.G.A. § 50-18-71(b) relating to acceptance and compliance with open records requests.

SECTION 3.10.

Municipal elections superintendent and municipal registrar.

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

SECTION 3.11.

Assistant appointive officers.

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

SECTION 3.12.

Oaths of appointive officers; bonds.

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

(b) All appointive officers and their deputies shall give bond, with good and sufficient surety, payable to the Mayor and Council, in the amount established by ordinance for the specific office, conditioned upon the faithful discharge of the duties of the office by the officer during such time he or she continues in office or discharges the duties thereof, and such other conditions as the Mayor and Council may require, by ordinance. In the absence of an ordinance or resolution specifying the amount of bond required, the amount of such bond shall not be less than \$100,000.00. All bonds shall be filed in the office of the Judge

of the Probate Court of Coweta County, Georgia. Where authorized by law, blanket bonds for one or more appointive officers may be accepted in lieu of individual bonds.

ARTICLE IV
JUDICIAL BRANCH

SECTION 4.1.

Creation; name.

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

SECTION 4.2.

Procedure; rules of court.

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

SECTION 4.3.

Certiorari.

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

ARTICLE V

POWERS GENERALLY

SECTION 5.1.

General corporate powers.

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

SECTION 5.2.

Powers enumerated.

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

- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the 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 hereunder;
- (2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

- (3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to enforce building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing and construction trades; provided, however, that where standardized technical codes are to be enforced, a copy of the adopted technical code or regulation shall be available for inspection and copying in the city manager's office during reasonable business hours;
- (4) Business regulation and taxation. To levy and to provide for the collection of occupation taxes, sales and use taxes, or other excise taxes on businesses, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same as allowed by law; to provide for the manner and method of payment of regulatory fees; and to revoke permits after due process for failure to pay regulatory fees or failure to meet other regulatory requirements;
- (5) Condemnation. To exercise the power of eminent domain to condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- (6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations for the express purposes allowed by law. To be binding upon the city, all contracts shall be in writing, approved by the city attorney as to form, authorized by a vote of the Mayor and Council, and spread upon its minutes. All contracts signed by the mayor, attested by the city clerk, and bearing the city seal shall carry the presumption of validity and authenticity;
- (7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city, 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;
- (8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city through the preservation and improvement of air quality, the restoration and maintenance of water resources and storm waters, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;
- (9) Fire regulations. To fix and establish fire limits and, from time to time, to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

- (10) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;
- (11) Gifts. 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;
- (12) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;
- (13) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;
- (14) Municipal agencies and delegation of power. To create, alter, or abolish, by ordinance, committees, boards, and agencies of the city, and to confer upon such entities the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same; to establish the qualifications and duties of members; to provide for the compensation and reimbursement of members' expenses, provided that all board members shall serve at will and may be removed at any time without cause or notice. Except where otherwise prescribed by law, all appointees shall be nominated by the mayor and affirmed by majority vote of the council. No board member shall hold elective or appointive office or employment in the city during their appointment, unless authorized by general law or this charter;
- (15) Municipal debts. To appropriate and borrow money, including temporary borrowings, for the payment of 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;
- (16) Municipal property ownership. To acquire, dispose of, lease, and hold, in trust or otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city, on such terms as the Mayor and Council, in its sole discretion, shall deem appropriate;
- (17) Municipal property protection. To provide for the preservation and protection of property and equipment of the city, and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (18) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of municipal utilities, including, but not limited to, a system of public water supply, treatment, and distribution, a system for the collection, treatment, and disposal of sewerage and storm water, gas works, electric distribution and generation facilities, cable television,

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

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

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

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

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

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

(24) Public improvements. 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, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities; to provide any other public improvements, inside or outside the corporate limits of the city; and to regulate the use of public improvements. For such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

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

(27) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, 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;

- (28) Regulation of rights of way and roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, utilities, 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;
- (29) Retirement and benefit plans. To provide and maintain a retirement plan and other benefit plans for officers and employees of the city; provided, however, that all such plans shall be nondiscriminatory;
- (30) Roadways. 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; 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 to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- (31) Solid waste collection and disposal. To levy, fix, assess, and collect solid waste collection and disposal fees, and other sanitary service charges, taxes, or fees for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;
- (32) Special areas of public regulation. Unless prohibited by general law, to regulate junk dealers, pawn shops, and the manufacture, sale, or transportation of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable 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 taxation or otherwise; and to license, tax or regulate, professional fortunetelling, palmistry, adult entertainment, adult bookstores, and massage parlors;
- (33) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;
- (34) Taxes: ad valorem. To levy and provide for the levy and collection of taxes on all property subject to taxation; to grant, by local law approved at a referendum called for that purpose, such exemptions from taxation and the amount thereof as allowed by law;
- (35) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

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

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

(38) Other powers. 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, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and 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 listing of particular powers in this charter 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 municipalities under the Constitution or applicable laws of the State of Georgia.

ARTICLE VI

TRANSITION, REPEALER, AND EFFECTIVE DATE

SECTION 6.1.

Existing code and prior ordinances.

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

SECTION 6.2.

Existing personnel and officers.

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

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

SECTION 6.3.

Pending matters.

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

SECTION 6.4.

Construction.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 6.5.

Severability.

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

SECTION 6.6.

Specific repealer.

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

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

SECTION 6.7.

Effective date.

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

SECTION 6.8.

General repealer.

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

APPROVED

MAR 24 2013

BY GOVERNOR

City Of Senoia

NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is hereby given that there will be introduced at the regular 2013 Session of the General Assembly of Georgia a bill to amend an Act providing a new charter for the City of Senoia, approved April 19, 2000, Ga. Laws 2000, p. 3806, as amended; and for other purposes. This 20th day of December, 2012.

Matt Ramsey
Representative - District 72

GEORGIA, FULTON COUNTY

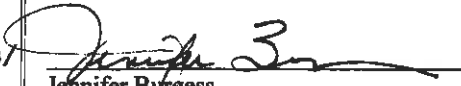
Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Matt Ramsey, who on oath deposes and says that he is the Representative from District 72 and further deposes and says that the attached Notice of Intention to Introduce Local Legislation was published in the Times-Herald which is the official organ of Coweta County on December 21, 2012, and that the notice requirements of Code Section 28-1-14 have been met.

s/


Matt Ramsey
Representative, District 72

Sworn to and subscribed before me,
this 13th day of February, 2013.

s/


Jennifer Burgess
Notary Public, Douglas County, Georgia
My Commission Expires January 23, 2015
(SEAL)

