

RESOLUTION NO. R16-681

**RESOLUTION REQUESTING THE INTRODUCTION AND PASSAGE OF LOCAL LEGISLATION PROVIDING FOR A REVISED CHARTER FOR THE CITY OF STOCKBRIDGE; PROVIDING FOR SEVERABILITY, REPEALING INCONSISTENT RESOLUTIONS, PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.**

WHEREAS, the City of Stockbridge ("City") is a municipal corporation located within Henry County, Georgia duly organized and existing under the laws of the State of Georgia and is charged with providing public services to residents located within the corporate limits of the City;

WHEREAS, O.C.G.A. § 36-35-6 provides that only the General Assembly may amend the City Charter with respect to the form of government and the relative powers of the Mayor and City Council;

WHEREAS, the City Council desires to adopt a revised City Charter that, among other things, formally establishes the position of City Manager within the City Charter and such amendment requires approval of the General Assembly;

WHEREAS, the City Council finds that a resolution is necessary and beneficial to its citizens and to the proper use of City funds.

NOW THEREFORE, THE COUNCIL OF THE CITY OF STOCKBRIDGE HEREBY RESOLVES AS FOLLOWS;

Section 1. **Request for Introduction of Local Legislation.** – The City Council of the City of Stockbridge hereby urges the members of the Henry County Delegation, to introduce and actively work for the passage of local legislation to comprehensively update the City Charter of the City of Stockbridge with the revised draft charter attached hereto as Exhibit A.

Section 2. **Approval of Execution** - The Mayor or Mayor Pro Tem is hereby authorized to sign all documents and to perform all other acts necessary to effectuate this Resolution on behalf of the City of Stockbridge. The City Clerk is authorized to execute, attest to, and seal any document which may be necessary to effectuate this Resolution, subject to approval as to form by the City Attorney.

Section 3. **Severability** - To the extent any portion of this Resolution is declared to be invalid, unenforceable, or non-binding, that shall not affect the remaining portions of this Resolution.

Section 4. **Repeal of Conflicting Provisions** - All City resolutions inconsistent with this Resolution are hereby repealed.

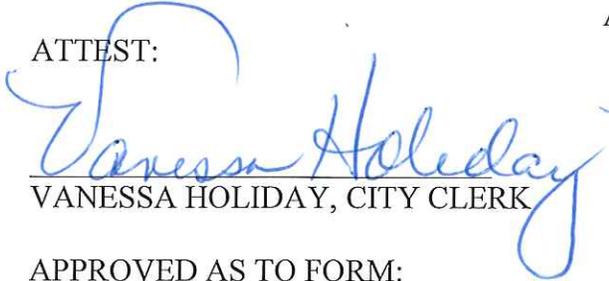
Section 5. **Effective Date** - This Resolution shall be effective on the date of its approval by the City Council and Mayor as provided in the City Charter.

SO RESOLVED, this the 11<sup>th</sup> day of January, 2016.

**CITY OF STOCKBRIDGE, GEORGIA**

  
\_\_\_\_\_  
ANTHONY S. FORD, MAYOR PRO TEM

ATTEST:

  
\_\_\_\_\_  
VANESSA HOLIDAY, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
MICHAEL WILLIAMS, CITY ATTORNEY



EXHIBIT A  
DRAFT CHARTER

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**ARTICLE I**  
**INCORPORATION AND POWERS**

**Section 1.10. Name.**

This city and the inhabitants thereof, are reincorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style "City of Stockbridge", and by that name shall have perpetual succession.

**Section 1.11 Corporate Boundaries.**

(a) The boundaries of this 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 this city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Stockbridge." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

**Section 1.12. Powers and Construction.**

(a) This city shall have all powers possible for a city to have under the present or future constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally 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 this city.

**Section 1.13. Examples of Powers.**

(a) 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;

(b) 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

46 charter and for any purpose for which a municipality is authorized by the laws of the State of  
47 Georgia; and to provide for the payment of expenses of the city;

48  
49 (c) Building Regulation. To regulate and to license the erection and construction of  
50 buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas,  
51 and heating and air conditioning codes; and to regulate all housing, and building trades;

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53 (d) Business Regulation and Taxation. To levy and to provide for the collection of  
54 regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title  
55 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter  
56 be enacted; to permit and regulate the same; to provide for the manner and method of payment of  
57 such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any  
58 city taxes or fees;

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60 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,  
61 for present or future use and for any corporate purpose deemed necessary by the governing  
62 authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated,  
63 or such other applicable laws as are or may hereafter be enacted;

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65 (f) Contracts. To enter into contracts and agreements with other governmental entities and  
66 with private persons, firms and corporations;

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68 (g) Emergencies. To establish procedures for determining and proclaiming that an  
69 emergency situation exists within or without the city, and to make and carry out all reasonable  
70 provisions deemed necessary to deal with or meet such an emergency for the protection, safety,  
71 health or well-being of the citizens of the city;

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73 (h) Environmental Protection. To protect and preserve the natural resources, environment  
74 and vital areas of the city, the region, and the state through the preservation and improvement of  
75 air quality, the restoration and maintenance of water resources, the control of erosion and  
76 sedimentation, the management of stormwater and establishment of a stormwater utility, the  
77 management of solid and hazardous waste, and other necessary actions for the protection of the  
78 environment;

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80 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend, enlarge  
81 or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating  
82 to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment  
83 for violations thereof;

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85 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and  
86 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the  
87 operation of the city from all individuals, firms, and corporations residing in or doing business  
88 therein benefiting from such services; to enforce the payment of such charges, taxes or fees; and  
89 to provide for the manner and method of collecting such service charges;

91 (k) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice,  
92 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and  
93 safety of the inhabitants of the city, and to provide for the enforcement of such standards;  
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95 (l) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any  
96 purpose related to powers and duties of the city and the general welfare of its citizens, on such  
97 terms and conditions as the donor or grantor may impose;  
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99 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide  
100 for the enforcement of such standards;  
101

102 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work  
103 out such sentences in any public works or on the streets, roads, drains and other public property in  
104 the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial  
105 diversion and any alternative sentencing allowed by law, or to provide for commitment of such  
106 persons to any county work camp or county jail by agreement with the appropriate county officials;  
107

108 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over  
109 all traffic, including parking upon or across the streets, roads, alleys and walkways of the city;  
110

111 (p) Municipal Agencies and Delegation of Power. To create, alter or abolish departments,  
112 boards, offices, commissions and agencies of the city, and to confer upon such agencies the  
113 necessary and appropriate authority for carrying out all the powers conferred upon or delegated to  
114 the same;  
115

116 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the  
117 city and to issue bonds for the purpose of raising revenue to carry out any project, program or  
118 venture authorized by this charter or the laws of the State of Georgia;  
119

120 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or  
121 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or outside  
122 the property limits of the city;  
123

124 (s) Municipal Property Protection. To provide for the preservation and protection of  
125 property and equipment of the city, and the administration and use of same by the public; and to  
126 prescribe penalties and punishment for violations thereof;  
127

128 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of  
129 public utilities, including but not limited to a system of waterworks, sewers and drains, sewage  
130 disposal, stormwater management, gas works, electric light plants, cable television and other  
131 telecommunications, transportation facilities, public airports, and any other public utility; and to  
132 fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to provide for  
133 the withdrawal of service for refusal or failure to pay the same;  
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135 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
136 private property;

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

(w) Planning and Zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;

(x) Police and Fire Protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a firefighting agency;

(y) 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;

(z) 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, detentive, penal and medical institutions, agencies and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

(cc) 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 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;

(dd) Regulation of Roadside Areas. 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;

(ee) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city;

182 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,  
183 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,  
184 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the  
185 corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and  
186 roads, and over the bridges and viaducts for the use of public utilities; and to require real estate  
187 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and  
188 to impose penalties for failure to do so;

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190 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,  
191 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and  
192 sewerage system, and to levy on those to whom sewers and sewerage systems are made available  
193 a sewer service fee, charge or sewer tax for the availability or use of the sewers;<sup>67</sup> to provide for  
194 the manner and method of collecting such service charges and for enforcing payment of the same;  
195 and to charge, impose and collect a sewer connection fee or fees to those connected with the  
196 system;

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198 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish  
199 and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by others;  
200 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other  
201 recyclable materials, and to provide for the sale of such items;

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203 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the  
204 manufacture and sale of intoxicating liquors; to regulate the transportation, storage and use of  
205 combustible, explosive and inflammable materials, the use of lighting and heating equipment, and  
206 any other business or situation which may be dangerous to persons or property; to regulate and  
207 control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and  
208 shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling,  
209 palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

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211 (jj) Special Assessments. To levy and provide for the collection of special assessments to  
212 cover the costs for any public improvements;

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214 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,  
215 and collection of taxes on all property subject to taxation;

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217 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the  
218 future by law;

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

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225 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program;

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227 (oo) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and  
228 immunities necessary or desirable to promote or protect the safety, health, peace, security, good  
229 order, comfort, convenience, or general welfare of the city and its inhabitants; and to exercise all  
230 implied powers necessary or desirable to carry into execution all powers granted in this charter as  
231 fully and completely as if such powers were fully stated herein; and to exercise all powers now or  
232 in the future authorized to be exercised by other municipal governments under other laws of the  
233 State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of  
234 others, nor restrictive of general words and phrases granting powers, but shall be held to be in  
235 addition to such powers unless expressly prohibited to municipalities under the Constitution or  
236 applicable laws of the State of Georgia.

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238 **Section 1.14. Exercise of Powers.**

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240 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies,  
241 or employees shall be carried into execution as provided by this charter. If this charter makes no  
242 provision, such shall be carried into execution as provided by ordinance or as provided by pertinent  
243 laws of the State of Georgia.

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**ARTICLE II**  
**GOVERNMENT STRUCTURE**

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**Section 2.10. City Council Creation; Number; Election.**

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter. The council shall be composed of five members elected by the voters of the city at large in accordance with provisions of Article V. The mayor shall be elected as provided in § 2.33.

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**Section 2.11. City Council Terms and Qualifications for Office.**

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The mayor and members of the city council shall serve for terms of 4 years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election of mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city. The terms of office of persons so elected shall begin on the first day of January immediately following their election.

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**Section 2.12. Vacancy; Filling of Vacancies.**

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(a) Vacancies - The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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(b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if less than 12 months remains in the unexpired term. If such vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall be filled for the remainder of the unexpired term by a special election, as provided for in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

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**Section 2.13. Compensation and Expenses.**

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The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

290 **Section 2.14. Conflicts of Interest; Holding Other Offices.**

291  
292 (a) Elected and appointed officers of the city are trustees and servants of the residents of  
293 the city and shall act in a fiduciary capacity for the benefit of such residents.  
294

295 (b) Conflict of Interest - No elected official, appointed officer, or employee of the city or  
296 any agency or political entity to which this charter applies shall knowingly:  
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298 (1) Engage in any business or transaction, or have a financial or other personal interest,  
299 direct or indirect, which is incompatible with the proper discharge of that person's official  
300 duties or which would tend to impair the independence of the official's judgment or action  
301 in the performance of those official duties;  
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303 (2) Engage in or accept private employment, or render services for private interests when  
304 such employment or service is incompatible with the proper discharge of that person's  
305 official duties or would tend to impair the independence of the official's judgment or action  
306 in the performance of those official duties;  
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308 (3) Disclose confidential information, including information obtained at meetings which  
309 are closed pursuant to Title 50, chapter 14 of the Official Code of Georgia Annotated,  
310 concerning the property, government, or affairs of the governmental body by which the  
311 official is engaged without proper legal authorization; or use such information to advance  
312 the financial or other private interest of the official or others;  
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314 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from  
315 any person, firm or corporation which to the official's knowledge is interested, directly or  
316 indirectly, in any manner whatsoever, in business dealings with the governmental body by  
317 which the official is engaged; provided, however, that an elected official who is a candidate  
318 for public office may accept campaign contributions and services in connection with any  
319 such campaign;  
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321 (5) Represent other private interests in any action or proceeding against this city or any  
322 portion of its government; or  
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324 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
325 any business or entity in which the official has a financial interest.  
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327 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any  
328 financial interest, directly or indirectly, in any contract or matter pending before or within any  
329 department of the city shall disclose such interest to the city council. The mayor or any  
330 councilmember who has a financial interest in any matter pending before the city council shall  
331 disclose such interest and such disclosure shall be entered on the records of the city council, and  
332 that official shall disqualify himself or herself from participating in any decision or vote relating  
333 thereto. Any elected official, appointed officer, or employee of any agency or political entity to  
334 which this charter applies who shall have any financial interest, directly or indirectly, in any

335 contract or matter pending before or within such entity shall disclose such interest to the governing  
336 body of such agency or entity.

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338 (d) Use of Public Property - No elected official, appointed officer, or employee of the city  
339 or any agency or entity to which this charter applies shall use property owned by such  
340 governmental entity for personal benefit or profit but shall use such property only in their capacity  
341 as an officer or employee of the city.

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343 (e) Contracts Voidable and Rescindable - Any violation of this section which occurs with  
344 the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale  
345 voidable at the option of the city council.

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347 (f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor  
348 any councilmember shall hold any other elective or appointive office in the city or otherwise be  
349 employed by said government or any agency thereof during the term for which that official was  
350 elected. No former mayor and no former councilmember shall hold any appointive office in the  
351 city until one year after the expiration of the term for which that official was elected.

352

353 (g) Political Activities of Certain Officers and Employees - No appointive officer of the  
354 city shall continue in such employment upon qualifying as a candidate for nomination or election  
355 to any public office. No employee of the city shall continue in such employment upon qualifying  
356 for or election to any public office in this city or any other public office which is inconsistent,  
357 incompatible or in conflict with the duties of the city employee. Such determination shall be made  
358 by the mayor and council either immediately upon election or at any time such conflict may arise.

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360 (h) Penalties for Violation

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362 (1) Any city officer or employee who knowingly conceals such financial interest or  
363 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
364 in office or position and shall be deemed to have forfeited that person's office or position.

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366 (2) Any officer or employee of the city who shall forfeit an office or position as described  
367 in paragraph (1) above, shall be ineligible for appointment or election to or employment in  
368 a position in the city government for a period of three years thereafter.

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370 **Section 2.15. Inquiries and Investigations.**

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372 Following the adoption of an authorizing resolution, the city council may make inquiries  
373 and investigations into the affairs of the city and the conduct of any department, office or agency  
374 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and  
375 require the production of evidence. Any person who fails or refuses to obey a lawful order issued  
376 in the exercise of these powers by the city council shall be punished as provided by ordinance.

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378 **Section 2.16. General Power and Authority of the City Council.**

379  
380 (a) Except as otherwise provided by law or this charter, the city council shall be vested  
381 with all the powers of government of this city.  
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383 (b) In addition to all other powers conferred upon it by law, the council shall have the  
384 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
385 regulations, not inconsistent with this charter and the Constitution and the laws of the State of  
386 Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection  
387 of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of  
388 the inhabitants of the City of Stockbridge and may enforce such ordinances by imposing penalties  
389 for violation thereof.  
390

391 **Section 2.17. Eminent Domain.**

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393 The city council is hereby empowered to acquire, construct, operate and maintain public  
394 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,  
395 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals,  
396 and charitable, educational, recreational, sport, curative, corrective, detentional, penal and medical  
397 institutions, agencies and facilities, and any other public improvements inside or outside the city,  
398 and to regulate the use thereof, and for such purposes, property may be condemned under  
399 procedures established under general law applicable now or as provided in the future.  
400

401 **Section 2.18. Oath of Office.**

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403 (a) On or prior to the first day of January immediately following their election, the oath of  
404 office shall be administered to the newly elected members by any person authorized to administer  
405 oaths and shall, to the extent that it comports with federal and state law, be as follows:  
406

407 Oath Administrator: "Do you solemnly (swear)(affirm) that you will faithfully perform the duties  
408 of (mayor)(councilmember) of this city and that you will support and defend the charter thereof as  
409 well as the constitution and laws of the State of Georgia and of the United States of America. That  
410 you are not the holder of any unaccounted for public money due this state or any political  
411 subdivision or authority thereof. That you are not the holder of any office of trust under the  
412 government of the United States, any other state, or any foreign state which you by the laws of the  
413 State of Georgia are prohibited from holding. That you are otherwise qualified to hold said office  
414 according to the Constitution and laws of Georgia. That you have been a resident the City of  
415 Stockbridge for the time required by the Constitution and laws of this state and by the municipal  
416 charter. That you will perform the duties of your office in the best interest of the City of  
417 Stockbridge to the best of your ability without fear, favor, affection, reward, or expectation  
418 thereof."  
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420 Newly Elected Member: "I do."  
421

422 (b) The same or substantially similar oath shall be executed in proper written form by said  
423 newly elected member. Such oath shall be filed with the city clerk on or before the first day of  
424 January immediately following their election and the probate judge thereafter.  
425

426 (c) In the event the oath is taken prior to the first day of January immediately following  
427 their election, each newly elected member may but shall not be required to retake such oath in a  
428 ceremony at the first regular meeting of the city council in such year immediately following their  
429 election.  
430

431 **Section 2.19. Regular and Special Meetings.**  
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433 (a) The city council shall hold an organizational meeting at the first regular meeting in each  
434 January.  
435

436 (b) The city council shall otherwise hold regular meetings at such times and places as shall  
437 be prescribed by ordinance.  
438

439 (c) Special meetings of the city council may be held on call of the mayor or three members  
440 of the city council. Notice of such special meetings shall be served on all other members  
441 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to  
442 councilmembers shall not be required if the mayor and all councilmembers are present when the  
443 special meeting is called. Such notice of any special meeting may be waived by a councilmember  
444 in writing before or after such a meeting, and attendance at the meeting shall also constitute a  
445 waiver of notice on any business transacted in such councilmembers presence. Only the business  
446 stated in the call may be transacted at the special meeting.  
447

448 (d) All meetings of the city council shall be public to the extent required by law and notice  
449 to the public of special meetings shall be made fully as is reasonably possible as provided by  
450 section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws as are or  
451 may hereafter be enacted.  
452

453 **Section 2.20. Rules of Procedure.**  
454

455 (a) The city council shall adopt its rules of procedure and order of business consistent with  
456 the provisions of this charter and shall provide for keeping a journal of its proceedings, which shall  
457 be a public record.  
458

459 (b) All committees and committee chairs and officers of the city council shall be appointed  
460 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to  
461 appoint new members to any committee at any time.  
462

463 **Section 2.21. Quorum: Voting.**  
464

465 (a) The mayor and three councilmembers or, in the absence of the mayor four  
466 councilmembers shall constitute a quorum and shall be authorized to transact business of the city  
467 council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded

468 in the journal, but any member of the city council shall have the right to request a roll call vote and  
469 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
470 affirmative vote of three councilmembers shall be required for the adoption of any ordinance,  
471 resolution, or motion. In the event vacancies in office result in less than a quorum of  
472 councilmembers holding office, then the remaining councilmembers in office shall constitute a  
473 quorum and shall be authorized to transact business of the city council. A vote of a majority of the  
474 remaining councilmembers shall be required for the adoption of any ordinance, resolution, or  
475 motion

476

477 (b) Reserved.

478

479 **Section 2.22. Ordinance Form; Procedures.**

480

481 (a) Every proposed ordinance should be introduced in writing and in the form required for  
482 final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting  
483 clause shall be "The Council of the City of Stockbridge hereby ordains" and every ordinance shall  
484 so begin.

485

486 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
487 special meeting of the city council. Ordinances shall be considered and adopted or rejected by the  
488 city council in accordance with the rules which it shall establish. An ordinance may be adopted  
489 with or without amendment or may be rejected at the meeting at which the ordinance is introduced.  
490 Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the  
491 mayor and to each councilmember and shall file a reasonable number of copies in the office of the  
492 clerk and at such other public places as the city council may designate.

493

494 **Section 2.23. Action Requiring an Ordinance.**

495

496 Acts of the city council which have the force and effect of law shall be enacted by  
497 ordinance.

498

499 **Section 2.24. - Submission of ordinances to the mayor; veto power.**

500

501 (a) Every ordinance adopted by the city council shall be presented by the city clerk to  
502 the mayor within three days after its adoption.

503

504 (b) The mayor shall within ten days of the adoption of an ordinance return it to the city  
505 clerk with or without his approval, or with his disapproval. If the ordinance has been approved by  
506 the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved  
507 nor disapproved, it shall become law on the eleventh day after its adoption; if the ordinance is  
508 disapproved, the mayor shall submit to the city council through the city clerk a written statement  
509 of the reasons or the veto. The city clerk shall record upon the ordinance the date of its delivery to  
510 and receipt from the mayor.

511

512 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city  
513 council at its next meeting and should the city council then or at its next general meeting adopt the  
514 ordinance by an affirmative vote of at least four council members, it shall become law.  
515

516 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
517 ordinance. The approved part or parts of any ordinance making appropriations shall become law,  
518 and the part or parts disapproved shall not become law unless subsequently passed by the city  
519 council over the mayor's veto as provided in this section. The reduced part or parts shall be  
520 presented to the city council as though disapproved and shall not become law unless overridden  
521 by the council as provided in subsection (c) of this section.  
522

523 **Section 2.25. Emergencies.**  
524

525 (a) To meet a public emergency affecting life, health, property or public peace, the city  
526 council may convene on call of the mayor or three councilmembers and promptly adopt an  
527 emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a franchise;  
528 regulate the rate charged by any public utility for its services; or authorize the borrowing of money  
529 except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the  
530 form prescribed for ordinances generally, except that it shall be plainly designated as an emergency  
531 ordinance and shall contain, after the enacting clause, a declaration stating that an emergency  
532 exists, and describing the emergency in clear and specific terms. An emergency ordinance may be  
533 adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the  
534 affirmative vote of at least three councilmembers shall be required for adoption. It shall become  
535 effective upon adoption or at such later time as it may specify. Every emergency ordinance shall  
536 automatically stand repealed 30 days following the date upon which it was adopted, but this shall  
537 not prevent reenactment of the ordinance in the manner specified in this section if the emergency  
538 still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in  
539 the same manner specified in this section for adoption of emergency ordinances.  
540

541 (b) Such meetings shall be open to the public to the extent required by law and notice to  
542 the public of emergency meetings shall be made as fully as is reasonably possible in accordance  
543 with section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as  
544 are or may hereafter be enacted.  
545

546 **Section 2.26. Codes of Technical Regulations.**  
547

548 (a) The city council may adopt any standard code of technical regulations by reference  
549 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
550 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of  
551 Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to include  
552 copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of  
553 each adopted code of technical regulations, as well as the adopting ordinance, shall be  
554 authenticated and recorded by the clerk pursuant to Section 2.26.  
555

556 (b) Copies of any adopted code of technical regulations shall be made available by the clerk  
557 for inspection by the public.

558

559 **Section 2.27. Signing; Authenticating; Recording; Codification; Printing.**

560

561 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly  
562 indexed book kept for that purpose, all ordinances adopted by the council.

563

564 (b) The city council shall provide for the preparation of a general codification of all the  
565 ordinances of the city having the force and effect of law. The general codification shall be adopted  
566 by the city council by ordinance and shall be published promptly, together with all amendments  
567 thereto and such codes of technical regulations and other rules and regulations as the city council  
568 may specify. This compilation shall be known and cited officially as "The Code of the City of  
569 Stockbridge, Georgia." Copies of the code shall be furnished to all officers, departments and  
570 agencies of the city, and made available for purchase by the public at a reasonable price as fixed  
571 by the city council.

572

573 (c) The city council shall cause each ordinance and each amendment to this charter to be  
574 printed promptly following its adoption, and the printed ordinances and charter amendments shall  
575 be made available for purchase by the public at reasonable prices to be fixed by the city council.  
576 Following publication of the first code under this charter and at all times thereafter, the ordinances  
577 and charter amendments shall be printed in substantially the same style as the code currently in  
578 effect and shall be suitable in form for incorporation therein. The city council shall make such  
579 further arrangements as deemed desirable with reproduction and distribution of any current  
580 changes in or additions to codes of technical regulations and other rules and regulations included  
581 in the code.

582

583 **Section 2.28. City Manager; Appointment; Qualifications; Compensation.**

584

585 (a) Within sixty (60) days of a vacancy in the position of city manager, the mayor shall  
586 recommend to the council at least two (2) qualified candidates for the position of city manager,  
587 which the council may either approve or reject by a majority vote. In the event that the council  
588 rejects all of the mayor's recommended candidates, the mayor shall have an additional fifteen (15)  
589 days from the date of the rejection of the final candidate to interview additional qualified  
590 candidates. Before the expiration of the fifteen-day period, the mayor shall make an additional  
591 recommendation of one (1) candidate to the council. The council may accept or reject the mayor's  
592 additional recommended candidate. If the mayor's additional recommended candidate is rejected  
593 by the council, the mayor shall receive an additional fifteen (15) days to interview more candidates,  
594 and the process will continue and repeat in the same manner with the mayor recommending an  
595 additional candidate each time until a city manager is selected. The city may also utilize the same  
596 process to select an interim city manager when necessary. For purposes of this subsection, the term  
597 "vacancy" includes only those occasions in which no city manager is serving the city, and those  
598 occasions in which a current city manager has declared his or her intention to vacate the position  
599 on a date certain.

600

601 (b) The city manager shall be employed without regard to political beliefs and solely on  
602 the basis of said individual's executive and administrative qualifications with special reference to

603 his or her educational background and actual experience in, and knowledge of, the duties of office  
604 as hereinafter prescribed.

605

606 **Section 2.29. Removal of City Manager.**

607

608 The majority of the city council may remove the city manager at any time. The mayor may  
609 suspend or remove the city manager but such suspension or removal shall not be effective for ten  
610 calendar days following the mayor's giving written notice of such action and the reason therefor  
611 to the city manager and to the city council. The city manager may appeal to the city council which,  
612 after a hearing, may override the mayor's action by a vote of three councilmembers.

613

614 **Section 2.30. Acting City Manager.**

615

616 By letter filed with the city clerk, the city manager shall designate, subject to approval of  
617 the city council, a qualified city administrative officer to exercise the powers and perform the  
618 duties of the city manager during the city manager's temporary absence or physical or mental  
619 disability. During such absence or disability, the city council may revoke such designation at any  
620 time and appoint another officer of the city to serve until the manager shall return or the manager's  
621 disability shall cease. In the event a vacancy occurs in the position of the city manager and the city  
622 council has not designated an acting city manager, the mayor shall exercise the powers and perform  
623 the duties of the city manager.

624

625 **Section 2.31. Powers and Duties of the City Manager.**

626

627 The city manager shall be the chief administrative officer of the city. The manager shall be  
628 responsible to the city council for the administration of all city affairs placed in the manager's  
629 charge by or under this charter. As the chief administrative officer, the manager shall:

630

631 (a) appoint and, when the manager deems it necessary for the good of the city, suspend or  
632 remove all city employees and administrative officers the manager appoints, except as  
633 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The  
634 manager may authorize any administrative officer who is subject to the manager's direction  
635 and supervision to exercise these powers with respect to subordinates in that officer's  
636 department, office or agency;

637

638 (b) direct and supervise the administration of all departments, offices and agencies of the  
639 city, except as otherwise provided by this charter or by law;

640

641 (c) attend all city council meetings except for closed meetings held for the purposes of  
642 deliberating on the appointment, discipline or removal of the city manager and have the  
643 right to take part in discussion but not vote;

644

645 (d) see that all laws, provisions of this charter, and acts of the city council, subject to  
646 enforcement by the manager or by officers subject to the manager's direction and  
647 supervision, are faithfully executed;

648

- 649 (e) prepare and submit the annual operating budget and capital budget to the city council;  
650  
651 (f) submit to the city council and make available to the public a complete report on the  
652 finances and administrative activities of the city as of the end of each fiscal year;  
653  
654 (g) make such other reports as the city council may require concerning the operations of  
655 city departments, offices and agencies subject to the manager's direction and supervision;  
656  
657 (h) keep the city council fully advised as to the financial condition and future needs of the  
658 city, and make such recommendations to the city council concerning the affairs of the city  
659 as the manager deems desirable; and  
660  
661 (i) perform other such duties as are specified in this charter or as may be required by the  
662 city council.  
663

664 **Section 2.32. Council Interference with Administration.**  
665

666 Except for the purpose of inquiries and investigations under Section 2.15, the city council  
667 or its members, including the mayor, shall deal with city officers and employees who are subject  
668 to the direction and supervision of the city manager solely through the city manager, and neither  
669 the city council nor its members, including the mayor, shall give orders to any such officer or  
670 employee, either publicly or privately. However, elected officials are not prohibited from speaking  
671 with city employees, or from requesting information from city employees in furtherance of their  
672 service to the city as elected officials. In the event of an emergency arising at the time of the death,  
673 incapacity, or unavailability of the city manager, the following persons in this order of succession  
674 may direct city employees, authorize expenditures, execute expenditure documents, and execute  
675 checks, and may perform necessary functions and exercise necessary executive and/or  
676 administrative powers: mayor and then mayor pro tem. For purposes of this provision,  
677 "unavailability" in general means that it is not possible for city employees responding to the  
678 emergency to contact and receive a response from the city manager or enumerated successor by  
679 telephone or electronic means for a consecutive period of four (4) hours or greater, or that the city  
680 manager or enumerated successor is incapable of responding for a consecutive period of four (4)  
681 hours or greater. Additionally, if an emergency occurs which needs immediate attention and the  
682 mayor has attempted to contact the city manager by telephone and electronic means but has been  
683 unsuccessful in establishing contact and thereafter the mayor consults with the department head in  
684 charge of the department which the mayor believes is most appropriate to respond to the  
685 emergency, then, based on the succession rules stated above, the mayor may exercise the  
686 aforementioned duties necessary to respond to such emergency until the city manager becomes  
687 available and able to perform the duties required for such emergency.  
688

689 **Section 2.33. Selection of Mayor.**  
690

691 At each regular election the voters of the city shall elect a mayor at large for a term four  
692 years. The person receiving the majority of votes cast shall be elected Mayor as provided for in  
693 Section 5.13(b) herein.  
694

695 **Section 2.34. Powers and Duties of Mayor.**

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701

The mayor shall be the chief executive of this city. The mayor shall possess all of the executive powers granted to the city under the Constitution and laws of the State of Georgia, and all the executive powers contained in this charter, except as otherwise specifically provided in this charter.

702

As chief executive officer, the mayor shall:

703

704

(a) supervise the work and performance of the city manager;

705

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(b) recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;

710

711

712

(c) preside at all meetings of the city council and shall not be entitled to vote, except in case of a tie;

713

714

(d) call special meetings of the city council as provided for in Section 2.19(c);

715

716

717

(e) be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy;

718

719

(f) have power to administer oaths and to take affidavits;

720

721

722

(g) sign as a matter of course on behalf of the city all written and approved contracts, ordinances and other instruments executed by the city which by law are required to be in writing;

723

724

725

(h) fulfill such other executive duties as the city council shall by ordinance establish;

726

727

(i) approve or disapprove ordinances as provided in Section 2.24 of this Charter; and

728

729

(j) perform such other duties as may be required by law, this Charter, or by ordinance.

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**Section 2.35. Position of Mayor Pro Tem.**

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At the first regular meeting of the council in the January immediately following a municipal election, the council shall elect from among its members a mayor pro tem. During the absence or physical or mental disability of the mayor for any cause, the mayor pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers. The mayor pro tem or selected councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest or conflict as provided in Section 2.14.

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**ARTICLE III**  
**ADMINISTRATIVE AFFAIRS**

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**Section 3.10. Administrative and Service Departments.**

749 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall  
750 prescribe the functions or duties, and establish, abolish, alter, consolidate or leave vacant all  
751 nonelective offices, positions of employment, departments, and agencies of the city, as necessary  
752 for the proper administration of the affairs and government of this city.  
753

754 (b) Except as otherwise provided by this charter or by law, the directors of departments  
755 and other appointed officers of the city shall be appointed solely on the basis of their respective  
756 administrative and professional qualifications.  
757

758 (c) All appointive officers and directors of departments shall receive such compensation as  
759 prescribed by ordinance or resolution.  
760

761 (d) There shall be a director of each department or agency who shall be its principal officer.  
762 Each director shall, subject to the direction and supervision of the city manager, be responsible for  
763 the administration and direction of the affairs and operations of that director's department or  
764 agency.  
765

766 (e) All appointive officers and directors under the supervision of the city manager shall be  
767 nominated by the city manager with confirmation of appointment by the city council. All  
768 appointive officers and directors shall be employees at-will and subject to removal or suspension  
769 at any time by the city manager unless otherwise provided by law or ordinance, but such  
770 suspension or removal shall not be effective for ten calendar days following the city manager's  
771 giving written notice of such action and the reason therefor to the director involved and to the city  
772 council. The director involved may appeal to the city council which, after a hearing, may override  
773 the city manager's action by a vote of three councilmembers.  
774

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**Section 3.11. Boards, Commissions and Authorities.**

777 (a) The city council shall create by ordinance such boards, commissions and authorities to  
778 fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems  
779 necessary, and shall by ordinance establish the composition, period of existence, duties and powers  
780 thereof.  
781

782 (b) All members of boards, commissions and authorities of the city shall be appointed by  
783 the city council for such terms of office and in such manner as shall be provided by ordinance,  
784 except where other appointing authority, terms of office, or manner of appointment is prescribed  
785 by this charter or by law.  
786

787 (c) The city council, by ordinance, may provide for the compensation and reimbursement  
788 for actual and necessary expenses of the members of any board, commission or authority.  
789

790 (d) Except as otherwise provided by charter or by law, no elected officer or employee of  
791 the city may serve as a member of any county or city board, commission or authority.  
792

793 (e) Any vacancy on a board, commission or authority of the city shall be filled for the  
794 unexpired term in the manner prescribed herein for original appointment, except as otherwise  
795 provided by this charter or by law.  
796

797 (f) No member of a board, commission or authority shall assume office until that person  
798 has executed and filed with the clerk of the city an oath obligating himself to faithfully and  
799 impartially perform the duties of that member's office, such oath to be prescribed by ordinance and  
800 administered by the mayor.  
801

802 (g) Unless otherwise provided by law, all members of boards, commissions and authorities  
803 shall be appointed during the organizational meeting provided for in Section 2.19(a) and shall  
804 serve one-year terms.  
805

806 (h) Except as otherwise provided by this charter or by law, each board, commission or  
807 authority of the city shall elect one of its members as chair and one member as vice-chair, and may  
808 elect as its secretary one of its own members or may appoint as secretary an employee of the city.  
809 Each board, commission or authority of the city government may establish such bylaws, rules and  
810 regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate  
811 and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws,  
812 rules and regulations shall be filed with the clerk of the city.  
813

### 814 **Section 3.12. City Attorney.**

815

816 The city council shall appoint a city attorney, together with such assistant city attorneys as  
817 may be authorized, and shall provide for the payment of such attorney or attorneys for services  
818 rendered to the city. The city attorney shall be responsible for providing for the representation and  
819 defense of the city in all litigation in which the city is a party; may be the prosecuting officer in  
820 the municipal court; shall attend the meetings of the council as directed; shall advise the city  
821 council, mayor, and other officers and employees of the city concerning legal aspects of the city's  
822 affairs; and shall perform such other duties as may be required by virtue of the person's position  
823 as city attorney.  
824

825 The city attorney is not a public official of the city and does not take an oath of office. A  
826 law firm, rather than an individual, may be designated as the city attorney. The city attorney shall  
827 be a member of the State Bar of Georgia and shall have actively practiced law for at least one year.  
828 The city council shall provide for the compensation of the city attorney.  
829

### 830 **Section 3.13. City Clerk.**

831

832 The city council shall appoint a city clerk who shall not be a councilmember but may be  
833 an employee of the city. The city clerk shall be custodian of the official city seal and city records;  
834 maintain city council records required by this charter; and perform such other duties as may be  
835 required by the city council. The city council shall provide for the compensation of the city clerk.

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**Section 3.14. Treasurer.**

The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city council shall provide for the compensation of the treasurer.

**Section 3.15. Position Classification and Pay Plans.**

The city manager shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

**Section 3.16. Personnel Policies.**

All employees serve at-will and may be removed from office at any time unless otherwise provided by ordinance or any resolution adopting a personnel policy.

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**ARTICLE IV  
JUDICIAL BRANCH**

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**Section 4.10. Creation; Name.**

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There shall be a court to be known as the Municipal Court of the City of Stockbridge.

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872

**Section 4.11. Chief Judge; Associate Judge.**

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874

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

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(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 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 the city council and shall serve until a successor is appointed and qualified.

879  
880

(c) Compensation of the judges shall be fixed by ordinance.

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(d) Judges shall be appointed at the organizational meeting provided for in Section 2.19(a) of this Charter and shall serve one-year terms.

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(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20.

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**Section 4.12. Convening.**

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The municipal court shall be convened at regular intervals as provided by resolution of the city council.

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**Section 4.13. Jurisdiction; Powers.**

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(a) The municipal court shall have jurisdiction and authority to try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

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(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.

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(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of 1,000 dollars (\$1,000.00) or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by law.

908 (d) The municipal court shall have authority to establish a schedule of fees to defray the  
909 cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and  
910 caretaking of prisoners bound over to superior courts for violations of state law.  
911

912 (e) The municipal court shall have authority to establish bail and recognizances to ensure  
913 the presence of those charged with violations before said court, and shall have discretionary  
914 authority to accept cash or personal or real property as surety for the appearance of persons charged  
915 with violations. Whenever any person shall give bail for that person's appearance and shall fail to  
916 appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time,  
917 and an execution issued thereon by serving the defendant and the defendant's sureties with a rule  
918 nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is  
919 accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant  
920 fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the  
921 judge declared forfeited to the city, or the property so deposited shall have a lien against it for the  
922 value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien  
923 for city property taxes.  
924

925 (f) The municipal court shall have the same authority as superior courts to compel the  
926 production of evidence in the possession of any party; to enforce obedience to its orders, judgments  
927 and sentences; and to administer such oaths as are necessary.  
928

929 (g) The municipal court may compel the presence of all parties necessary to a proper  
930 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served  
931 as executed by any officer as authorized by this charter or by law.  
932

933 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of  
934 persons charged with offenses against any ordinance of the city, and each judge of the municipal  
935 court shall have the same authority as a magistrate of the state to issue warrants for offenses against  
936 state laws committed within the city.  
937

#### 938 **Section 4.14. Certiorari.**

939

940 The right of certiorari from the decision and judgment of the municipal court shall exist in  
941 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the  
942 sanction of a judge of the Superior Court of Henry County under the laws of the State of Georgia  
943 regulating the granting and issuance of writs of certiorari.  
944

#### 945 **Section 4.15. Rules for Court.**

946

947 With the approval of the city council, the judge shall have full power and authority to make  
948 reasonable rules and regulations necessary and proper to secure the efficient and successful  
949 administration of the municipal court; provided, however, that the city council may adopt in part  
950 or in toto the rules and regulations applicable to municipal courts. The rules and regulations made  
951 or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon  
952 request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours  
953 prior to said proceedings.

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**ARTICLE V  
ELECTIONS AND REMOVAL**

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**Section 5.10. Applicability of General Law.**

968 All primaries and elections shall be held and conducted in accordance with the Georgia  
969 Election Code (Title 21, Chapter 2 of the Official Code of Georgia Annotated) as now or hereafter  
970 amended.

971  
972

**Section 5.11. Election of the City Council and Mayor.**

973 (a) There shall be a municipal general election biennially in the odd years on the Tuesday  
974 next following the first Monday in November.

975 (b) There shall be elected the mayor and two councilmembers at one election and at every  
976 other regular election thereafter. The remaining city council seats shall be filled at the election  
977 alternating with the first election so that a continuing body is created. Terms shall be for four years.

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**Section 5.12. Non-Partisan Elections.**

980 Political parties shall not conduct primaries for city offices and all names of candidates for  
981 city offices shall be listed without party designations.

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**Section 5.13. Election of Council Members by Plurality; Election of Mayor by Majority.**

984 (a) The person receiving a plurality of the votes cast for any seat on the City Council shall  
985 be elected.

986 (b) Notwithstanding the foregoing, the person receiving a majority of votes cast for mayor  
987 shall be elected. In the event no candidate receives a majority of votes, there shall be  
988 a runoff election, as provided by law, with the two candidates receiving the most votes  
989 being on the ballot.

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**Section 5.14. Special Elections; Vacancies.**

992 In the event that the office of mayor or councilmember shall become vacant as provided in  
993 Section 2.12 of this charter, the city council or those remaining shall order a special election to fill  
994 the balance of the unexpired term of such official; provided, however, if such vacancy occurs  
995 within 12 months of the expiration of the term of that office, the city council or those remaining  
996 shall appoint a successor for the remainder of the term. In all other respects, the special election  
997 shall be held and conducted in accordance with the Georgia Election Code, Chapter 2 of Title 21  
998 of the Official Code of Georgia Annotated, as now or hereafter amended.  
999

1000 **Section 5.15. Other Provisions.**

1001

1002 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe  
1003 such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia  
1004 Election Code.

1005

1006 **Section 5.16. Removal of Officers.**

1007

1008 (a) The mayor, councilmembers, or other appointed officers provided for in this charter  
1009 shall be removed from office for (a) violating any provision of this charter or (b) any one or more  
1010 of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other  
1011 applicable laws as are or may hereafter be enacted.

1012

1013 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished  
1014 one of the following methods:

1015

1016 (1) Following a hearing at which an impartial panel shall issue a recommendation to the  
1017 city council. In the event an elected officer is sought to be removed by the action of the  
1018 city council, such officer shall be entitled to a written notice specifying the ground or  
1019 grounds for removal and to a public hearing which shall be held not less than ten (10) days  
1020 after the service of such written notice. The city council shall provide by ordinance for the  
1021 manner in which such hearings shall be held. Any elected officer sought to be removed  
1022 from office as herein provided shall have the right of appeal from the decision of the city  
1023 council to the Superior Court of Henry County. Such appeal shall be governed by the same  
1024 rules as govern appeals to the superior court from the probate court.

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1026 (2) By an order of the Superior Court of Henry County following a hearing on a complaint  
1027 seeking such removal brought by any resident of the City of Stockbridge.

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1032 **ARTICLE VI**  
1033 **FINANCE**

1034  
1035 **Section 6.10. Property Tax.**  
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1037 The city council may assess, levy and collect an ad valorem tax on all real and personal  
1038 property within the corporate limits of the city that is subject to such taxation by the state and  
1039 county. This tax is for the purpose of raising revenues to defray the costs of operating the city  
1040 government, of providing governmental services, for the repayment of principal and interest on  
1041 general obligations, and for any other public purpose as determined by the city council in its  
1042 discretion.

1043  
1044 **Section 6.11. Millage Rate; Due Dates; Payment Methods.**  
1045

1046 The city council, by ordinance, shall establish a millage rate for the city property tax, a due  
1047 date, and the time period within which these taxes must be paid. The city council, by ordinance,  
1048 may provide for the payment of these taxes by two installments or in one lump sum, as well as  
1049 authorize the voluntary payment of taxes prior to the time when due.

1050  
1051 **Section 6.12. Occupation and Business Taxes.**  
1052

1053 The city council by ordinance shall have the power to levy such occupation or business  
1054 taxes as are not denied by law. The city council may classify businesses, occupations or professions  
1055 for the purpose of such taxation in any way which may be lawful and may compel the payment of  
1056 such taxes as provided in Section 6.18.

1057  
1058 **Section 6.13. Regulatory Fees; Permits.**  
1059

1060 The city council by ordinance shall have the power to require businesses or practitioners  
1061 doing business within this city to obtain a permit for such activity from the city and pay a  
1062 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the  
1063 total cost to the city of regulating the activity, and if unpaid, shall be collected as provided in  
1064 Section 6.18.

1065  
1066 **Section 6.14. Franchises.**  
1067

1068 (a) The city council shall have the power to grant franchises for the use of this city's streets  
1069 and alleys for the purposes of railroads, street railways, telephone companies, electric companies,  
1070 electric membership corporations, cable television and other telecommunications companies, gas  
1071 companies, transportation companies and other similar organizations. The city council shall  
1072 determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the  
1073 consideration for such franchises; provided, however, no franchise shall be granted for a period in  
1074 excess of 35 years and no franchise shall be granted unless the city receives just and adequate  
1075 compensation therefor. The city council shall provide for the registration of all franchises with the  
1076 city clerk in a registration book kept by the clerk. The city council may provide by ordinance for  
1077 the registration within a reasonable time of all franchises previously granted.

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(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies and other similar organizations.

**Section 6.15. Service Charges.**

The city council by ordinance shall have the power to assess and collect fees, charges, assessments, and tolls for sewers, sanitary and health services, or any other services provided or made available within and without the corporate limits of the city. If unpaid, such charges shall be collected as provided in Section 6.18.

**Section 6.16. 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. If unpaid, such charges shall be collected as provided in Section 6.18.

**Section 6.17. Construction; Other Taxes and Fees.**

This city shall be empowered to levy any other tax or fee 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 6.18. 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 6.10 through 6.17 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 fi.fa.'s; 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 permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

**Section 6.19. 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.

1122 **Section 6.20. Revenue Bonds.**

1123  
1124 Revenue bonds may be issued by the city council as state law now or hereafter provides.  
1125 Such bonds are to be paid out of any revenue produced by the project, program or venture for  
1126 which they were issued.

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1128 **Section 6.21. Short-Term Loans.**

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1130 The city may obtain short-term loans and must repay such loans not later than December  
1131 31 of each year, unless otherwise provided by law.

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1133 **Section 6.22. Lease-Purchase Contracts.**

1134  
1135 The city may enter into multiyear lease, purchase or lease purchase contracts for the  
1136 acquisition of goods, materials, real and personal property, services, and supplies provided the  
1137 contract terminates without further obligation on the part of the municipality at the close of the  
1138 calendar year in which it was executed and at the close of each succeeding calendar year for which  
1139 it may be renewed. Contracts must be executed in accordance with the requirements of section 36-  
1140 60-13 of the Official Code of Georgia Annotated, or other such applicable laws as are or may  
1141 hereafter be enacted.

1142  
1143 **Section 6.23. Fiscal Year.**

1144  
1145 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
1146 budget year and the year for financial accounting and reporting of each and every office,  
1147 department, agency and activity of the city government unless otherwise provided by state or  
1148 federal law.

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1150 **Section 6.24. Preparation of Budgets.**

1151  
1152 The city council shall provide an ordinance on the procedures and requirements for the  
1153 preparation and execution of an annual operating budget, a capital improvement plan and a capital  
1154 budget, including requirements as to the scope, content and form of such budgets and plans.

1155  
1156 **Section 6.25. Submission of Operating Budget to City Council.**

1157  
1158 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
1159 of each fiscal year, the city manager shall submit to the city council a proposed operating budget  
1160 for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager  
1161 containing a statement of the general fiscal policies of the city, the important features of the budget,  
1162 explanations of major changes recommended for the next fiscal year, a general summary of the  
1163 budget, and such other pertinent comments and information. The operating budget and the capital  
1164 budget hereinafter provided for, the budget message, and all supporting documents shall be filed  
1165 in the office of the city clerk and shall be open to public inspection.

1167 **Section 6.26. Action by City Council on Budget.**

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(a) The city council may amend the operating budget proposed by the city manager; except, that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year, and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

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(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the 1<sup>st</sup> day of January of each year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24.

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(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof, to which it is chargeable.

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1190 **Section 6.27. Tax Levies.**

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The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinances shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

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1198 **Section 6.28. Changes in Appropriations.**

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The city council by ordinance may make changes in the appropriations contained in the current operating budget, at any regular meeting, special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

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1204 **Section 6.29. Capital Budget.**

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(a) On or before the date fixed by the city council but no later than 60 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work or

1212 improvement, unless the appropriations for such project are included in the capital budget, except  
1213 to meet a public emergency as provided in Section 2.24.

1214

1215 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
1216 year not later than the 1<sup>st</sup> day of January of each year. No appropriation provided for in a prior  
1217 capital budget shall lapse until the purpose for which the appropriation was made shall have been  
1218 accomplished or abandoned; provided, however, the city manager may submit amendments to the  
1219 capital budget at any time during the fiscal year, accompanied by recommendations. Any such  
1220 amendments to the capital budget shall become effective only upon adoption by ordinance.

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1222 **Section 6.30. Independent Audit.**

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1224 There shall be an annual independent audit of all city accounts, funds and financial  
1225 transactions by a certified public accountant selected by the city council. The audit shall be  
1226 conducted according to generally accepted auditing principles. Any audit of any funds by the state  
1227 or federal governments may be accepted as satisfying the requirements of this charter. Copies of  
1228 annual audit reports shall be available at printing costs to the public.

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1230 **Section 6.31. Contracting Procedures.**

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1232 No contract with the city shall be binding on the city unless:

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1234 (a) it is in writing;

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1236 (b) it is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
1237 course, is signed by the city attorney to indicate such drafting or review; and

1238

1239 (c) it is made or authorized by the city council and such approval is entered in the city  
1240 council journal of proceedings pursuant to Section 2.21.

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1242 **Section 6.32. Centralized Purchasing.**

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1244 The city council shall by ordinance prescribe procedures for a system of centralized  
1245 purchasing for the city.

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1247 **Section 6.33. Sale and Lease of City Property.**

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1249 (a) The city council may sell and convey, or lease any real or personal property owned or  
1250 held by the city for governmental or other purposes as now or hereafter provided by law.

1251

1252 (b) The city council may quitclaim any rights it may have in property not needed for public  
1253 purposes upon report by the city manager and adoption of a resolution, both finding that the  
1254 property is not needed for public or other purposes and that the interest of the city has no readily  
1255 ascertainable monetary value.

1256

1257 (c) Whenever in opening, extending or widening any street, avenue, alley or public place  
1258 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract  
1259 or boundary of land owned by the city, the city council may authorize the city manager to sell and  
1260 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner  
1261 or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of  
1262 the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-  
1263 way of said street, avenue, alley or public place. Each abutting property owner shall be notified of  
1264 the availability of the property and given the opportunity to purchase said property under such  
1265 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter  
1266 so executed and delivered shall convey all title and interest the city has in such property,  
1267 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

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**ARTICLE VII  
GENERAL PROVISIONS**

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**Section 7.10. Bonds for Officials.**

The officers and employees of this city, both elective and appointive, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

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**Section 7.11. Prior Ordinances.**

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All 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 amended or repealed by the city council.

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**Section 7.12. Existing Personnel and Officers.**

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Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which the existing city council shall pass a transition ordinance detailing the 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.

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**Section 7.13. Pending Matters.**

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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 such city agencies, personnel or offices as may be provided by the city council.

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**Section 7.14. Construction.**

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

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

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

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**Section 7.15. Severability.**

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If any article, section, subsection, paragraph, 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