Senate Bill 377

By: Senator Shafer of the 48th

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating a new charter for the City of Duluth, Georgia, approved March 25, 2 1958 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved March 16, 1987 3 (Ga. L. 1987, p. 3914), so as to provide a new charter for the City of Duluth; to provide for 4 incorporation, boundaries, and powers of the city, both specific and general; to provide for 5 exercise of powers; to provide for governing authority of such city; to provide for terms of office, qualification for office, the creation of vacancies, and the filling of vacancies in 6 7 office; to provide for compensation of members of the governing authority; to provide 8 prohibitions for elected officials; to authorize inquiries and investigations by the governing 9 authority; to provide general powers and authority of the governing authority; to provide the 10 power of eminent domain; to provide for organization and regular and special meetings; to 11 provide for rules of procedure, voting, and enactment of ordinances; to provide for a code 12 of technical regulations and the authenticating of ordinances and the recording, codification, 13 and printing of ordinances; to provide for the election of a mayor; to provide for the 14 forfeiture of office and compensation; to provide for a mayor pro tempore; to provide for 15 administrative and service departments, boards, commissions, and authorities; to provide for a city attorney, a city clerk, a city treasurer, and city administrator; to provide for the creation 16 17 of a municipal court, judges of the municipal court, the time of convening of the court, and 18 the jurisdiction and powers of the municipal court; to provide a process for appeal of decisions of the municipal court and the adoption of rules of the municipal court; to provide 19 20 for regular elections, qualifying and nomination of candidates, nonpartisan elections, election 21 of governing authorities by a majority vote, special elections, interim appointments, and 22 filling of vacancies; to provide other election provisions; to provide grounds for removal of 23 members of the governing authority and a procedure for removal; to provide for property 24 taxes, tax levies, millage rates, tax due dates, and payment methods, occupation and business 25 taxes, franchises and franchise fees, service charges, special assessments, other taxes, and 26 collection of delinquent taxes and fees, general obligation bonds, revenue bonds, short-term 27 loans, procedures for establishment of a fiscal year, preparation of budgets, submission of operating budgets to the city council, action by council on budgets, property tax levies, 28 29 changes in appropriations, independent audit, contracting procedures, centralized purchasing,

1 and sale of city property and a capital reserve fund; to provide for official bonds for officers

- 2 and employees of the city; to provide for continuation of existing ordinances and regulations;
- 3 to provide for pending matters; to provide for definitions and construction of terms; to
- 4 provide for other matters relative to the foregoing; to provide for severability; to repeal
- 5 conflicting laws; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7	SECTION 1.
1	SECTION I.

- 8 An Act creating a new charter for the City of Duluth, Georgia, approved March 25, 1958
- 9 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved March 16, 1987
- (Ga. L. 1987, p. 3914), is amended by striking Articles I through VII and Exhibit A in their 10
- 11 entirety and inserting in lieu thereof the following:
- 12 "ARTICLE I
- INCORPORATION AND POWERS 13
- 14 SECTION 1.10.
- 15 Incorporation.
- 16 This city and the inhabitants thereof are constituted and declared a body politic and
- 17 corporate under the name and style City of Duluth, Georgia, and by that name shall have
- 18 perpetual succession.

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- 19 SECTION 1.11.
- 20 Corporate boundaries.
- (a) The boundaries of the city shall be those existing on the effective date of the adoption 21
- 22 of this charter and as further described in Exhibit A which is attached to this charter and
- incorporated in this charter by reference. Upon the adoption of this charter, the boundaries 23
- of the city shall include all that area as described in the previous city charter (Ga. L. 1987, 24
- p. 3914) as well as any areas added by amendments to said previous charter and by all 25
- annexation ordinances adopted by the mayor and council of the City of Duluth since the 26
- adoption of said previous charter plus the addition of 3.6951 acres as more particularly 27
- described in Exhibit A which is attached hereto and incorporated herein by reference. The
- 29 boundaries of the city shall include those areas as shown on a map entitled 'Official Map
- 30 of the Corporate Limits of the City of Duluth' dated March, 2003, which map shall be

retained permanently in the office of the city clerk and which map is incorporated herein by reference. Alterations of the boundaries of the city may be made from time to time in

- any manner provided by law. Boundaries of the city shall be shown at all times on a map
- 4 to be retained permanently in the office of the city clerk and entitled 'Official Map of the
- 5 Corporate Limits of the City of Duluth.' Photographic, typed, or other copies of such maps
- 6 certified by the city clerk shall be admitted as evidence in courts and shall have the same
- 7 force and effect as with the original map.

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- 8 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
- 9 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.

11 SECTION 1.12.

Powers and construction.

- 13 (a) This city shall have all powers possible for a city to have under the present or future
- 14 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.
- 17 (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.

20 SECTION 1.13.

Examples of powers.

- 22 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
- pollutes the air and to prevent the pollution of natural streams which flow within the
- corporate limits of the city.
- 25 (2) 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
- 29 provide punishment for violation of ordinances enacted under this paragraph.
- 30 (3) Appropriations and expenditures. To make appropriations for the support of the
- 31 government of the city; to authorize the expenditure of money for any purposes
- authorized by this charter and for any purpose for which a municipality is authorized by
- 33 the laws of the State of Georgia; and to provide for the payment of expenses of this city.

1 (4) Building regulations. To regulate and to license the erection and construction of

- buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
- and heating and air-conditioning codes; and to regulate all housing and building trades.
- 4 (5) Business regulation and taxation. To levy and to provide for the collection of license
- 5 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
- 6 the same; to provide for the manner and method of payment of such licenses and taxes;
- and to revoke such licenses after due process for the failure to pay any city taxes or fees.
- 8 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
- 9 city, for present or future use and for any corporate purpose deemed necessary by the
- governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
- other laws as are or may hereafter be enacted.
- 12 (7) Contracts. To enter into contracts and agreements with other governmental entities
- and with private persons, firms, and corporations.
- 14 (8) Emergencies. To establish procedures for determining and proclaiming that an
- emergency situation exists inside or outside the city and to make and carry out all
- reasonable provisions deemed necessary to deal with or meet such an emergency for the
- protection, safety, health, or well-being of the citizens of the city.
- 18 (9) Environmental protection. To protect and preserve the natural resources,
- 19 environment, and vital areas of the city, region, and state through the preservation and
- 20 improvement of air quality, the restoration and maintenance of water resources, the
- 21 control of erosion and sedimentation, and other necessary actions for the protection of the
- 22 environment.
- 23 (10) Fire regulations. To fix and establish fire limits and from time to time extend,
- 24 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
- 25 general law relating to both fire prevention and detection and to firefighting; and to
- prescribe penalties and punishment for violations thereof.
- 27 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
- and disposal and other sanitary service charge, tax, or fee for such services as may be
- 29 necessary in the operation of the city from all individuals, firms, and corporations
- residing in or doing business within the city and benefiting from such services; to enforce
- 31 the payment of such charges, taxes, or fees; and to provide for the manner and method
- of collecting such service charges.
- 33 (12) General health, safety, and welfare. To define, regulate, and prohibit any act,
- practice, conduct, or use of property which is detrimental to the health, sanitation,
- 35 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
- 36 enforcement of such standards.

1 (13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for

- 2 any purpose related to the powers and duties of the city and the general welfare of its
- 3 citizens on such terms and conditions as the donor or grantor may impose.
- 4 (14) Health and sanitation. To prescribe standards of health and sanitation and to
- 5 provide for the enforcement of such standards.
- 6 (15) Jail sentences. To provide that persons given jail sentences in the city's court may
- work out such sentences in any public works or on the streets, roads, drains, and squares
- 8 of the city; to provide for the commitment of such persons to any jail; or to provide for
- 9 the commitment of such persons to any county work camp or county jail by agreement
- with the appropriate county officials.
- 11 (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control
- over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
- of the city.
- 14 (17) Municipal agencies and delegation of power. To create, alter, or abolish
- departments, boards, offices, commissions, and agencies of the city and to confer upon
- such agencies the necessary and appropriate authority for carrying out all the powers
- 17 conferred upon or delegated to the same.
- 18 (18) Municipal debts. To appropriate and borrow money for the payment of debts of the
- city and to issue bonds for the purpose of raising revenue to carry out any project,
- program, or venture authorized by this charter or the laws of the State of Georgia.
- 21 (19) Municipal property ownership. To acquire, dispose of, and hold in trust or
- otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
- outside the property limits of the city.
- 24 (20) Municipal property protection. To provide for the preservation and protection of
- property and equipment of the city and the administration and use of same by the public;
- and to prescribe penalties and punishment for violations thereof.
- 27 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
- of public utilities, including, but not limited to, a system of waterworks, sewers and
- drains, sewage disposal, gas works, electric light plants, transportation facilities, public
- airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
- 31 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
- service for refusal or failure to pay the same.
- 33 (22) Nuisances. To define a nuisance and provide for its abatement whether on public
- or private property.
- 35 (23) Specific 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, and to

provide penalties for the violation of Gwinnett County board of health rules and

- 2 regulations and Gwinnett County health and sanitation ordinances.
- 3 (24) Planning and zoning. To provide comprehensive city planning for development by
- 4 zoning and to provide subdivision regulation and the like as the city council deems
- 5 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community.
- 6 (25) Police and fire protection. To exercise the power of arrest through duly appointed
- 7 police officers and to establish, operate, or contract for a police or fire-fighting agency.
- 8 (26) Public hazards; removal. To provide for the destruction and removal of any
- 9 building or other structure which is or may become dangerous or detrimental to the
- public.
- 11 (27) 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,
- 14 airports, hospitals, terminals, docks, or parking facilities or charitable, cultural,
- educational, recreational, conservation, sport, curative, corrective, detentional, penal, and
- medical institutions, agencies, and facilities; to provide for 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 O.C.G.A. or such other applicable laws as are or may hereafter be
- enacted.
- 21 (28) Public peace. To provide for the prevention and punishment of drunkenness, riots,
- and public disturbances.
- 23 (29) Public transportation. To organize and operate such public transportation systems
- as are deemed beneficial.
- 25 (30) Public utilities and services. To grant franchises or make contracts for public
- 26 utilities and public services and to prescribe the rates, fares, regulations, and standards
- and conditions of service applicable to the service to be provided by the franchise grantee
- or contractor, insofar as not in conflict with valid regulations of the Public Service
- 29 Commission.
- 30 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
- 31 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 inside or abutting the corporate limits of the city and to
- prescribe penalties and punishment for violation of such ordinances.
- 35 (32) Retirement. To provide and maintain a retirement plan for officers and employees
- of the City of Duluth.

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

- (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charge and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system.
- 15 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, 16 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by 17 others including the granting of exclusive or nonexclusive franchises for such services; 18 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and 19 other recyclable materials and provide for the sale of such items.
- 20 (36) Special areas of public regulation. To regulate or prohibit junk dealers; pawn shops; 21 the manufacture, sale, or transportation of intoxicating liquors; and the use of firearms; 22 to regulate the transportation, storage, and use of combustible, explosive, and 23 inflammable materials; the use of lighting and heating equipment; and any other business 24 or situation which may be dangerous to persons or property; to regulate and control the 25 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows 26 of any kind by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortune telling, palmistry, adult bookstores, and massage parlors. 27
- 28 (37) Special assessments. To levy and provide for the collection of special assessments 29 to cover the costs of any public improvements.
- (38) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 and collection of taxes on all property subject to taxation.
- 32 (39) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law.
- 34 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the 35 number of such vehicles; to require the operators thereof to be licensed; to require public 36 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to 37 regulate the parking of such vehicles.

(41) Urban redevelopment. To organize and operate an urban redevelopment program. (42) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

13 SECTION 1.14.

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Exercise of powers.

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

19 ARTICLE II

20 GOVERNMENT STRUCTURE

21 SECTION 2.10.

22 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 mayor and councilmembers shall be elected in the manner

26 provided by this charter.

1	SECTION 2.11.
2	City council terms; qualifications for office.
3	(a) The five members of this city council shall serve for terms of four years and until their
4	respective successors are elected and qualified. The councilmembers who hold Posts 1, 2,
5	and 3 shall be elected in the same odd year. The mayor and councilmembers who hold
6	Posts 4 and 5 shall be elected in the alternating odd year.
7	(b) No person shall be eligible to serve as mayor or councilmember unless the person shall
8	have been a resident of the city for a period of one year preceding the date of the election
9	of the mayor or members of the city council and must be a qualified voter in municipal
10	elections for officers of said city; the mayor or councilmember shall continue to reside
11	therein during his or her period of service and to be registered and qualified to vote in
12	municipal elections of this city.
13	SECTION 2.12.
14	Vacancies; filling of vacancies.
. •	vacancies, ininig of vacancies.
15	(a) The office of mayor or councilmember shall become vacant upon the incumbent's
16	death, resignation, forfeiture of office, or removal from office in any manner authorized by
17	this charter or the general laws of the State of Georgia.
18	(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder
19	of the unexpired term, if any, as provided for in this charter.
20	SECTION 2.13.
21	Compensation and expenses.
22	The mayor and councilmembers shall receive compensation and expenses for their services
23	as provided by ordinance.
24	SECTION 2.14.
25	Holding other office; voting when personally interested.
26	(a) Elected and appointed officers of the city are trustees and servants of the residents of
27	the city and shall act in a fiduciary capacity for the benefit of such residents.
28	(b) Except as authorized by law, the mayor or any councilmember shall not hold any other
29	city office or city employment during the term for which the official was elected.

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(c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any

2 ordinance, resolution, contract, or other matter in which the official is personally interested. 3 SECTION 2.15. 4 Inquiries and investigations. 5 The city council may make inquiries and investigations into the affairs of the city and the 6 conduct of any department, office, or agency thereof and for this purpose may subpoena 7 witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers 8 9 by the city council shall be punished as provided by ordinance. 10 SECTION 2.16. General power and authority of the city council. 11 Except as otherwise provided by this charter, the city council shall be vested with all the 12 13 powers of government of this city as provided by Article I of this charter. 14 SECTION 2.17. 15 Eminent domain. 16 The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, 17 18 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, 19 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, 20 penal, and medical institutions, agencies, and facilities, and any other public improvements 21 inside or outside the city, and to regulate the use thereof and, for such purposes, property 22 may be condemned under procedures established under general law applicable now or as 23 provided in the future. 24 SECTION 2.18. 25 Organizational meetings. The city council shall hold an organizational meeting on the second Monday in January. 26 The meeting shall be called to order by the city clerk and the oath of the office shall be 27 28 administered to the newly elected members as follows:

I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)

(councilmember) of this city and that I will support and defend the charter thereof as well

as the Constitution and laws of the State of Georgia and of the United States of America.'

SECTION 2.19.

Regular and special meetings.

- 6 (a) The city council shall hold regular meetings at such times and places as prescribed by
- 7 ordinance. The council may recess any regular meeting and continue such meetings on any
- 8 date or hour it may fix and may transact any business at such continued meeting as may be
- 9 transacted at any regular meeting.
- 10 (b) The mayor and city council may hold special meetings and may transact business
- 11 therein in accordance with the law.
- 12 (c) All meetings of the city council shall be public in accordance with applicable law.
- 13 SECTION 2.20.
- Rules of procedure.
- 15 (a) The city council shall adopt rules of procedure and order of business consistent with
- the provisions of this charter and shall provide for keeping a journal of its proceedings
- which shall be a public record.
- 18 (b) All committees and committee chairpersons and officers of the city council shall be
- appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
- 20 the power to appoint new members to any committee at any time.
- 21 SECTION 2.21.
- 22 Quorum; voting.
- 23 The mayor, or mayor pro tempore, and three councilmembers shall constitute a quorum and
- shall be authorized to transact the business of the city council. Voting on the adoption of
- ordinances may be by voice vote and the vote shall be recorded in the journal, but any
- 26 member of the city council shall have the right to request a roll-call vote and such vote
- shall be recorded in the journal. Except as otherwise provided in this charter, the
- affirmative vote of the majority of the members present shall be required for the adoption
- of any ordinance, resolution, or motion.

1 SECTION 2.22. 2 Action requiring an ordinance. 3 Acts of the city council which have the force and effect of law shall be enacted by 4 ordinance. 5 SECTION 2.23. 6 Ordinance forms; procedures. 7 (a) Every proposed ordinance shall be introduced in writing and in the form required for 8 final adoption. The enacting clause shall be 'The Council of the City of Duluth hereby 9 ordains ' 10 (b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected 11 12 by the city council in accordance with the rules which it shall establish. 13 SECTION 2.24. 14 Codes of technical regulations. 15 (a) The city council may adopt any standard code of technical regulations by reference 16 thereto in an adopting ordinance. The procedure and requirements governing such 17 adopting ordinance shall be as prescribed for ordinances generally, except that: 18 (1) The requirements for distribution and filing of copies of the ordinance shall be 19 construed to include copies of any code of technical regulations, as well as the adopting 20 ordinance; and (2) A copy of each adopted code of technical regulations, as well as the adopting 21 22 ordinance, shall be authenticated and recorded by the clerk. (b) Copies of any adopted code of technical regulations shall be made available by the 23 24 clerk for distribution or for purchase at a reasonable price. (c) Nothing in this section shall be construed to prohibit the adoption of other codes or 25 regulation by reference, provided a copy of the referenced code or regulation is attached 26

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to the adopting ordinance.

1 SECTION 2.25.

2 Signing; authentication; recording; codification; printing.

3 (a) The clerk shall authenticate by his or her signature and shall record in full in a properly

- 4 indexed book kept for that purpose all ordinances adopted by the council.
- 5 (b) The city shall provide for the preparation of a general codification of all the ordinances
- 6 of the city having the force and effect of law. The general codification shall be adopted by
- 7 the city council by ordinance and shall be published promptly together with all
- 8 amendments thereto and such codes of technical regulations and other rules and regulations
- 9 as the city council may specify. This compilation shall be known as and cited officially as
- 10 'The Code of the City of Duluth, Georgia.' Copies of the code shall be furnished to all
- 11 officers, departments, and agencies of the city and shall be made available for purchase by
- 12 the public at a reasonable price as fixed by the city council.
- 13 (c) The city council shall cause each ordinance and each amendment to this charter to be
- printed promptly following its adoption, and the printed ordinances and charter 14
- amendments shall be made available for purchase by the public at reasonable prices to be 15
- 16 fixed by the city council. Following publication of the first code under this charter and at
- 17 all times thereafter, the ordinances and charter amendments shall be printed in substantially
- 18 the same style as the code currently in effect and shall be suitable in form for incorporation 19

therein. The city council shall make such further arrangements as are deemed desirable

- 20 with reproduction and distribution of any current changes in or additions to codes of
- 21 technical regulations and other rules and regulations included in the code.

22 SECTION 2.26.

23 Election of mayor; forfeiture; compensation.

24 The mayor shall be elected for and shall serve for a term of four years and until his or her

successor is elected and qualified. The mayor shall be a qualified elector of this city and 25

shall have been a resident of the city for one year immediately preceding election. The

mayor shall continue to reside in this city during the period of service. The mayor shall

forfeit the office on the same grounds and under the same procedure as for

councilmembers. The compensation of the mayor shall be established in the same manner

30 as for councilmembers.

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1	SECTION 2.27.
2	Mayor pro tempore.
3	By a majority vote, at the first regular meeting of the mayor and council in each year, they
4	shall elect a councilmember to serve as the mayor pro tempore. The mayor pro tempore
5	shall assume the duties and powers of the mayor during the mayor's disability or absence.
6	If the mayor pro tempore is absent because of sickness or disqualification, any one of the
7	remaining councilmembers, chosen by the members present, shall be clothed with all the
8	rights and privileges of the mayor and shall perform the mayor's duties.
9	SECTION 2.28.
10	Powers and duties of mayor.
11	The mayor shall:
12	(1) Preside at all meetings of the city council;
13	(2) Be the head of the city for the purpose of service of process and for ceremonial
14	purposes and be the official spokesperson for the city and the chief advocate of policy;
15	(3) Have the power to administer oaths and to take affidavits;
16	(4) Sign as a matter of course on behalf of the city all written and approved contracts,
17	ordinances, and other instruments executed by the city which by law are required to be
18	in writing;
19	(5) Vote only in case of a tie or in case only one vote is needed to pass any motion,
20	resolution, ordinance, or other question before the council, the mayor, or mayor pro
21	tempore, if presiding, may vote and the mayor may be counted toward a quorum as any
22	other councilmember; and
23	(6) Fulfill such other executive and administrative duties as the city council shall by
24	ordinance establish.
25	ARTICLE III
26	ADMINISTRATIVE AFFAIRS
27	SECTION 3.10.
28	Administrative and service departments.
29	(a) Except as otherwise provided in this charter, the city council by ordinance shall
30	prescribe the functions or duties and establish, abolish, or alter all nonelective offices,

positions of employment, departments, and agencies of the city as necessary for the proper

- 2 administration of the affairs and government of this city.
- 3 (b) Except as otherwise provided by this charter or by law, the directors of departments
- 4 and other appointed officers of the city shall be appointed solely on the basis of their
- 5 respective administrative and professional qualifications.
- 6 (c) All appointed officers and directors of departments shall receive such compensation
- 7 as prescribed by ordinance.
- 8 (d) There shall be a director or department head of each department and agency of the city
- 9 who shall be its principal officer. Each director or department head shall, subject to the
- direction and supervision of the city administrator, be responsible for the administration
- and direction of the affairs and operation of his or her department or agency.
- 12 (e) The mayor and council may, by ordinance, delegate its authority regarding the
- administrative affairs of the city unless such delegation is prohibited in this charter or by
- the general laws or Constitution of the State of Georgia.

15 SECTION 3.11.

Boards, commissions, and authorities.

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

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- 21 (b) All members of boards, commissions, and authorities of the city shall be appointed by
- 22 the city council for such terms of office and in such manner as shall be provided by
- ordinance, except where other appointing authority, terms of office, or manner of
- 24 appointment is prescribed by this charter or by law.
- 25 (c) The city council, by ordinance, may provide for the compensation and reimbursement
- 26 for actual and necessary expenses of the members of any board, commission, or authority.
- 27 (d) Except as otherwise provided by this charter, ordinance, or other law, no member of
- any board, commission, or authority shall hold any elective office in the city.
- 29 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
- 30 unexpired term in the manner prescribed for the original appointment, except as otherwise
- 31 provided by this charter or by law.
- 32 (f) No member of a board, commission, or authority shall assume office until he or she has
- executed and filed with the clerk of the city an oath obligating such member to perform
- faithfully and impartially the duties of his or her office, such oath to be prescribed by
- ordinance and administered by the mayor.

1 (g) Members of boards, commissions, and authorities shall serve at the pleasure of the council and may be removed by majority vote of the city council.

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

11 SECTION 3.12.

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12 City attorney.

The mayor and city council shall appoint a city attorney, who shall not be a councilmember, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the council as directed; shall advise the city council, mayor, and other officers or employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the position as city attorney.

21 SECTION 3.13.

22 City clerk.

The mayor and council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain the city council records required by this charter, and perform such other duties as may be required by the city council.

27 SECTION 3.14.

28 City treasurer.

29 The mayor and council may designate the city clerk or some other person as city treasurer,

who shall not be a councilmember, and may designate a certain bank as city depository.

1 The city treasurer shall be responsible for the general duties of a fiscal officer and such

2 other duties as may be provided by ordinance.

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3 SECTION 3.15.

4 City administrator.

The mayor and council shall appoint a city administrator who shall not be a councilmember. The compensation and term of office of the city administrator shall be established by the mayor and council. The administrator shall be vested with the authority and responsibility to oversee and supervise the regular business affairs of the city and shall act as the office manager of the city hall. Except as otherwise provided by general or local state law, the city administrator shall be the chief administrative officer of the city and shall exercise executive supervision over all city employees and all departments. He or she shall further have such other duties as the mayor and council may require and which are not inconsistent with this charter or any state law. The city administrator need not be a resident of the City of Duluth.

15 ARTICLE IV

16 MUNICIPAL COURT

17 SECTION 4.10.

18 Creation; name.

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

20 SECTION 4.11.

21 Chief judge.

- 22 (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. The method of selection
- and terms of such judges shall be provided by ordinance.
- 25 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
- unless he or she shall have attained the age of 21 years and shall be a member of the State
- 27 Bar of Georgia. Any and all judges shall be appointed by the city council.
- 28 (c) Compensation of the judges shall be fixed by ordinance.
- 29 (d) Judges shall serve at the pleasure of the council and may be removed by a majority
- 30 vote of the city council.

1 (e) Before assuming office, each judge shall take an oath that he or she will honestly and

- 2 faithfully discharge the duties of his or her office to the best of his or her ability and
- 3 without fear, favor, or partiality. The oath shall be entered upon the minutes of the city
- 4 council journal required in Section 2.20 of this charter.
- 5 SECTION 4.12.
- 6 Convening.
- 7 The municipal court shall be convened at regular intervals as provided by ordinance.
- 8 SECTION 4.13.
- 9 Jurisdiction; powers.
- 10 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
- and such other violations as provided by law.
- 12 (b) The municipal court shall have authority to punish those in its presence for contempt.
- 13 Such punishment shall not exceed \$200.00 or ten days of imprisonment, or by both such
- fine and imprisonment.
- 15 (c) The municipal court may fix punishment for offenses within its jurisdiction not
- exceeding a fine of \$1,000.00 or imprisonment and labor on the public works of the city
- 17 for one year or both such fine and imprisonment or may fix punishment by fine,
- imprisonment, or alternative sentencing as now or hereafter provided by law.
- 19 (d) The municipal court shall have authority to establish a schedule of fees to defray the
- 20 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,
- and the caretaking of prisoners bound over to the superior courts for violations of state law.
- 22 (e) The municipal court shall have authority to establish bail and recognizances to ensure
- 23 the presence of those charged with violations before said court and shall have discretionary
- 24 authority to accept cash or personal or real property as surety for the appearance of persons
- 25 charged with violations. Whenever any person shall give bail for his or her appearance and
- shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
- 27 presiding at such time and an execution shall be issued thereon by serving the defendant
- and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.
- In the event that cash or property is accepted in lieu of bond for security for the appearance
- of a defendant at trial and if such defendant fails to appear at the time and place fixed for
- 31 trial, the cash so deposited shall be on order of the judge declared forfeited to the city or
- 32 the property so deposited shall have a lien against it for the value forfeited, which lien shall
- be enforceable in the same manner and to the same extent as a lien for city property taxes.

1 (f) The municipal court shall have the same authority as superior courts to compel the

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

15 SECTION 4.14.

16 Certiorari.

- 17 The right of certiorari from the decision and judgment of the municipal court shall exist in
- all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
- 19 the sanction of a judge of the Superior Court of Gwinnett County under the laws of the
- 20 State of Georgia regulating the granting and issuance of writs of certiorari.
- 21 SECTION 4.15.
- Rules for court.
- With the approval of the city council, the judge shall have full power and authority to make
- reasonable rules and regulations necessary and proper to secure the efficient and successful
- administration of the municipal court; provided, however, that the city council may adopt
- 26 in part or in toto the rules and regulations applicable to superior courts. The rules and
- 27 regulations made or adopted shall be filed with the city clerk, shall be available for public
- inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
- 29 proceedings at least 48 hours prior to said proceedings.

1	ARTICLE V
2	ELECTIONS AND REMOVAL
3	SECTION 5.10.
4	Applicability of general law.
5	All primaries and elections shall be held and conducted in accordance with Chapter 2 of
6	Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.
7	SECTION 5.11.
8	Election of the mayor and city council.
9	(a) There shall be a municipal election biennially in the odd years on the Tuesday next
0	following the first Monday in November.
1	(b) On the Tuesday next following the first Monday in November of 2005, and every four
12	years thereafter, the successors to such three councilmembers who hold seats 1, 2, and 3
13	shall be elected and shall serve terms of office of four years and until their successors are
14	elected and qualified and shall take office on the day of the first organizational meeting in
15	January following their election. The seat held by Maxine Garner on the effective date of
16	this Act shall be Post 1; the seat held by Jim Dugan on the effective date of this Act shall
17	be Post 2; and the seat held by Jim Hall on the effective date of this Act shall be Post 3.
18	(c) On the Tuesday next following the first Monday in November of 2003, and every four
9	years thereafter, the successors to the position of mayor and such two councilmembers who
20	hold seats 4 and 5 shall be elected and shall serve terms of office of four years and until
21	their successors are elected and qualified and shall take office on the day of the first
22	organizational meeting in January following their election. The seat held by Doug
23	Mundrick on the effective date of this Act shall be Post 4 and the seat held by Doris
24	Kiruoac on the effective date of this Act shall be Post 5.
25	SECTION 5.12.
26	Nonpartisan elections.
27	Political parties shall not conduct primaries for city offices and all names of candidates for
) Q	city offices shall be listed without party designations

1	SECTION 5.13.
2	Election by majority.
3	The person receiving a majority of the votes cast for any city office shall be elected.
4	SECTION 5.14.
5	Special elections; interim appointments; vacancies.
6	In the event that the office of mayor or councilmember shall become vacant for any cause
7	whatsoever, the city council or those remaining shall appoint a successor who shall serve
8	until the next regularly scheduled election. Should the office which became vacant not be
9	scheduled for election at the next regularly scheduled election, then the city council shall
0	order a special election at the time of the regularly scheduled election to fill the balance of
1	the unexpired term of the vacant position. The special election to fill the unexpired term
12	shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the
13	'Georgia Election Code,' as now or hereafter amended.
14	SECTION 5.15.
15	Other provisions.
16	Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
17	such rules and regulations it deems appropriate to fulfill any options and duties under
18	Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'
19	SECTION 5.16.
20	Removal of officers.
21	(a) The mayor or councilmembers may be removed from office for any one or more of the
22	following causes:
23	(1) Incompetence, misfeasance, or malfeasance in office;
24	(2) Conviction of a crime involving moral turpitude;
25	(3) Failure at any time to possess any of the qualifications of office as provided by this
26	charter or by law;
27	(4) Knowingly violating any express prohibition of this charter;
28	(5) Abandonment of office or neglect to perform the duties thereof; or
29	(6) Failure for any other cause to perform the duties of office as required by this charter
80	or by state law.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
by one of the following methods:
(1) By the vote of four councilmembers after an investigative hearing. In the event an

elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

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

13 ARTICLE VI 14 FINANCE

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15 SECTION 6.10.

Property tax.

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

23 SECTION 6.11.

24 Millage rate; due dates; payment methods.

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

1 SECTION 6.12.

2 Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

11 SECTION 6.13.

Licenses; permits; fees.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and to pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

22 SECTION 6.14.

Franchises.

The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a

registration book kept by the clerk. The city council may provide by ordinance for the

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2 registration within a reasonable time of all franchises previously granted. 3 SECTION 6.15. 4 Service charges. 5 The city council by ordinance shall have the power to assess and collect fees, charges, and 6 tolls for sewers, sanitary and health services, or any other services provided or made 7 available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as 8 9 provided in Section 6.18 of this charter. 10 SECTION 6.16. 11 Special assessments. The city council by ordinance shall have the power to assess and collect the costs of 12 constructing, reconstructing, widening, or improving any public way, street, sidewalk, 13 14 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting 15 property owners under such terms and conditions as are reasonable. If unpaid, such 16 charges shall be collected as provided in Section 6.18 of this charter. 17 SECTION 6.17. 18 Construction; other taxes. 19 This city shall be empowered to levy any other tax allowed now or hereafter by law, and 20 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. 21 22 SECTION 6.18. 23 Collection of delinquent taxes and fees. 24 The city council by ordinance may provide generally for the collection of delinquent taxes, 25 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for 26 the dates when the taxes or fees are due, late penalties or interest, issuance and execution 27 28 of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts

of the persons required to pay the taxes or fees imposed, revoking city licenses for failure

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2 to pay any city taxes or fees, and providing for the assignment or transfer of tax executions. 3 SECTION 6.19. 4 General obligation bonds. 5 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 6 7 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. 8 9 SECTION 6.20. 10 Revenue bonds. 11 Revenue bonds may be issued by the city council as state law now or hereafter provides. 12 Such bonds are to be paid out of any revenue produced by the project, program, or venture 13 for which they were issued. 14 SECTION 6.21. 15 Short-term loans. 16 The city may obtain short-term loans and must repay such loans not later than December 31 17 of each year, unless otherwise provided by law. 18 SECTION 6.22. 19 Fiscal year. The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the 20 budget year and the year for financial accounting and reporting of each and every office, 21 22 department, agency, and activity of the city government. 23 SECTION 6.23. 24 Preparation of budgets. The city council shall provide an ordinance on the procedures and requirements for the 25 preparation and execution of an annual operating budget, a capital improvements program, 26

1 and a capital improvements budget, including requirements as to the scope, content, and

2 form of such budgets and programs.

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3 SECTION 6.24.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the city administrator shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city administrator containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget and the capital improvements budget provided for in this charter, the budget message, and all supporting documents shall be filed with the office of the city clerk and shall be open to public inspection.

15 SECTION 6.25.

Action by city council on budget.

- (a) The city council may amend the operating budget proposed by the city administrator, 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
- 19
- 20 requirements for the ensuing fiscal year. The total appropriations from any fund shall not
- 21 exceed the estimated fund balance, reserves, and revenues.
- 22 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
- 23 fiscal year not later than the fifteenth day of such fiscal year. If the city council fails to
- 24 adopt the budget by said 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 25
- 26 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

- 28 ordinance setting out the estimated revenues in detail by sources and making appropriations
- 29 according to fund and by organizational unit, purpose, or activity as set out in the budget
- 30 preparation ordinance adopted pursuant to Section 6.23 of this charter.
- 31 (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 32

encumbrance created in excess of the otherwise unencumbered balance of the

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2 appropriations or allotments thereof to which it is chargeable. 3 SECTION 6.26. 4 Tax levies. Following adoption of the operating budget, the city council shall levy by ordinance such 5 6 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that 7 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 8 9 amount appropriated for each of the several funds set forth in the annual operating budget 10 for defraying the expense of the general government of this city. 11 SECTION 6.27. 12 Changes in appropriations. 13 The city council by ordinance may make changes in the appropriations contained in the 14 current operating budget at any regular meeting or special or emergency meeting called for 15 such purpose, but any additional appropriations may be made only from an existing 16 unexpended surplus. 17 SECTION 6.28. 18 Independent audit. 19 There shall be an annual independent audit of all city accounts, funds, and financial 20 transactions by a certified public accountant selected by the city council. The audit shall 21 be conducted according to generally accepted accounting principles. Any audit of any 22 funds by the state or federal government may be accepted as satisfying the requirements 23 of this charter. Copies of all audit reports shall be available at printing costs to the public. SECTION 6.29. 24 25 Contracting procedures. No contract with the city shall be binding on the city unless: 26 27 (1) It is in writing; or 28 (2) It is made or authorized by the city council and such approval is entered in the city 29 council journal of proceedings pursuant to Section 2.21 of this charter.

SECTION 6.30.

2 Centralized purchasing.

3 The city council may by ordinance prescribe procedures for a system of centralized

4 purchasing for the city.

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5 SECTION 6.31.

Sale of city property.

- 7 (a) The city council may sell and convey any real or personal property owned or held by
- 8 the city for governmental or other purposes as now or hereafter provided by law.
- 9 (b) The city council may quitclaim any rights it may have in property not needed for public
- purposes upon request by the mayor and adoption of a resolution, both finding that the
- property is not needed for public or other purposes and that the interest of the city has no
- readily ascertainable monetary value.
- 13 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
- of the city a small parcel or tract of land is cut off or separated by such work from a larger
- tract or boundary of land owned by the city, the city council may authorize the mayor to
- execute and deliver in the name of the city a deed conveying said cut-off or separated
- parcel or tract of land to an abutting or adjoining property owner or owners in exchange for
- rights of way of said street, avenue, alley, or public place when such exchange is deemed
- 19 to be in the best interest of the city. All deeds and conveyances heretofore and hereafter
- so executed and delivered shall convey all title and interest the city has in such property,
- 21 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

22 SECTION 6.32.

Capital reserve fund.

24 (a) The city council shall maintain a capital reserve fund to be set forth in the budget for

each fiscal year. The initial amount of this capital reserve fund shall be not less than \$3

26 million. Said fund shall be for the purpose of providing funds to be used only in the case

of dire emergency, for the purpose of generating long-term interest income to provide

financial stability for the city, and for the purpose of making long-term capital investments

in real property. Interest income generated from said fund and payable in any particular

fiscal year shall be placed in the operating budget for said fiscal year and shall be used for

such purposes as designated by the city council in the operating budget for that fiscal year.

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(b) The mayor and council may provide for the withdrawal of funds from the capital reserve fund to be used in cases of dire emergency or for the purchase of real property upon the passage of an ordinance finding that said expenditure constitutes a dire emergency or that the purchase of the real property is a long-term capital investment in the best interest of the city. Approval of any such ordinance shall require the affirmative vote of at least four council members. Other than for the purchase of real property, the amount of money withdrawn from said fund in any one fiscal year shall never exceed \$250,000.00. The minimum balance in said fund shall never be reduced below \$2,750,000.00 other than for the purpose of the purchase of real property. Should the council decide to use a portion of said fund for the purchase of real property, the council shall designate in the ordinance approving the purchase of said property the new minimum balance that shall be maintained in the capital reserve fund.

13 ARTICLE VII 14 **GENERAL PROVISIONS** 15 SECTION 7.10. 16 Bonds for officials. 17 The officers and employees of the city, both elected and appointed, shall execute such 18 surety or fidelity bonds in such amounts and upon such terms and conditions as the city 19 council may from time to time require by ordinance or as may be provided by law. 20 SECTION 7.11. 21 Prior ordinances. 22 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent with this charter are declared valid and of full effect and force until amended or repealed 23

25 SECTION 7.12.

by the city council.

26 Pending matters.

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing 28 29 work or cases shall be completed by such city agencies, personnel, or offices as may be 30 provided by the city council.

1	SECTION 7.13.
2	Construction.
3	(a) Section captions in this charter are informative only and shall not be considered as a
4	part thereof.
5	(b) The word 'shall' is mandatory and the word 'may' is permissive.
6	(c) The singular shall include the plural, the masculine shall include the feminine, and vice
7	versa.
8	SECTION 7.14.
9	Severability.
10	In the event any article, section, subsection, paragraph, sentence, or part of this charter shall
11	be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not
12	affect nor impair other parts of this charter unless it clearly appears that such other parts
13	are wholly and necessarily dependent upon the part held to be invalid or unconstitutional,
14	it being the legislative intent in enacting that each article, section, subsection, paragraph,
15	sentence, or part thereof be enacted separately and independent of each other."
16	SECTION 2.
17	All laws and parts of laws in conflict with this Act are repealed.

1 EXHIBIT A

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The boundaries of the City of Duluth, Georgia, are intended to include and are hereby declared to include all of the area included within the corporate boundaries upon the effective date of this charter which includes all of that area described as being in the municipal limits in the previous city charter (Ga. L. 1987, p. 3914), the properties added through amendments to that previous charter, all properties added by all annexation ordinances adopted by the mayor and council of the City of Duluth, Georgia, since the adoption of that previous charter, and the additional property described below located in Land Lot 206 of the 7th District of Gwinnett County, Georgia, and containing 3.6951 acres as more particularly described below under the heading '2003 Addition'. The properties located within the corporate boundaries of the City of Duluth, Georgia, are intended to include and are hereby declared to include all of the property included in the tax parcels set forth below as those tax parcels exist on the tax rolls and the tax maps of Gwinnett County for the year 2002, including the additional property described under the title '2003 Addition', and all of the public roadways and rights of way adjacent to those parcels, including railroad rights of way lying adjacent to those parcels or adjacent to the public roadways adjacent to those parcels, with the exception of the railroad right of way lying in Land Lot 261 of the 6th Land District of Gwinnett County, Georgia, located between the southeasterly right of way of U.S. Highway 23 and the westerly right of way of Pleasant Hill Road containing a railroad spur line which railroad right of way is specifically excluded, and the portion of Pleasant Hill Road from the intersection of this spur line to May Road and that portion of May Road between Pleasant Hill Road and any property not located within the City of Duluth which roadways are specifically excluded.

24	6-236-244	6-264-054	6-264-149	6-264-210
25	6-236-245	6-264-055	6-264-150	6-264-211
26	6-236-246	6-264-056	6-264-151	6-264-212
27	6-260-005	6-264-057	6-264-165	6-264-213
28	6-260-406	6-264-058	6-264-166	6-264-214
29	6-260-407	6-264-059	6-264-167	6-264-215
30	6-260-408	6-264-060	6-264-168	6-264-216
31	6-260-409	6-264-061	6-264-169	6-264-217
32	6-260-410	6-264-062	6-264-170	6-264-218
33	6-261-009	6-264-063	6-264-174	6-264-219
34	6-261-010	6-264-077	6-264-175	6-264-220
35	6-261-055	6-264-088	6-264-176	6-264-221

1	6-261-063	6-264-089	6-264-177	6-264-222
2	6-261-069	6-264-090	6-264-178	6-264-223
3	6-261-071	6-264-091	6-264-179	6-264-224
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9	6-265-371	6-265-416	6-266A-004	6-266A-049
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24	6-322-235	6-322-283	6-322A-045	6-322B-036
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33	6-322-244	6-322A-009	6-322A-054	6-322B-045
34	6-322-245	6-322A-010	6-322B-001	6-322B-046

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3	6-322-248	6-322A-013	6-322B-004	6-322B-049
4	6-322-249	6-322A-014	6-322B-005	6-322B-050
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9	6-322B-055	6-322B-100	6-322B-145	6-323-023L
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34	7-204-568	7-204-616	7-204-705	7-205-070

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33	7-244A-002	7-244A-047		
34	7-244A-003	7-244A-048		

1	7-244A-004	7-244A-049	
2	7-244A-005	7-244A-050	
3	7-244A-006	7-244A-051	
4	7-244A-007	7-244A-052	
5	7-244A-008	7-244A-053	
6	7-244A-009	7-244A-054	
7	7-244A-010	7-244A-055	
8	7-244A-011	7-244A-056	
9	7-244A-012	7-244A-057	
10	7-244A-013	7-244A-058	
11	7-244A-014	7-244A-059	
12	7-244A-015	7-244A-060	
13	7-244A-016	7-244A-061	
14	7-244A-017	7-244A-062	
15	7-244A-018	7-244A-063	
16	7-244A-019	7-244A-064	
17	7-244A-020	7-244A-065	
18	7-244A-021	7-244A-066	
19	7-244A-022	7-244A-067	
20	7-244A-023	7-244A-068	
21	7-201-232	7-201-246	7-162-204
22	7-201-231	7-162-178	7-162-184
23	7-201-233	7-162-228	7-162-202
24	7-201-230	7-162-219	7-162-185
25	7-201-229	7-201-251	7-162-201
26	7-201-228	7-162-217	7-162-186
27	7-201-227	7-162-179	7-162-187
28	7-201-234	7-162-225	7-162-200
29	7-162-191	7-162-215	7-162-188
30	7-201-235	7-201-250	7-162-199
31	7-201-226	7-162-220	7-162-198
32	7-201-236	7-162-180	7-162-189
33	7-201-237	7-162-222	7-162-190
34	7-201-241	7-162-224	7-162-197

1	7-201-257	7-162-216	7-162-192
2	7-201-242	7-201-249	7-162-195
3	7-201-256	7-162-181	7-162-193
4	7-201-238	7-162-221	7-162-194
5	7-201-255	7-162-223	7-162-138
6	7-201-240	7-201-249	7-162-234
7	7-201-243	7-162-212	7-162-099
8	7-201-254	7-162-211	7-162-007
9	7-201-239	7-162-213	7-162-001
10	7-162-176	7-162-210	6-236-238
11	7-201-253	7-162-214	6-236-232
12	7-201-244	7-162-182	6-236-008
13	7-201-247	7-162-183	6-236-009
14	7-201-252	7-162-209	6-264-026
15	7-162-228	7-162-207	
16	7-201-245	7-162-206	
17	7-162-177	7-162-203	
18	7-162-218	7-162-208	
19	7-162-227	7-162-205	

20 2003 Addition

All that tract or parcel of land lying and being in Land Lot 206, 7th District, Gwinnett
County, Georgia, and being more particularly described as follows:

Beginning at the intersection of the Southern right-of-way line of Peachtree Industrial Boulevard (300 foot right of way) and the Northern right-of-line of the Southern Railroad (200 foot right of way); thence, along said right of way of Peachtree Industrial Boulevard along the arc of a curve to the left a distance of 372.99 feet, said arc having a radius of 2,864.79 feet; and being subtended by a chord with a bearing and distance of north 41 degrees 33 minutes 50 seconds east 372.72 feet; thence north 37 degrees 50 minutes 03 seconds east a distance of 277.95 feet; thence, south 52 degrees 09 minutes 57 seconds east a distance of 30.00 feet; thence, north 50 degrees 37 minutes 46 seconds east a distance of 156.41 feet; thence along the arc of a curve to the left a distance of 116.41 feet; said arc having a radius of 1,667.39 feet; and being subtended by a chord with a bearing and distance of north 40 degrees 25 minutes 48 seconds east 116.39 feet; thence

north 13 degrees 11 minutes 52 seconds east a distance of 167.71 feet; thence north 37 1 2 degrees 50 minutes 03 seconds east a distance of 129.17 feet; thence, leaving said right of way south 18 degrees 19 minutes 07 seconds east a distance of 400.04 feet to a point 3 on said right-of-way of The Southern Railroad; thence along said right of way, along the 4 5 arc of a curve to the left a distance of 1040.90 feet; said arc having a radius of 10,272.08 6 feet; and being subtended by a chord with a bearing and distance of south 57 degrees 52 minutes 17 seconds west 1,040.45 feet to The Point of Beginning. 7 8 Said tract or parcel of land contains 160,956 square feet or 3.6951 acres as shown on a boundary survey for Pulte Home Corporation, prepared by Travis Pruitt and Associates, 9 10 Inc., dated February 6, 2003. 11 This property is intended to include and is hereby declared to include that portion of Gwinnett County tax parcel 7-206-157 which lies between the rights of way of Peachtree 12 13 Industrial Blvd. and the Southern Railroad right of way and Buford Highway also known 14 as Highway 23, all portions of Peachtree Industrial Blvd., and the Southern Railroad right of way lying adjacent to this property are hereby intended to and declared to be within the 15 corporate limits of the City of Duluth, as well as any right of way of Buford Highway also 16 17 known as Highway 23 lying adjacent to the Southern Railroad right of way described 18 above.