

House Bill 1735

By: Representatives Yates of the 85<sup>th</sup>, Post 1, Lunsford of the 85<sup>th</sup>, Post 2, and Howell of the 92<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide a new charter for the City of Griffin; to provide for reincorporation, a corporate  
2 name, corporate limits, and corporate powers of the city; to provide for the adoption of  
3 legislation and the force and effect of ordinances; to provide for a governing authority of  
4 such city and the powers, duties, authority, election and election procedures, districts, terms,  
5 vacancies, compensation, expenses, and qualifications relative to members of such governing  
6 authority; to provide for inquiries and investigations; to provide for oaths, organization,  
7 meetings, quorum, voting, rules, and procedures; to prohibit certain conflicts of interest; to  
8 provide for a chairperson of the commission and the duties and powers thereof; to provide  
9 for a secretary of the commission and other officers; to provide for a city manager and the  
10 duties and powers thereof; to provide for a city attorney; to provide for a municipal court  
11 judge, solicitor, and clerk; to provide for a municipal election superintendent and municipal  
12 registrar; to provide for assistant appointive officers; to provide for oaths and bonds for  
13 appointive officers; to provide for a municipal court and the judge thereof; to provide for the  
14 court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari;  
15 to provide for corporate powers; to provide for trusts and special funds; to provide for  
16 existing codes and prior ordinances and rules, existing personnel and officers, and pending  
17 matters; to provide for construction; to provide for other matters relative to the foregoing; to  
18 provide for severability; to repeal a specific Act; to provide for an effective date; to repeal  
19 conflicting laws; and for other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**ARTICLE I****INCORPORATION AND POWERS****SECTION 1.1.**

Corporate name.

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

**SECTION 1.2.**

Corporate limits.

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

**SECTION 1.3.**

Corporate powers.

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

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

## SECTION 1.4.

## Exercise of corporate powers.

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

## SECTION 1.5.

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

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

(b) A proposed ordinance may be introduced by any member of the commission, including the chairperson or presiding officer, at any meeting of the commission. Ordinances shall be considered and adopted or rejected in accordance with procedural rules which the commission may establish; provided, however, that an ordinance shall not be finally adopted the same day it is introduced, except for ordinances whose subject matter involves a zoning decision, the annexation of territory into the boundaries of the city, or an emergency matter as provided in this charter. Upon the introduction of any proposed ordinance, the secretary shall distribute copies to each member of the commission, the city manager, and the city attorney and shall make copies thereof available for public inspection and copying as provided by law. Upon adoption of any ordinance, the secretary shall authenticate its adoption by the secretary's signature and record the original in a properly indexed book kept for that purpose, which shall be a public record of the city and available for public inspection.

1 and copying at all reasonable times. All ordinances shall become effective upon their final  
2 adoption unless a later effective date is specified therein.

**ARTICLE II**  
**COMMISSION AND COMMISSIONERS**  
**SECTION 2.1.**

#### **Corporate and governing authority.**

7 The municipal government of the city shall consist of a commission of seven citizens, who  
8 shall be known as the "Board of Commissioners of the City of Griffin, Georgia," hereafter  
9 referred to collectively as the "commission." The commission shall be the legislative and  
10 governing authority of the city. Except as otherwise provided by law or this charter, the  
11 commission shall be vested with all the powers of government of this city, but no individual  
12 commissioner shall have or exercise any power under this charter. Members of the  
13 commission shall possess the qualifications and be elected in the manner provided by general  
14 law and this charter; provided, however, that members of the commission in office on the  
15 effective date of this charter shall in all respects be successors to and a continuation of the  
16 governing authority elected under the prior charter and shall serve the terms for which  
17 elected. The members of the commission shall devote as much of their time to the office as  
18 may be necessary.

## SECTION 2.2.

## 20 Qualification and election of commissioners.

(a) Any person who is a citizen of this state, has attained the age of 18 years, and has at least 12 months' residency within the city shall be eligible to hold the office of commissioner; provided, however, that no person who is not a qualified elector of the city, who has been convicted of a felony or misdemeanor involving moral turpitude (unless that person's civil rights have been restored), who holds a public office, or who is the holder of public funds unaccounted for shall be eligible to hold the office of commissioner.

27 (b) Candidates for Districts 1, 2, 3, 4, 5, and 6 shall have resided within their respective  
28 election district for at least six months on the date of qualifying. Candidates for District 7  
29 (at-large) may reside in any election district of the city. Commissioners must remain  
30 residents of their respective election district throughout their term of office.

31 (c) Only those qualified electors residing within a city election district may vote for  
32 candidates from their corresponding district. All qualified electors of the city may vote for  
33 candidates for District 7 (at-large).

1 (d) Elections for the office of commissioner shall be held and conducted by the  
2 Griffin-Spalding Board of Elections and Registration in accordance with Chapter 2 of Title  
3 21 of the O.C.G.A. or other such laws as are or may hereafter be enacted.  
4 (e) Commissioners shall serve a term of four years and until their successors are duly elected  
5 and qualified. Before assuming the duties of the office or exercising the powers thereof, a  
6 newly elected commissioner shall be sworn before any federal or state judicial officer, or any  
7 officer of this state duly authorized to administer oaths, at any time following certification  
8 of his or her election. Except for commissioners elected to fill unexpired terms, newly  
9 elected commissioners shall take office on January 1 following their election.  
10 (f) Members of the commission shall receive compensation and expenses for their services  
11 as provided by an ordinance enacted in accordance with Code Section 36-35-4 of the  
12 O.C.G.A.

13 **SECTION 2.3.**

14 Districts established; apportionment of election  
15 districts based upon population.

16 (a) The original apportionment of the city into six single-member election districts was in  
17 accordance with the consent decree in *REID, et al. v. MARTIN, et al.*, Civil Action File No.  
18 C-84-60N, U.S. District Court for the Northern District of Georgia. Thereafter, the  
19 commission, following publication of each United States decennial census, has reapportioned  
20 election districts in accordance with Code Section 36-35-4.1 of the O.C.G.A. The current  
21 reapportionment plan is set forth at Ga. L. 2003, p. 5011.

22 (b) Future reapportionment of election districts shall be adopted by a home rule ordinance  
23 enacted in accordance with paragraph (1) of subsection (b) of Code Section 36-35-3. Such  
24 ordinance shall incorporate by reference a reapportionment plan based upon official census  
25 tract and block references to the areas included within each district, using the criteria set forth  
26 in Code Section 36-35-4.1 of the O.C.G.A. For future reference, a map illustrating election  
27 districts may be published as an appendix to the Code of Griffin, Georgia.

28 **SECTION 2.4.**

29 Majority vote required.

30 No candidate for commissioner shall be declared elected until he or she shall have received  
31 a majority of the votes of all qualified electors voting in the election.

**SECTION 2.5.**

Commissioners' oath.

Upon entering each term of office, commissioners shall take and subscribe to the following oath:

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

**SECTION 2.6.**

Vacancy; filling of vacancies in office.

(a) The office of commissioner shall become vacant upon the occurrence of any event specified by the Constitution or general laws of this state or upon the incumbent commissioner losing the qualifications required for holding the office.

(b) A vacancy in the office of commissioner shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remains in the unexpired term; otherwise, by a special election, as provided in Title 21 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

**SECTION 2.7.**

Quorum for commissioners' meeting; voting; conflicts of interest.

(a) Four commissioners shall constitute a quorum. In order to enact ordinances or take action, the vote of a majority of those present shall control. An abstention, except when based upon the member's disqualification for announced conflict of interest or other legal grounds,

1 shall be counted as an affirmative vote. Except when a role call vote is requested by any  
2 member, votes may be cast by voice ("aye" or "nay") or by show of hands. The chairperson  
3 shall announce all votes and declare each matter approved or rejected.  
4 (b) No commissioner shall vote or act upon, or seek to influence the approval or rejection  
5 of, any ordinance, resolution, contract or other matter within the official jurisdiction of the  
6 city in which that person is financially interested. Any commissioner having a financial  
7 interest, directly or indirectly, in any ordinance, resolution, contract, or matter pending before  
8 or within a department of the city shall disclose such interest, in writing, to the commission  
9 at the earliest opportunity and disqualify himself or herself from participating in any decision  
10 or vote relating thereto.

11 **SECTION 2.8.**

12 Meetings of the commission.

13 (a) The commission shall hold regular meetings on the second and fourth Tuesday of each  
14 month at such times as set by ordinance, which meetings shall be open to the public, except  
15 as allowed by law shall keep minutes of their proceedings; and shall record all their actions  
16 therein. They may meet at such times and as often in extra called meetings as any three of  
17 them or the chairperson may designate or call.  
18 (b) To meet a public emergency affecting life, health, property, or public peace, the board  
19 of commissioners may convene on call of the chairperson or any two commissioners,  
20 provided that such emergency meeting is called in accordance with the Georgia open  
21 meetings law, Code Section 50-14-1, et seq., of the O.C.G.A. At such emergency meeting,  
22 the board of commissioners may consider and adopt an emergency ordinance, but such  
23 ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rates charged  
24 by the city for any utility services provided; or authorize the borrowing of money, except  
25 temporary borrowings made in anticipation of taxes. An emergency ordinance shall be  
26 proposed in the form required for ordinances generally and shall contain a declaration stating  
27 in clear and precise terms the conditions that constitute the emergency warranting the  
28 meeting and action taken therein. An emergency ordinance shall require the affirmative vote  
29 of at least two-thirds of those members eligible to vote at the meeting. It shall become  
30 effective immediately or at such later time as it may specify. Every emergency ordinance  
31 shall automatically stand repealed 30 days following its enactment unless affirmatively  
32 ratified at the next regular meeting of the commission. An emergency ordinance may also  
33 be repealed by adoption of a repealing ordinance in the same manner specified in this section  
34 for adoption of emergency ordinances.

**SECTION 2.9.**

## Rules of procedure.

The commission may adopt rules of procedure and orders of business consistent with the provisions of this charter and general law. Procedural rules and similar administrative matters affecting governance of the city may be adopted by resolution instead of ordinance.

**SECTION 2.10.**

## Inquiries and investigative powers

(a) The commission shall exercise general legislative oversight over all elected and appointed officers, departments, agencies, and employees of the city and shall have the right, from time to time as a majority of such commission deems necessary, to call upon such officers and employees for an accounting of their actions in the performance of their official duties.

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

**SECTION 2.11.**

## Chairperson of the commission; honorary title of mayor.

At the first regular meeting of the board of commissioners in January of each year, and as the first order of new business, the commission shall elect one of its members to serve as chairperson for the next ensuing 12 months and until a successor is duly elected. No commissioner shall be eligible to succeed himself or herself as chairperson. The chairperson may use the honorary title of mayor, but shall exercise no powers or authority beyond those granted to the chairperson under this charter. The chairperson shall appoint from the members of the commission a vice chairperson to act in his or her absence or disability.

**SECTION 2.12.**

## Duties of chairperson.

The chairperson shall be the chief executive officer and shall preside at all meetings of the commission. The chairperson shall be entitled to vote on all questions, motions, or matters brought before the commission for action. The chairperson (or in his or her absence, the vice chairperson) and the city manager shall sign all orders, checks, and warrants for the payment of any moneys out of the treasury of the city and shall execute on behalf of the city all contracts, deeds, and other obligations. The commission, by the vote of at least four commissioners, may direct the chairperson to sign any order, check, warrant, contract, deed, or other obligation and, upon such vote taken for that purpose, it shall be the duty of the chairperson to execute the same. The chairperson shall also accept personal service of process on behalf of the city.

**SECTION 2.13.**

## Secretary to the commission; other officers.

The city manager shall serve as secretary to the commission, whose duties shall require his or her attendance at all meetings, the recording of minutes of proceedings, serving as custodian of all public records and the seal of the city, and such other duties as assigned by the commission by ordinance or resolution. The secretary shall perform all duties and responsibilities imposed by general law on the clerk of a municipal corporation. The commission may appoint such subordinate officers, as needed, and define the duties and compensation thereof by ordinance or resolution.

**ARTICLE III****APPOINTIVE OFFICERS AND EMPLOYEES****SECTION 3.1.**

## Officers other than commissioners enumerated.

There shall be as appointive officers of the City of Griffin the following:

- (1) City manager;
- (2) City attorney;
- (3) Judge of the municipal court;
- (4) Solicitor of the municipal court;
- (5) Municipal court clerk;
- (6) Municipal elections superintendent and municipal registrar; and

1       (7) Such additional offices as the commission, by ordinance, shall create, defining  
2       therein the duties and compensation for such officers.

## SECTION 3.2.

## City manager.

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

(1) The holder of a bachelor's degree or higher in management, public administration, public finance, or any comparable field;

(2) At least 21 years of age;

(3) Of good moral character; and

(4) Free of a history of conviction for any felony or misdemeanor involving moral turpitude.

15 (b) The city manager shall be the administrative and fiscal head of the city's government and  
16 shall devote his or her entire time and attention to the office. Except for purposes of inquiries  
17 and investigations under Section 2.10 of this charter, commissioners shall deal with all  
18 officers and employees who are subject to the direction and supervision of the manager  
19 solely through the manager, and neither the commission nor its individual members shall  
20 give orders or direction to any such officer or employee, either publicly or privately, other  
21 than the city manager.

22 (c) By written designation filed in the city's minutes, the manager shall designate, subject  
23 to approval of the commission, a qualified city administrative officer to exercise the powers  
24 and perform the duties of the manager during the manager's temporary absence or physical  
25 or mental disability. During any prolonged absence or disability, the commission may revoke  
26 such designation at any time and appoint another officer of the city to serve until the manager  
27 shall return or the manager's disability shall cease.

28 (d) The city manager shall be responsible to the commission for the administration of all city  
29 affairs placed in the manager's charge under this charter, by general law or by ordinance or  
30 resolution of the commission. As the chief administrative officer, the manager shall appoint  
31 and fix the compensation and benefits for all administrative department managers, subject  
32 to approval of the commission, and approve the hiring of all subordinate employees;  
33 provided, however, that all such managers and employees shall serve for an indefinite term  
34 at the pleasure of the city manager, unless provided otherwise by personnel ordinance. Upon  
35 approval of the commission, by resolution, and within the constraints of the annual operating

1 budget, the manager shall establish, and from time to time revise, the administrative  
2 organization of the city. As necessary for the good of the city, the manager may suspend or  
3 remove all administrative department managers and employees, except as otherwise provided  
4 by law or personnel ordinances adopted pursuant to this charter.

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

8 **SECTION 3.3.**

9 Duties of the city manager.

10 As the chief administrative officer the city manager shall:

11 (1) Direct and supervise the administration of all departments, offices, and agencies of  
12 the city, unless otherwise restricted by law or this charter;

13 (2) Attend all meetings of the commission and have the right to participate in discussion,  
14 but not vote; provided, however, that the manager shall have no right to attend closed  
15 meetings of the commission held for the purpose of deliberating upon the appointment,  
16 compensation, discipline, or removal of the manager;

17 (3) See that all laws, provisions of this charter, and ordinances of the city are faithfully  
18 executed and performed, subject to delegation to subordinate officers, managers, and  
19 employees. It shall be the duty of the manager to supervise performance by his or her  
20 delegates at all times;

21 (4) Prepare and submit to the commission a proposed annual operating budget and  
22 capital project budgets for the city and its utilities sufficiently in advance of the fiscal  
23 year. Upon approval by the commission, the budgets shall serve as an appropriations  
24 ordinance for the line items indicated therein;

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

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

31 (7) Keep the commission fully informed as to the financial condition of the city and its  
32 future needs and make recommendations to the commission concerning the financial  
33 affairs of the city; and

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

## SECTION 3.4.

City attorney.

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

## SECTION 3.5.

## Municipal court judge.

19 There shall be appointed by the commission a judge of the municipal court, who shall serve  
20 at the pleasure of the commission, subject to the Rules of the Judicial Qualifications  
21 Commission. Such judge shall be a member of the State Bar of Georgia in good standing,  
22 having at least seven years' experience in the practice of law. The judge shall preside over  
23 all sessions of the Municipal Court of the City of Griffin, Georgia, and perform all judicial  
24 functions required by general law and this charter. The commission shall fix the  
25 compensation for the office by ordinance or resolution. The judge may be removed from  
26 office at any time, without cause or notice, upon the affirmative vote of at least four members  
27 of the commission. The judge may appoint a qualified attorney to serve as judge pro tempore  
28 during his or her absence or disability or to handle specific cases in which the judge may  
29 have a conflict.

**SECTION 3.6.**

Municipal court solicitor.

3 There shall be appointed by the commission a solicitor of the municipal court, who shall  
4 serve at the pleasure of the commission, subject to the Georgia Rules of Professional  
5 Conduct. Such solicitor shall be a member of the State Bar of Georgia in good standing,  
6 having at least three years' experience in the practice of law. The solicitor shall prosecute all  
7 misdemeanors and quasi-criminal or traffic ordinance violations before the municipal court.  
8 The commission shall fix the compensation for the office by ordinance or resolution. The  
9 solicitor may be removed from office at any time, without cause or notice, upon the  
10 affirmative vote of at least four members of the commission.

**SECTION 3.7.**

Municipal court clerk.

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

**SECTION 3.8.**

Municipal elections superintendent and municipal registrar.

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

**SECTION 3.9.**

Assistant appointive officers.

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

**SECTION 3.10.**

Oaths of appointive officers; bonds.

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

(b) All appointive officers and their deputies shall give bond, with good and sufficient surety, payable to the commission, in the amount established by ordinance for the specific office, conditioned upon the faithful discharge of the duties of the office by the officer during such time he or she continues in office or discharges the duties thereof, and such other conditions as the commission may require, by ordinance. In the absence of an ordinance or resolution specifying the amount of bond required, the amount of such bond shall not be less than \$100,000.00. All bonds shall be filed in the office of the Judge of the Probate Court of Spalding County, Georgia. Where authorized by law, blanket bonds for one or more appointive officers may be accepted in lieu of individual bonds.

**ARTICLE IV****JUDICIAL BRANCH****SECTION 4.1.**

Creation; name.

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

**SECTION 4.2.**

Procedure; rules of court.

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

**SECTION 4.3.**

Certiorari.

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

**ARTICLE V****POWERS GENERALLY****SECTION 5.1.**

General corporate powers.

As a body corporate the city may sue and be sued; have and use a common seal; own, purchase, have, hold, receive, and enjoy any estate, whether real, personal, or any other kind, located inside or outside the limits of the city; and may, by authority of the commission, sell or dispose of the same for the benefit of the city, as the commission at any regular or called meeting may adjudge proper and right.

**SECTION 5.2.**

2 Powers enumerated.

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

7 (1) Animal regulations. To regulate and license or to prohibit the keeping or running  
8 at-large of animals and fowl, and to provide for the impoundment of same if in violation  
9 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
10 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
11 provide punishment for violation of ordinances enacted hereunder;

12 (2) Appropriations and expenditures. To make appropriations for the support of the  
13 government of the city; to authorize the expenditure of money for any purposes  
14 authorized by this charter and for any purpose for which a municipality is authorized by  
15 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

16 (3) Building regulations. To regulate and to license the erection and construction of  
17 buildings and all other structures; to enforce building, housing, plumbing, electrical, gas,  
18 and heating and air conditioning codes; and to regulate all housing and construction  
19 trades; provided, however, that where standardized technical codes are to be enforced,  
20 a copy of the adopted technical code or regulation shall be available for inspection and  
21 copying in the city manager's office during reasonable hours;

22 (4) Business regulation and taxation. To levy and to provide for the collection of  
23 occupation taxes on businesses, occupations, trades, and professions as authorized by  
24 Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be  
25 enacted; to permit and regulate the same as allowed by law; to provide for the manner and  
26 method of payment of regulatory fees; and to revoke permits after due process for failure  
27 to pay regulatory fees or failure to meet other regulatory requirements;

28 (5) Condemnation. To exercise the power of eminent domain to condemn property,  
29 inside or outside the corporate limits of the city, for present or future use and for any  
30 corporate purpose deemed necessary by the governing authority, utilizing procedures  
31 enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may  
32 hereafter be enacted;

33 (6) Contracts. To enter into contracts and agreements with other governmental entities  
34 and with private persons, firms, and corporations for the express purposes allowed by  
35 law. To be binding upon the city, all contracts shall be in writing, approved by the city  
36 attorney as to form, authorized by a vote of the commission, and spread upon its minutes.

- 1     All contracts signed by the chairperson, attested by the secretary, and bearing the city seal  
2     shall carry the presumption of validity;
- 3     (7) Emergencies. To establish procedures for determining and proclaiming that an  
4     emergency situation exists inside or outside the city, and to make and carry out all  
5     reasonable provisions deemed necessary to deal with or meet such an emergency for the  
6     protection, safety, health, or well-being of the citizens of the city;
- 7     (8) Environmental protection. To protect and preserve the natural resources,  
8     environment, and vital areas of the state through the preservation and improvement of air  
9     quality, the restoration and maintenance of water resources and storm waters, the control  
10    of erosion and sedimentation, the management of solid and hazardous waste, and other  
11    necessary actions for the protection of the environment;
- 12    (9) Fire regulations. To fix and establish fire limits and, from time to time, to extend,  
13    enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
14    general law, relating to both fire prevention and detection and to fire fighting; and to  
15    prescribe penalties and punishment for violations thereof;
- 16    (10) General health, safety, and welfare. To define, regulate, and prohibit any act,  
17    practice, conduct, or use of property which is detrimental to health, sanitation,  
18    cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the  
19    enforcement of such standards;
- 20    (11) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for  
21    any purpose related to powers and duties of the city and the general welfare of its  
22    citizens, on such terms and conditions as the donor or grantor may impose;
- 23    (12) Health and sanitation. To prescribe standards of health and sanitation and to  
24    provide for the enforcement of such standards;
- 25    (13) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
26    over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
27    of the city;
- 28    (14) Municipal agencies and delegation of power. To create, alter, or abolish, by  
29    ordinance, boards, commissions, and agencies of the city, and to confer upon such  
30    entities the necessary and appropriate authority for carrying out all the powers conferred  
31    upon or delegated to the same; to establish the qualifications and duties of members; to  
32    provide for the compensation and reimbursement of members' expenses, provided that  
33    all board members shall serve at-will and may be removed at any time without cause or  
34    notice. Except as provided expressly by charter or law, no board member shall hold  
35    elective or appointive office in the city;
- 36    (15) Municipal debts. To appropriate and borrow money, including temporary  
37    borrowings, for the payment of debts of the city and to issue bonds for the purpose of

1 raising revenue to carry out any project, program, or venture authorized by this charter  
2 or the laws of the State of Georgia;

3 (16) Municipal property ownership. To acquire, dispose of, lease, and hold, in trust or  
4 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside  
5 or outside the property limits of the city, on such terms as the commission, in its sole  
6 discretion, shall deem appropriate;

7 (17) Municipal property protection. To provide for the preservation and protection of  
8 property and equipment of the city, and the administration and use of same by the public;  
9 and to prescribe penalties and punishment for violations thereof;

10 (18) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
11 of municipal utilities, including, but not limited to, a system of public water supply,  
12 treatment, and distribution, a system for the collection, treatment, and disposal of  
13 sewerage and storm waters, gas works, electric distribution and generation facilities,  
14 cable television, telephone and other telecommunications facilities, transportation  
15 facilities, transit systems, public airports, and any other public utility; and to fix the taxes,  
16 charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the  
17 withdrawal of service for refusal or failure to pay the same. Such municipal systems may  
18 be operated, both inside and outside the territorial boundaries of the city, as a utility or  
19 enterprise fund;

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

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

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

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

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

34 (24) Public improvements. To provide for the acquisition, construction, building,  
35 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,  
36 cemeteries, markets and market houses, public buildings, libraries, public housing,  
37 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,

1       recreational, conservation, sport, curative, corrective, detention, penal, and medical  
2       institutions, agencies, and facilities; to provide any other public improvements, inside or  
3       outside the corporate limits of the city; and to regulate the use of public improvements.

4       For such purposes, property may be acquired by condemnation under Title 22 of the  
5       O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

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

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

10      (27) Public utilities and services. To grant franchises or make contracts for or impose  
11       taxes on public utilities and public service companies; and to prescribe the rates, fares,  
12       regulations, standards, and conditions of service applicable to the service to be provided  
13       by the franchise grantee or contractor, insofar as not in conflict with valid regulations of  
14       the Public Service Commission;

15      (28) Regulation of rights of way and roadside areas. To prohibit or regulate and control  
16       the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences,  
17       buildings, utilities, and any and all other structures or obstructions upon or adjacent to the  
18       rights of way of streets and roads or within view thereof, within or abutting the corporate  
19       limits of the city; and to prescribe penalties and punishment for violation of such  
20       ordinances;

21      (29) Retirement and benefit plans. To provide and maintain a retirement plan and other  
22       benefit plans for officers and employees of the city; provided, however, that all such  
23       plans shall be nondiscriminatory;

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

31      (31) Solid waste collection and disposal. To levy, fix, assess, and collect solid waste  
32       collection and disposal fees, and other sanitary service charges, taxes, or fees for such  
33       services as may be necessary in the operation of the city from all individuals, firms, and  
34       corporations residing in or doing business therein benefiting from such services; to  
35       enforce the payment of such charges, taxes, or fees; and to provide for the manner and  
36       method of collecting such service charges;

1       (32) Special areas of public regulation. To regulate junk dealers, pawn shops, and the  
2 manufacture, sale, or transportation of intoxicating liquors; to regulate the transportation,  
3 storage, and use of combustible, explosive, and inflammable materials, the use of lighting  
4 and heating equipment, and any other business or situation which may be dangerous to  
5 persons or property; to regulate and control the conduct of peddlers and itinerant traders,  
6 theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and  
7 to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult  
8 entertainment, adult bookstores, and massage parlors;

9       (33) Special assessments. To levy and provide for the collection of special assessments  
10 to cover the costs for any public improvements;

11       (34) Taxes: ad valorem. To levy and provide for the levy and collection of taxes on all  
12 property subject to taxation; to grant, by ordinance, such exemptions from taxation and  
13 the amount thereof as allowed by law; provided, however, that the homestead of each  
14 resident of the City of Griffin who is totally disabled or who is 62 years of age or older  
15 and who received less than \$12,500.00 of specified income during the preceding calendar  
16 year shall be entirely exempt from ad valorem taxation by the city. For purposes of this  
17 provision, the term "homestead" means homestead as defined and qualified in Code  
18 Section 48-5-40 of the O.C.G.A., but shall not include more than the residence and three  
19 acres of land. A person is totally disabled if the person is wholly and permanently unable  
20 to pursue any gainful employment. The tax collector of the city shall require appropriate  
21 proof of such disability, including, if necessary, the affidavits of not more than two  
22 licensed physicians as to the person's disability. The exemption granted in this paragraph  
23 shall apply only to ad valorem taxes levied by the city, including, but not limited to, taxes  
24 levied to retire general obligation indebtedness;

25       (35) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
26 future by law;

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

31       (37) Urban redevelopment. To organize and operate urban redevelopment agencies and  
32 conduct urban redevelopment programs;

33       (38) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,  
34 and immunities necessary or desirable to promote or protect the safety, health, peace,  
35 security, good order, comfort, convenience, or general welfare of the city and its  
36 inhabitants; to exercise all implied powers necessary or desirable to carry into execution  
37 all powers granted in this charter as fully and completely as if such powers were fully

1 stated herein; and to exercise all powers now or in the future authorized to be exercised  
2 by other municipal governments under other laws of the State of Georgia. No listing of  
3 particular powers in this charter shall be held to be exclusive of others, nor restrictive of  
4 general words and phrases granting powers, but shall be held to be in addition to such  
5 powers unless expressly prohibited to municipalities under the Constitution or applicable  
6 laws of the State of Georgia.

## ARTICLE VI

### TRUSTS AND SPECIAL FUNDS

#### SECTION 6.1.

## Light, Water, and Sewerage Emergency Reserve Fund; trust created.

12 (a) An Act creating the charter of the City of Griffin, approved July 21, 1921 (Ga. L. 1921,  
13 p. 959, as amended by Ga. L. 1959, p. 2451), created the Light, Water, and Sewerage  
14 Emergency Reserve Fund as a perpetual trust, which is hereby continued.

15 (b) The trust shall be held, invested, and administered by a board of trustees consisting of  
16 the chairperson of the commission, the city manager, and the city attorney. The board shall  
17 elect a chairperson and a secretary. The city manager shall serve as treasurer and give  
18 security for the faithful discharge of his or her duties, including all trust funds placed in his  
19 or her hands. The vote of a majority of the board of trustees shall control on all questions.

20 (c) The purpose of the trust is to provide a source of funds for the emergency repair and  
21 replacement of the equipment and facilities of the city's electric, water, and sewerage  
22 systems. A reserve fund of \$1 million has been established by payments to the trustees from  
23 annual net revenues of these utility systems. The commission, in setting the rates, fees, and  
24 charges for the electric, water, and sewerage utilities, shall raise and pay over to the trustees,  
25 in each year, an amount as determined by the commission by proper resolution or  
26 appropriation in the annual budget of not less than one-half of 1 percent of the net revenue  
27 as shown in the annual audit for the previous fiscal year until the principal of such trust,  
28 when added to income realized from investment, shall amount to \$1 million; thereafter, any  
29 income accruing to such trust in any fiscal year shall be paid by the trustees into the general  
30 fund of the city. Should the balance of the trust corpus ever fall below \$1 million, the  
31 commission shall replenish the trust until it reaches the \$1 million level.

32 (d) The trustees of the fund are authorized and shall have full power, either directly or  
33 through agents, to invest and reinvest assets of the fund and to purchase, hold, sell, assign,  
34 transfer, and dispose of any securities and other investments in which assets of the fund have  
35 been invested, any proceeds of any investments, and any money belonging to the fund,

1 provided that such power shall be subject to all terms, conditions, limitations, and restrictions  
2 imposed by the laws of the State of Georgia upon domestic life insurance companies in  
3 making and disposing of their investments; provided, further, that, the board of trustees shall  
4 not invest more than 50 percent of the fund's assets in equities.

5 (e) The trustees shall encroach upon the trust corpus only to repair or replace the equipment  
6 or facilities of the electric, water, and sewerage utilities when such equipment or facilities  
7 have been damaged or destroyed by fire, windstorm, ice storm, tornado, or other act of God,  
8 to the extent property insurance coverage is not available.

## SECTION 6.2.

## Cemetery Trust Fund; trust created.

11 (a) An Act creating the charter of the City of Griffin, approved July 21, 1921 (Ga. L. 1921,  
12 p. 959, as amended by Ga. L. 1959, p. 2669), created the Cemetery Trust Fund as a perpetual  
13 trust, which is hereby continued.

14 (b) The trust shall be held, invested, and administered by a board of trustees consisting of  
15 the chairperson of the commission, the city manager, and the city attorney. The board shall  
16 elect a chairperson and a secretary. The city manager shall serve as treasurer and give  
17 security for the faithful discharge of his or her duties, including all trust funds placed in his  
18 or her hands. The vote of a majority of the board of trustees shall control on all questions.

19 (c) The city manager shall pay to the trustees of the fund not less than 50 percent of the  
20 amount received by the city from the sale of any and all cemetery lots in the cemeteries  
21 owned by the city, provided that the city manager shall pay to the trustees the full amount  
22 received by the city for the perpetual care of any and all lots in such cemeteries.

23 (d) The trustees of the fund are authorized and shall have full power, either directly or  
24 through agents, to invest and reinvest assets of the fund and to purchase, hold, sell, assign,  
25 transfer, and dispose of any securities and other investments in which assets of the fund have  
26 been invested, any proceeds of any investments, and any money belonging to the fund,  
27 provided that such power shall be subject to all terms, conditions, limitations, and restrictions  
28 imposed by the laws of the State of Georgia upon domestic life insurance companies in  
29 making and disposing of their investments; provided, further, that the board of trustees shall  
30 not invest more than 50 percent of the fund's assets in equities.

31 (e) The trustees shall not use or expend the corpus of this trust for any purpose. The trustees  
32 are authorized to pay to the city manager any part or all of the income from investment of  
33 this fund; provided, however, that any amount or amounts so paid to the city manager shall  
34 be used by him or her only for the care and maintenance of the cemeteries of the City of  
35 Griffin or for the purchase of land to be used solely for cemetery purposes.

**ARTICLE VII**  
**TRANSITION, REPEALER, AND EFFECTIVE DATE**  
**SECTION 7.1.**

## Existing code and prior ordinances.

5 All provisions of the Code of Griffin, Georgia and any uncodified ordinances, resolutions,  
6 rules, and regulations now in force in the city not inconsistent with this charter are hereby  
7 declared valid and of full effect and force until amended or repealed by the commission.

## SECTION 7.2.

## Existing personnel and officers.

10 Except as specifically provided otherwise by this charter, all personnel and officers of the  
11 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
12 effect for a period of 180 days before or during which the commission shall pass a transition  
13 ordinance detailing any changes in personnel and appointive officers required or desired and  
14 arranging such titles, rights, privileges, and powers as may be required or desired to allow  
15 a reasonable transition.

## **SECTION 7.3.**

## Pending matters.

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

## SECTION 7.4.

## Construction.

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

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

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

1 SECTION 7.5.

2 Severability.

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

9 SECTION 7.6.

10 Specific repealer.

11 Expressly saved from repeal are those provisions of the charter of the City of Griffin,  
12 Georgia, approved July 21, 1921 (Ga. L. 1921, p. 959), as amended, as relates to benefits  
13 payable to any vested participant or beneficiary, as defined, eligible to receive benefits from  
14 "The Employees Aid Fund," being that certain retirement plan for employees of the City of  
15 Griffin, created under local Act effective March 27, 1941; otherwise, such charter is hereby  
16 repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

17 SECTION 7.7.

18 Effective date.

19 This charter shall be submitted to the U.S. Department of Justice, Civil Rights Division,  
20 under Section 5 of the Voting Rights Act of 1965, as amended, for preclearance within 60  
21 days following certification of its enactment by the Secretary of State, with a copy thereof  
22 to the Attorney General of Georgia. The effective date of this charter shall be the thirtieth day  
23 following final receipt of notice of preclearance from the U.S. Attorney or his or her  
24 designee.

25 SECTION 7.8.

## 26 General repealer.

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