

House Bill 1735 (AS PASSED HOUSE AND SENATE)

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

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:

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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.

4 **SECTION 1.4.**

5 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.

10 **SECTION 1.5.**

11 Adoption of legislation; force and effect of
 12 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.

21 (b) A proposed ordinance may be introduced by any member of the commission, including
 22 the chairperson or presiding officer, at any meeting of the commission. Ordinances shall be
 23 considered and adopted or rejected in accordance with procedural rules which the
 24 commission may establish; provided, however, that an ordinance shall not be finally adopted
 25 the same day it is introduced, except for ordinances whose subject matter involves a zoning
 26 decision, the annexation of territory into the boundaries of the city, or an emergency matter
 27 as provided in this charter. Upon the introduction of any proposed ordinance, the secretary
 28 shall distribute copies to each member of the commission, the city manager, and the city
 29 attorney and shall make copies thereof available for public inspection and copying as
 30 provided by law. Upon adoption of any ordinance, the secretary shall authenticate its
 31 adoption by the secretary's signature and record the original in a properly indexed book kept
 32 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.

3 **ARTICLE II**

4 **COMMISSION AND COMMISSIONERS**

5 **SECTION 2.1.**

6 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.

19 **SECTION 2.2.**

20 Qualification and election of commissioners.

21 (a) Any person who is a citizen of this state, has attained the age of 18 years, and has at least
22 12 months' residency within the city shall be eligible to hold the office of commissioner;
23 provided, however, that no person who is not a qualified elector of the city, who has been
24 convicted of a felony or misdemeanor involving moral turpitude (unless that person's civil
25 rights have been restored), who holds a public office, or who is the holder of public funds
26 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.

3 **SECTION 3.2.**

4 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:

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

11 (2) At least 21 years of age;

12 (3) Of good moral character; and

13 (4) Free of a history of conviction for any felony or misdemeanor involving moral
14 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.

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

SECTION 3.5.

Municipal court judge.

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

SECTION 3.6.

Municipal court solicitor.

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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.

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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.

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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.

1 **SECTION 4.2.**

2 Procedure; rules of court.

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

14 **SECTION 4.3.**

15 Certiorari.

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

20 **ARTICLE V**

21 **POWERS GENERALLY**

22 **SECTION 5.1.**

23 General corporate powers.

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

SECTION 5.2.

Powers enumerated.

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

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

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

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

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

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

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

7 **ARTICLE VI**

8 **TRUSTS AND SPECIAL FUNDS**

9 **SECTION 6.1.**

10 **Light, Water, and Sewerage Emergency**

11 **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.

9 **SECTION 6.2.**

10 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.

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

SECTION 7.2.

Existing personnel and officers.

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

SECTION 7.3.

Pending matters.

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

SECTION 7.4.

Construction.

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

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

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

SECTION 7.5.

Severability.

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

SECTION 7.6.

Specific repealer.

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

SECTION 7.7.

Effective date.

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

SECTION 7.8.

General repealer.

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