

House Bill 1479

By: Representatives Carter of the 159th and Burns of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Rincon, approved April 4, 1997
2 (Ga. L. 1997, p. 3556), as amended, so as to provide for conflicts of interest; to provide for
3 a quorum; to provide for powers and duties of the mayor; to provide for jurisdiction of the
4 municipal court; to provide for appeals; to repeal provisions relating to the removal of
5 officers; to provide for city boards, commissions, and authorities; to repeal conflicting laws;
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide a new charter for the City of Rincon, approved April 4, 1997 (Ga. L.
10 1997, p. 3556), as amended, is amended by striking in its entirety paragraph (4) of
11 subsection (a) of Section 2.14 and inserting in lieu thereof the following:

12 "(a)(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
13 from any person, firm, or corporation which to such official, officer, or employee's
14 knowledge is interested, directly or indirectly, in any manner whatsoever, in business
15 dealings with the governmental body by which such person is engaged; provided, however,
16 that an elected official who is a candidate for public office may accept campaign
17 contributions and services in connection with any such campaign; and provided, further,
18 that an elected official may receive a valuable gift, the value of which may not exceed
19 \$100.00 per quarter of a calendar year nor exceed \$250.00 per calendar year; and provided,
20 further, that the same valuable gift must be offered to all council members; and in the event
21 an elected official wishes to accept a gift exceeding these guidelines, then the elected
22 official must obtain a waiver approved by a majority vote of the city council; or"

SECTION 2.

Said Act is further amended by striking in its entirety subsection (a) of Section 2.21 and inserting in lieu thereof the following:

"(a) Four of the council members shall constitute a quorum, which shall not include the mayor, and shall be authorized to transact business of the mayor and council. Voting on the adoption of ordinances shall be by a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four council members (including the mayor's vote in the case of a tie) shall be required for the adoption of any ordinance. Further, except as otherwise provided in this charter, the affirmative vote of a majority of the quorum present (including the mayor's vote in the case of a tie) shall be required for the adoption of any resolution or motion. The mayor shall be empowered to vote in case of a tie vote between the council members in order to break the tie."

SECTION 3.

Said Act is further amended by striking in its entirety Section 2.33 and inserting in lieu thereof the following:

"SECTION 2.33.**Powers and duties of mayor.**

The mayor shall:

- (1) Preside at all meetings of the mayor and council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and shall be the official spokesman for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
- (5) Vote to break any tie vote which may occur between the council members related to the adoption of any ordinance, resolution, or motion."

SECTION 4.

Said Act is further amended by striking in its entirety Section 3.11 and inserting in lieu thereof the following:

1 "SECTION 3.11.

2 City boards, city commissions, and city authorities.

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

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

11 (c) The mayor and council, by ordinance, may provide for the compensation and
12 reimbursement for actual and necessary expenses of the members of any city board, city
13 commission, or city authority.

14 (d) Except as otherwise provided by charter or by law, no member of any city board, city
15 commission, or city authority shall hold any elective office in the city.

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

19 (f) No member of a city board, city commission, or city authority shall assume office until
20 such member has executed and filed with the clerk of the city an oath obligating that
21 member to faithfully and impartially perform the duties of office, such oath to be
22 prescribed by ordinance and administered by the mayor.

23 (g) Any member of a city board, city commission, or city authority may be removed from
24 office for cause by a vote of five members of the mayor and council.

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

33 **SECTION 5.**

34 Said Act is further amended by striking subsection (b) of Section 4.13 and inserting in lieu
35 thereof the following:

1 "(b) The municipal court shall have authority to punish those in its presence for contempt,
2 provided that such punishment shall not exceed \$600.00, 20 days in jail, or both \$600.00
3 and 20 days in jail."

4 **SECTION 6.**

5 Said Act is further amended by striking in its entirety Section 4.14 and inserting in lieu
6 thereof the following:

7 "SECTION 4.14.

8 Appeal.

9 (a) A review on a decision of the municipal court, in the case of traffic violations, may be
10 by direct appeal to the State Court of Effingham County, Georgia, and any bond as may be
11 required to secure the costs of appeal to the State Court of Effingham County from the
12 municipal court shall lie as prescribed by law. An appeal to the state court shall not be a
13 de novo proceeding.

14 (b) The right to appeal from the decision and judgment of the municipal court shall exist
15 in all criminal cases and ordinance violation cases, and such appeal shall be obtained under
16 the sanction of a judge of the State Court of Effingham County under the laws of the State
17 of Georgia regulating the appealing of a case from the Magistrate Court of Effingham
18 County."

19 **SECTION 7.**

20 Said Act is further amended by striking in its entirety Section 5.16.

21 **SECTION 8.**

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