

House Bill 1157 (AS PASSED HOUSE AND SENATE)

By: Representative Sims of the 169<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide a new charter for the City of Broxton, Georgia, in the County  
2 of Coffee, approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, particularly by an Act  
3 approved April 6, 1992 (Ga. L. 1992, p. 5320), an ordinance filed February 16, 2004  
4 (Ga. L. 2004, p. 4777), an Act approved May 16, 2007 (Ga. L. 2007, p. 3549), and an Act  
5 approved May 6, 2009 (Ga. L. 2009, p. 3780), so as to provide qualifications for the city  
6 attorney and municipal court judge; to provide for the compensation of the municipal court  
7 judge; to provide for limitations on holding other offices and positions by members of the  
8 governing authority; to provide for qualifications for the city manager; to provide for certain  
9 requirements for certain disbursements under certain circumstances; to provide the timely  
10 deposit of funds received as fines, forfeitures, and fees; to provide for the manner of payment  
11 of such fines, forfeitures, and fees; to provide for penalties for not timely making such  
12 deposits; to provide for certain audits; to provide for penalties for failure to timely perform  
13 audits; to provide for related matters; to repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 style="text-align:center">**SECTION 1.**

16 An Act to provide a new charter for the City of Broxton, Georgia, in the County of Coffee,  
17 approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, particularly by an Act approved  
18 April 6, 1992 (Ga. L. 1992, p. 5320), an ordinance filed February 16, 2004 (Ga. L. 2004,  
19 p. 4777), an Act approved May 16, 2007 (Ga. L. 2007, p. 3549), and an Act approved May 6,  
20 2009 (Ga. L. 2009, p. 3780), is amended by revising subsection (a) of Section 2.10 as  
21 follows:

22 "(a) The Mayor and Council shall appoint a City Clerk and a City Treasurer who shall take  
23 such oath as required by the Mayor and Council. The City Clerk and City Treasurer may  
24 be the same person. Three (3) affirmative votes of the Mayor and Council shall be required  
25 for the appointment of the City Clerk and City Treasurer. The City Clerk and the City  
26 Treasurer shall serve at the pleasure of the Mayor and Council and may be removed at any

27 time by a vote of three (3) members of the Mayor and Council adopting a resolution to that  
 28 effect. Upon removal, the City Clerk and/or City Treasurer shall be paid forthwith any  
 29 accrued salary to the date of removal, plus two weeks additional salary. The City Clerk  
 30 and City Treasurer shall not be related to any member of the Mayor and Council by blood  
 31 or marriage within the sixth degree as computed according to the civil law."

## 32 SECTION 2.

33 Said Act is further amended by revising Section 2.11 as follows:

34 **"Section 2.11. City Attorney; Municipal Court Judge; Appointment, Compensation,**  
 35 **Qualifications, Duties.** (a) At its first regular meeting in January of each year, the Mayor  
 36 and Council, by majority vote, shall appoint a City Attorney and a Municipal Court Judge  
 37 who shall take such oath as required by the Mayor and Council. The City Attorney and  
 38 Municipal Court Judge shall serve until the first meeting in January of the following year,  
 39 and until their successors shall have been appointed and qualified, unless removed by a  
 40 majority vote of the Mayor and Council prior thereto. The City Attorney and the  
 41 Municipal Court Judge shall not be the Mayor or a member of the Council nor any  
 42 employee of the city.

43 (b) The City Attorney and the Municipal Court Judge shall receive such compensation as  
 44 the Mayor and Council shall decide. The compensation of the Municipal Court Judge shall  
 45 be established on a year-to-year basis.

46 (c)(1) The City Attorney shall be an attorney at law who has been licensed to engage in  
 47 the practice of law in Georgia for a minimum of two years at the time of appointment.

48 (2) The Municipal Court Judge shall be an attorney at law who has been licensed to  
 49 engage in the practice of law in Georgia for a minimum of two years at the time of  
 50 appointment.

51 (3) No person may simultaneously hold the offices of City Attorney and Municipal Court  
 52 Judge.

53 (4) The Municipal Court Judge shall comply with all of the ordinances of the city and  
 54 applicable laws of the State of Georgia to remain qualified to serve as municipal court  
 55 judge. The Municipal Court Judge shall serve as the judicial officer of the municipal  
 56 court of the city.

57 (d) The City Attorney shall be the legal advisor to the City and shall perform such duties  
 58 as required by law and by the Mayor and Council."

## 59 SECTION 3.

60 Said Act is further amended by revising subsection (a) of Section 2.12 as follows:

61 "(a) Except where authorized by law, neither the Mayor nor any Council member shall  
62 hold any other elective or compensated appointive office in the City of Broxton during the  
63 term for which he or she was elected or within one year after the expiration of the term for  
64 which he or she was elected. The Mayor and Mayor Pro Tempore shall not hold a  
65 compensated office or position with any other city or county or city or county agency  
66 during their terms of office."

67 **SECTION 4.**

68 Said Act is further amended by revising Section 4.11 as follows:

69 "**Section 4.11. City Manager; Appointment, Qualifications, Term, Compensation.** The  
70 Mayor and Council shall appoint a City Manager, if they desire but an appointment is not  
71 mandatory, who shall be the administrative head of the City government, and shall be  
72 responsible for the administration of all departments. Three (3) affirmative votes of the  
73 Mayor and Council shall be required for the appointment of the City Manager. The City  
74 Manager shall be appointed with regard to merit only and must be a resident of the City  
75 when appointed. The City Manager shall not be related to any member  
76 of the Mayor and Council by blood or marriage within the sixth degree as computed  
77 according to the civil law. The City Manager shall hold office during the pleasure of the  
78 Mayor and Council, and shall receive such compensation as the Mayor and Council shall  
79 determine. The City Manager may reside outside the City while in office only with the  
80 approval of the Mayor and Council. In the event the Mayor and Council exercise their  
81 option not to appoint a City Manager, the Mayor shall be the administrative head of the  
82 City government, and fulfill the responsibilities as hereinafter enumerated without  
83 receiving any additional compensation, other than his or her salary as the Mayor. If the  
84 Mayor and Council choose not to appoint a City Manager, all disbursements in excess of  
85 \$500.00 shall be co-signed by the Mayor and Mayor Pro Tempore."

86 **SECTION 5.**

87 Said Act is further amended by adding a new subsection to Section 5.2 to read as follows:

88 "(i) All fines, forfeitures, and fees shall be deposited in the appropriate accounts of the city  
89 within five business days following the receipt of such fines, forfeitures, and fees. These  
90 fines, forfeitures, and fees shall be subject to yearly audits of the city. Payment methods  
91 shall be cash, cashier's check, or money orders only. No personal checks shall be accepted  
92 for court fines, forfeitures, or fees. Failure to deposit the fines, forfeitures, and fees within  
93 five business days shall constitute a misdemeanor and malfeasance in office."

94 **SECTION 6.**

95 Said Act is further amended by revising Section 6.21 by adding a new subsection to read as  
96 follows:

97 "(d) Failure to perform the audits required by this section within the specified time frames  
98 shall be deemed malfeasance in office and subject the Mayor and Council to civil fines not  
99 to exceed \$500.00 each and removal from office."

100 **SECTION 7.**

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