

House Bill 1451 (AS PASSED HOUSE AND SENATE)

By: Representatives Dickson of the 6th, Williams of the 4th, and Weldon of the 3rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Varnell, approved May 4, 1992
2 (Ga. L. 1992, p. 6670), as amended, so as to change the corporate boundaries of said city; to
3 provide for election by majority vote for mayor and councilmembers; to change provisions
4 relating to cosigning checks by the mayor; to change provisions relating to the city clerk, city
5 treasurer, city administrator, municipal court clerk, police chief, and municipal court judge;
6 to eliminate the position of city marshal; to provide for additional positions; to revise
7 provisions relating to rules and regulations; to provide for related matters; to provide an
8 effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 An Act providing a new charter for the City of Varnell, approved May 4, 1992 (Ga. L. 1992,
12 p. 6670), as amended, is amended by adding a new subsection to Section 1.11 to read as
13 follows:

14 "(c) In addition to the territory included within the corporate boundaries of the City of
15 Varnell pursuant to subsections (a) and (b) of this section, the following described territory
16 shall also be included within the corporate boundaries of the City of Varnell:

17 All of the right-of-way of State Route 71 from its intersection with Maple Grove Road
18 south to its intersection with Broadacre Road; all of the right-of-way of Prater's Mill Road
19 from the bridge where existing corporate municipal boundary ends east to its intersection
20 with Crow Road; additionally the following parcel numbers as per the tax registration
21 system and map of the Whitfield County Tax Assessor's office: 11-192-02-019;
22 11-263-01-058; 11-263-01-068; 11-263-01-037; 11-263-01-016; 11-263-01-059;
23 11-193-02-007; 11-263-01-020; 11-189-05-007; 11-229-01-003; 11-156-04-010;
24 11-229-03-030; 11-277-01-008; 11-265-01-005; 11-173-20-000; 11-192-02-018;
25 11-209-07-000; 11-209-09-000; 11-209-02-000; 11-155-01-006; 11-155-01-009;
26 11-156-05-000; 11-169 and including all of the right-of-way of Nob North Drive in the

27 Highland Forest Subdivision, Phase 5; 11-170-02-000; 11-190-02-030; 11-229-03-026;
 28 11-264-06-029; 11-190-02-063; 11-156-02-002; 11-190-02-199; 11-277-01-039;
 29 11-263-01-024; 11-173-05-000; 11-190-02-126; 11-190-02-216; 11-265-01-035;
 30 11-156-02-008; 11-207-01-000; 11-189-02-103; 11-264-06-027; 11-263-01-084;
 31 11-190-02-092; 11-190-05-000; 11-190-02-206; 11-190-02-036; 11-190-02-037;
 32 11-228-01-005; 11-264-02-021; 11-264-08-118; 11-189-05-005; 11-173-11-000;
 33 11-281-07-000; 11-277-02-000; 11-264-06-021; 11-191-02-014; 11-261-09-000 and
 34 11-190-02-016."

35 **SECTION 2.**

36 Said Act is further amended by striking Section 2.14 and inserting in lieu thereof a new
 37 section to read as follows:

38 "SECTION 2.14.

39 Election by majority.

40 Persons receiving a majority of the votes cast for either the mayor or councilmember shall
 41 be elected."

42 **SECTION 3.**

43 Said Act is further amended by striking paragraph (4) of Section 3.22 and inserting in lieu
 44 thereof a new paragraph to read as follows:

45 "(4) Cosign or designate the city administrator to cosign in his or her stead, along with
 46 an individual so designated by majority vote of the city council, all checks for the
 47 payment of money, after payment of unpaid invoices, bills, and vouchers is approved by
 48 the mayor or his or her city administrator designee and city council and approval for
 49 payment has been entered upon the minutes of the city;"

50 **SECTION 4.**

51 Said Act is further amended by striking Sections 4.13 through 4.19 and inserting in lieu
 52 thereof new sections to read as follows:

53 "SECTION 4.13.

54 City clerk.

55 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
 56 shall be custodian of the official city seal, maintain city council records required by this

57 charter, and perform such other duties as may be required by the city council. The city
58 council may appoint an assistant city clerk who shall serve in the absence of the city clerk
59 to perform such duties as he or she may be directed. The city clerk shall be appointed at the
60 organizational meeting in January for a period of two years unless an employment contract
61 for a greater length of time has been consummated. Vacancies may be filled by immediate
62 action of the city council for the unexpired term of appointment, if applicable, or if occurring
63 prior to the expiration of any contract term for the period until the next organizational
64 meeting of the mayor and city council.

65 SECTION 4.14.

66 City treasurer.

67 The city council shall appoint a city treasurer to perform the duties of a treasurer and fiscal
68 officer. The city council may by ordinance abolish the position of city treasurer and provide
69 that the duties of the city treasurer shall be performed by the city administrator. The city
70 treasurer shall be appointed at the organizational meeting in January for a period of two years
71 unless an employment contract for a greater length of time has been consummated.
72 Vacancies may be filled by immediate action of the city council for the unexpired term of
73 appointment, if applicable, or if occurring prior to the expiration of any contract term for the
74 period until the next organizational meeting of the mayor and city council.

75 SECTION 4.15.

76 City administrator.

77 The mayor and council shall appoint a city administrator and provide by ordinance for the
78 powers, duties, appointment, qualifications, and compensation of the city administrator. The
79 city administrator shall be appointed at the organizational meeting in January for a period of
80 two years unless an employment contract for a greater length of time has been consummated.
81 Vacancies may be filled by immediate action of the city council for the unexpired term of
82 appointment, if applicable, or if occurring prior to the expiration of any contract term for the
83 period until the next organizational meeting of the mayor and city council. Each place in the
84 charter where the term "city manager" occurs shall be deemed hereafter to mean and refer
85 to "city administrator."

86 SECTION 4.16.

87 Municipal court clerk.

88 The mayor and council, acting in their sole discretion, are authorized to create the position
89 of municipal court clerk and to provide by ordinance for the powers, duties, appointment,
90 qualifications, and compensation of the municipal court clerk. The city clerk shall serve as
91 ex officio municipal court clerk in the absence of the municipal court clerk. The municipal
92 court clerk shall be appointed at the organizational meeting in January for a period of two
93 years unless an employment contract for a greater length of time has been consummated.
94 Vacancies may be filled by immediate action of the city council for the unexpired term of
95 appointment, if applicable, or if occurring prior to the expiration of any contract term for the
96 period until the next organizational meeting of the mayor and city council.

97 SECTION 4.17.

98 Police chief.

99 The mayor and council, acting in their sole discretion, are authorized to create the position
100 of police chief and to provide by ordinance for the powers, duties, appointment,
101 qualifications, and compensation of the police chief. The police chief shall be appointed at
102 the organizational meeting in January for a period of two years unless an employment
103 contract for a greater length of time has been consummated. Vacancies may be filled by
104 immediate action of the city council for the unexpired term of appointment, if applicable, or
105 if occurring prior to the expiration of any contract term for the period until the next
106 organizational meeting of the mayor and city council.

107 SECTION 4.18.

108 Parks and recreation director.

109 The mayor and council, acting in their sole discretion, are authorized to create the position
110 of parks and recreation director and to provide by ordinance for the powers, duties,
111 appointment, qualifications, and compensation of the parks and recreation director. The
112 parks and recreation director shall be appointed at the organizational meeting in January for
113 a period of two years unless an employment contract for a greater length of time has been
114 consummated. Vacancies may be filled by immediate action of the city council for the
115 unexpired term of appointment, if applicable, or if occurring prior to the expiration of any
116 contract term for the period until the next organizational meeting of the mayor and city
117 council.

118 SECTION 4.19.

119 Public works director.

120 The mayor and council, acting in their sole discretion, are authorized to create the position
 121 of public works director and to provide by ordinance for the powers, duties, appointment,
 122 qualifications, and compensation of the public works director. The public works director
 123 shall be appointed at the organizational meeting in January for a period of two years unless
 124 an employment contract for a greater length of time has been consummated. Vacancies may
 125 be filled by immediate action of the city council for the unexpired term of appointment, if
 126 applicable, or if occurring prior to the expiration of any contract term for the period until the
 127 next organizational meeting of the mayor and city council.

128 SECTION 4.20.

129 Rules and regulations.

130 The city council shall adopt rules and regulations consistent with this charter concerning:

131 (1) The method of employee selection and probationary periods of employment;

132 (2) The administration of a position classification and pay plan, methods of promotion
 133 and applications of service ratings thereto, and transfer of employees within the
 134 classification plan;

135 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 136 the order and manner in which layoffs shall be effected;

137 (4) Such dismissal hearings as due process may require; and

138 (5) Such other personnel notices as may be necessary to provide for adequate and
 139 systematic handling of personnel affairs.

140 SECTION 4.21.

141 Municipal court clerk; oath.

142 The municipal court clerk will be administered the same oath as the municipal judge as
 143 outlined in subsection (e) of Section 5.11 of this charter except that the term "clerk" shall be
 144 substituted for the term "judge" in such oath."

145 SECTION 5.

146 Said Act is further amended by striking subsections (a) and (b) of Section 5.11 and inserting
 147 in lieu thereof new subsections to read as follows:

148 "(a) The municipal court shall be presided over by a chief judge and such other part-time,
149 full-time, or stand-by judges as shall be provided by ordinance. The method of selection
150 and terms of other part-time, full-time, or stand-by judges shall be provided by ordinance.
151 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
152 unless he or she shall have attained the age of 21 years and shall be a member of the State
153 Bar of Georgia. All judges shall be appointed by the city council. The chief judge shall
154 be appointed at the first meeting in January for a period of one year unless an employment
155 contract for a greater length of time has been consummated. The other part-time, full-time,
156 or stand-by judges shall serve until they resign or are removed for cause by the city
157 council."

158 **SECTION 6.**

159 This Act shall become effective on July 1, 2010.

160 **SECTION 7.**

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