House Bill 396 (COMMITTEE SUBSTITUTE)

By: Representatives Rice of the 51st, Marin of the 96th, Coleman of the 97th, Sheldon of the 105th, Casas of the 103rd, and others

A BILL TO BE ENTITLED

AN ACT

To incorporate the City of Peachtree Corners; to provide a charter; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

This Act shall constitute the charter of the City of Peachtree Corners. The city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style "City of Peachtree Corners, Georgia," and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Peachtree Corners, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) Except as provided in subsection (b) of this section, this city shall have the following powers:

(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 under this charter;

(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 regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(5) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(6) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(7) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(8) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(10) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(11) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(12) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon

such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(13) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

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

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

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

(18) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

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

(20) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of parks and playgrounds, public grounds, recreational facilities, public buildings, and charitable, cultural, educational, recreational, conservation, and sport institutions, agencies, and facilities; and to regulate the use of public improvements;

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

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

(23) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(24) Roadways. To grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

(27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;

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

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

(b) Except as provided in subsection (c) of this section, the city shall exercise the powers enumerated in subsection (a) of this section only for the purposes of planning and zoning, code adoption and enforcement, and solid waste management services and those items directly related to the provision of such services and for the general administration of the city in providing such services.

(c) In the event that the city desires to provide services in addition to those services enumerated in subsection (b) of this section, the city council shall pass a resolution specifically stating the services sought to be offered by the city and shall submit the approval of such resolution for ratification by the electors of the city in a referendum. If the electors of the city vote in favor of ratifying such resolution, then the city shall be authorized to exercise the powers enumerated in subsection (a) of this section for the purpose of providing such services stated in such resolution and those items directly related to the provision of such services and for the general administration of the city in providing such services. If the

electors of the city disapprove such resolution, it shall immediately be null and void and of no force and effect.

SECTION 1.13.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The mayor and councilmembers shall be elected in the manner provided by this charter.

SECTION 2.11.

City councilmembers;

terms and qualifications for office.

(a) Except as otherwise provided in Article VIII of this charter for the initial terms of office, the members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. The term of office of each member of the city council shall begin on the first day of January immediately following the election of such member unless general law authorizes or requires the term to begin at the first organizational meeting in January or upon some other date. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this city.

(b) The city council seats shall be designated Post 1, Post 2, Post 3, Post 4, Post 5, and Post 6. Candidates shall designate the post for which they are offering for election when qualifying for election.

(c)(1) The members of the city council from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority vote.

(2) For the purposes of electing members of the city council from Post 1, Post 2, and Post 3, the city is divided into three districts. One member of the board shall be elected from each such district by only the electors of such district by majority vote. Post 1, Post 2, and Post 3 shall be and correspond to those three numbered districts as described in the districting plan attached to and made a part of this Act and further identified as Plan Name: peachprop1-3dist Plan Type: Local User: Shantee Administrator: H051.

(d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a tract description which are underneath a 'BG' heading shall mean and describe individual blocks within a block group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the city which is not included in Post 1, Post 2, or Post 3 as described in that attachment describing Post 1, Post 2, and Post 3 shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the city which is described in that attachment describing Post 1, Post 2, and Post 3 as being in Post 1, Post 2, or Post 3 shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within the post that is contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia. If any area included within the descriptions of Post 1, Post 2, or Post 3 is on the effective date of this Act within the municipal boundaries of another municipality or within a county other than Gwinnett County, such area shall not be included within the district descriptions of such posts.

SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon such person's failing or ceasing to reside in the city or upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) Suspension. Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

SECTION 2.13.

Compensation and expenses.

(a) The mayor shall receive an initial salary of $9,000.00 per year, paid in equal monthly installments from the funds of the municipality. Each councilmember shall receive an initial salary of $8,000.00 per year, paid in equal monthly installments from the funds of the municipality.

(b) The mayor and councilmembers may alter such compensation for their services as provided by law.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official

duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure. Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property. No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable. Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that person was elected.

(g) Political activities of certain officers and employees. No appointed officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation.

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit that person's office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

SECTION 2.17.

Organizational meetings.

Unless otherwise provided by ordinance, the city council shall hold an organizational meeting on the first Tuesday in January of each even-numbered year. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

SECTION 2.18.

Meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made as fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

SECTION 2.19.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping of a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.20.

Quorum; voting.

Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any councilmember shall have the right to request 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 councilmembers shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote.

SECTION 2.21.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Peachtree Corners..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.22.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.23.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.24.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well

as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.25.

Signing; authenticating;
recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Peachtree Corners, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.26.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and shall serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be elected at-large by majority vote. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period

of the mayor's service. The mayor shall forfeit the office of mayor on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.27.

Mayor pro tempore.

By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

SECTION 2.28.

Powers and duties of mayor.

The mayor shall:

(1) Preside at all meetings of the city council;

(2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

(3) Have the 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;

(5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;

(6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and

(7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

ARTICLE III

ADMINISTRATIVE AFFAIRS

SECTION 3.10.

Administrative and service departments.

(a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by the mayor and council unless otherwise provided by law.

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

SECTION 3.12.

City attorney.

The mayor and council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the mayor and council and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney.

SECTION 3.13.

City clerk.

The mayor and council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records

required by this charter; and perform such other duties as may be required by the city council.

SECTION 3.14.

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.15.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.10.

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Peachtree Corners.

SECTION 4.11.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.19 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed $200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of $1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the

property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

Except as otherwise provided in Article VIII of this charter for the initial elections, there shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November. There shall be elected the mayor and three councilmembers at one election and at every other election thereafter. The remaining councilmember seats shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.13.

Election by majority vote.

The councilmembers from Post 1, Post 2, and Post 3 shall be elected by a majority vote of the electors of their respective districts. The mayor and councilmembers from Post 4, Post 5, and Post 6 shall be elected by a majority vote of the votes cast for each position by the electors of the city at large.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election

to fill the balance of the unexpired term of such official; provided, however, that, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

(a) A councilmember, the mayor, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Peachtree Corners.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council by ordinance shall establish a millage rate for the city property tax which shall not exceed 1 mill, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses; permits; fees.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and pay a regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

RESERVED.

SECTION 6.17.

Construction; other taxes.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

RESERVED.

SECTION 6.20.

RESERVED.

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.24.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans. The city council shall also comply with the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.25.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by city council on budget.

(a) The councilmembers may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than December 15 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

SECTION 6.27.

Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.23 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than December 15 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the mayor may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.30.

Audits.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.31.

Procurement and property management.

No contract with the city shall be binding on the city unless:

(1) It is in writing;

(2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and

(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.19 of this charter.

SECTION 6.32.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale and lease of property.

(a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
(b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.34.

Apportionment of revenue.

Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is authorized to pay all revenues collected by Gwinnett County on behalf of the city to the county in exchange for continuation of services during the transition period provided in Section 8.11 of this charter and beyond, with the exception of the following revenues, which shall stay with the city:

(1) New revenues from utility franchise fees;

(2) Fines collected in municipal court; and

(3) Revenues generated from any additional millage of up to 1 mill above the millage rate imposed in the county special service district.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.10.

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Construction and definitions.

(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.

ARTICLE VIII

REFERENDUM AND INITIAL ELECTIONS

SECTION 8.10.

Referendum and initial election.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Gwinnett County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Peachtree Corners for approval or rejection. The superintendent shall set the date of such election for the Tuesday after the first Monday in November, 2011. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Gwinnett County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act incorporating the City of Peachtree Corners in Gwinnett
( ) NO County according to the charter contained in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and effect. The initial expense of such election shall be borne by Gwinnett County. Within two years after the elections if the incorporation is approved, the City of Peachtree Corners shall reimburse Gwinnett County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Peachtree Corners to be held on the date of the 2012 presidential preference primary, the qualified electors of the City of Peachtree Corners shall be those qualified electors of Gwinnett County residing within the corporate limits of the City of Peachtree Corners as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of Peachtree Corners shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for in subsection (a) of this section and holding and conducting the special election of the City of Peachtree Corners to be held on the date of the 2012 presidential preference primary, the election superintendent of Gwinnett County is vested with the powers and duties of the election superintendent of the City of Peachtree Corners and the powers and duties of the governing authority of the City of Peachtree Corners.

SECTION 8.11.

Effective dates and transition.

(a) The provisions of this Act necessary for the referendum election provided for in Section 8.10 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election provided for in Section 8.13 of this charter shall be effective upon the certification of the results of the referendum election provided for by Section 8.10 of this charter if this Act is approved at such referendum election.

(c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2012, except that the initial mayor and councilmembers shall take office immediately following their election and by action of a quorum may prior to 12:00 Midnight on June 30, 2012, meet and take actions binding on the city.

(d) A period of time will be needed for an orderly transition of various government functions from Gwinnett County to the City of Peachtree Corners. Accordingly there shall be a transition period beginning on the date the initial mayor and councilmembers take office under this charter, and ending at 12:00 Midnight on December 31, 2013. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(e) During such transition period, Gwinnett County shall continue to provide within the territorial limits of the city all government services and functions which Gwinnett County provided in that area during the years 2010 and 2011 and at the same actual cost, except to the extent otherwise provided in this section; provided, however, that upon at least 60 days' prior written notice to Gwinnett County by the City of Peachtree Corners, responsibility for any such service or function shall be transferred to the City of Peachtree Corners. During the transition period, the city shall remain within the Gwinnett County special services district, but shall be removed from such district at the conclusion of such period. Beginning December 1, 2012, the City of Peachtree Corners shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city in the same manner as authorized immediately prior to the effective date of this section; provided, however, that upon at least 60 days' prior written notice to Gwinnett County by the City of Peachtree Corners, the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with Gwinnett County after December 1, 2012, until such time as Gwinnett County receives subsequent notice from the City of Peachtree Corners that such authority shall be transferred to the City of Peachtree Corners.

(f) During the transition period, the governing authority of the City of Peachtree Corners:

(1) Shall hold regular meetings and may hold special meetings as provided in this charter;

(2) May enact ordinances and resolutions as provided in this charter;

(3) May amend this charter by home rule action as provided by general law;

(4) May accept gifts and grants;

(5) May borrow money and incur indebtedness to the extent authorized by this charter and general law;

(6) May levy and collect an ad valorem tax for calendar years 2012 and 2013;

(7) May establish a fiscal year and budget;

(8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and

(9) May generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.

(g) Except as otherwise provided in this section, during the transition period, the Municipal Court of the City of Peachtree Corners shall not exercise its jurisdiction. During the transition period, all ordinances of Gwinnett County shall remain applicable within the territorial limits of the city and the appropriate court or courts of Gwinnett County shall retain jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent resolutions and ordinances if needed Gwinnett County and the City of Peachtree Corners may during the transition period transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Peachtree Corners. Any transfer of jurisdiction to the City of Peachtree Corners during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Gwinnett County or the pending prosecution of any violation of any ordinance of Gwinnett County.

(h) During the transition period, the governing authority of the City of Peachtree Corners may at any time, without the necessity of any agreement by Gwinnett County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Peachtree Corners commencing to exercise its planning and zoning powers, the Municipal Court of the City of Peachtree Corners shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(i) Effective upon the termination of the transition period, subsections (b) through (h) of this section shall cease to apply except for the last sentence of subsection (g) which shall remain effective. Effective upon the termination of the transition period, the City of Peachtree Corners shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 8.12.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any

action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

(1) If it is not possible to hold the referendum election provided for in Section 8.10 of this charter on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and

(2) If it is not possible to hold the first election provided for in Section 8.13 of this charter on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 8.13.

Special election.

(a) The first election for mayor and councilmembers shall be a special election held on the date of the 2012 presidential preference primary. At such election, the first mayor and councilmembers shall be elected to serve for the initial terms of office specified in subsections (b), (c), and (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2013. The successors to the first mayor and initial councilmembers and future successors shall take office at the first organizational meeting in January immediately following their election and shall serve for terms of four years and until their respective successors are elected and qualified.

(b) The members of the city council from Post 1, Post 2, and Post 3 shall be elected by majority vote of the electors of their respective districts. The members of the city council from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority vote. The initial members elected from Post 2, Post 4, and Post 6 shall serve a term of office of two years and until their respective successors are elected and qualified. The initial members elected from Post 1, Post 3, and Post 5 shall serve a term of office of four years and until their respective successors are elected and qualified. Thereafter, successors to such initial members shall serve four-year terms of office and until their respective successors are elected and qualified.

(c) The mayor of the City of Peachtree Corners shall be elected by a majority vote of the qualified electors of the city at large. The mayor shall serve a term of four years and until

his or her successor is elected and qualified and successors to the mayor shall serve four-year terms of office and until their successors are elected and qualified.

ARTICLE IX

GENERAL REPEALER

SECTION 9.10.

General repealer.

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

APPENDIX A

Lying entirely within Gwinnett County, a political subdivision of the State of Georgia, and beginning at the point where the counties of Fulton, DeKalb and Gwinnett intersect, thence following the county line common between Fulton and Gwinnett counties in a generally northeasterly direction to the point where the Fulton/Gwinnett boundary line intersects the Chattahoochee River; thence running in a generally northeasterly direction following the Fulton/Gwinnett boundary line along the southern bank of the Chattahoochee River, following the meanderings thereof, to the point where the county boundary line intersects the southwestern boundary line of the City of Berkeley Lake; thence running in a generally southern direction following the municipal boundary line of the City of Berkeley Lake to a point where the said boundary line intersects with the City of Duluth municipal boundary; thence running along the municipal boundary of the City of Duluth until it intersects with the centerline of Buford Highway; thence running generally southwest along the centerline of Buford Highway to the point where said centerline intersects the municipal boundary line of the City of Norcross; thence following said municipal boundary in a generally southwesterly direction to the intersection of Buford Highway and Jimmy Carter Boulevard; thence continuing in a southwesterly direction along the centerline of Buford Highway to the point where said centerline intersects the boundary line common between DeKalb and Gwinnett counties; thence in a generally northwest direction along the DeKalb/Gwinnett boundary line to the point of beginning.