

Senate Bill 228

By: Senator Butler of the 55th

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Snellville, approved April 28, 2001  
2 (Ga. L. 2001, p. 4566), as amended, particularly by an Act approved May 5, 2004 (Ga. L.  
3 2004, p. 3575), so as to make numerous administrative and clerical changes; to clarify that  
4 the mayor and councilmembers shall be elected from the city at large; to provide for delivery  
5 of notice of city council meetings; to provide for powers and duties of the mayor, mayor pro  
6 tempore, and city manager; to provide for the compensation of the mayor; to provide that a  
7 person may serve as mayor only for two consecutive terms and as councilmember only for  
8 three consecutive terms; to provide that appointed officials serve at the pleasure of the mayor  
9 and city council; to provide for related matters; to repeal conflicting laws; and for other  
10 purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 An Act providing a new charter for the City of Snellville, approved April 28, 2001 (Ga. L.  
14 2001, p. 4566), as amended, particularly by an Act approved May 5, 2004 (Ga. L. 2004, p.  
15 3575), is amended by revising paragraph (1) of Section 1.13 as follows:

16 "(1) Reserved."

17 style="text-align:center">**SECTION 2.**

18 Said Act is further amended by revising subsections (a) and (c) of Section 2.10 as follows:

19 "(a) The legislative authority of the government of this city, except as otherwise  
20 specifically provided in this charter, shall be vested in a city council to be composed of a  
21 mayor and five councilmembers, and of which the mayor shall be a voting member. The  
22 city council established shall in all respects be a successor to and continuation of the  
23 governing authority under prior law."

24 "(c) For the purpose of electing the five councilmembers of the city, there shall be five  
25 council posts to be designated Council Post 1 through Council Post 5. Each person

26 desiring to offer as a candidate for councilmember shall designate the council post for  
 27 which he or she is offering. Any person serving as mayor or as councilmember of a  
 28 different post desiring to become a candidate for councilmember shall resign his or her  
 29 position of mayor or councilmember of a different post upon qualifying as a candidate for  
 30 councilmember. The mayor and councilmembers shall be elected from the city at large."

31 **SECTION 3.**

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

33 "SECTION 2.11.

34 Terms and qualifications for office.

35 (a) The mayor and members of the city council shall serve for terms of four years and until  
 36 their respective successors are elected and qualified on a staggered basis in alternate  
 37 election cycles such that every two years three councilmembers or in the alternative the  
 38 mayor and two councilmembers are elected, except as otherwise provided in Article V of  
 39 this charter.

40 (b)(1) The mayor shall be limited to serving two full, consecutive four-year terms of  
 41 office.

42 (2) Councilmembers shall be limited to serving three full, consecutive terms of office.

43 (3) Persons who serve terms of less than four years as a result of being elected to an  
 44 unexpired term shall not be considered to have served a full term of office for the  
 45 purposes of this subsection.

46 (4) Persons shall be eligible to requalify for said office after having been out of office  
 47 for one term.

48 (c) No person shall be eligible to serve as mayor or councilmember unless that person shall  
 49 have attained the age of 21 years prior to the date of qualifying, shall be a registered and  
 50 qualified voter, and shall have been a resident of the city for a continuous period of at least  
 51 12 months immediately prior to the date of his or her current election for mayor or as a  
 52 councilmember; each elected official shall continue to reside therein during that member's  
 53 period of service and shall be registered and qualified to vote in municipal elections of this  
 54 city. No person shall be eligible to serve as mayor or a councilmember unless they meet  
 55 the qualification standards prescribed by the Georgia Constitution and state laws including  
 56 those standards set forth in Code Section 45-2-1 of the O.C.G.A.

57 (d) No person's name shall be listed as a candidate on the ballot for election for either  
 58 mayor or councilmember unless such person shall file a written notice with the clerk of said  
 59 city that such person desires his or her name to be placed on said ballot as a candidate

60 either for mayor or councilmember and in the case of a candidate for councilmember  
 61 designates the post for which he or she is a candidate. No person shall be eligible for the  
 62 office of mayor or councilmember unless such person shall file said notice within the time  
 63 provided for in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'"

64 **SECTION 4.**

65 Said Act is further amended by revising section 2.12 as follows:

66 "SECTION 2.12.

67 Vacancy; filling of vacancies.

68 (a) The office of mayor or councilmember shall become vacant upon the incumbent's  
 69 death, resignation, forfeiture of office, or occurrence of any event specified by the  
 70 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable state  
 71 laws as are or may hereafter be enacted.

72 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder  
 73 of the unexpired term, if any, by appointment by the mayor and confirmed by the city  
 74 council if less than 12 months remain in the unexpired term. Otherwise, if such vacancy  
 75 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled  
 76 for the remainder of the unexpired term by a special election as provided for in Section  
 77 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such  
 78 state laws as are or may hereafter be enacted."

79 **SECTION 5.**

80 Said Act is further amended by revising Section 2.14 as follows:

81 "SECTION 2.14.

82 Conflicts of interest; holding other offices.

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

85 (b) No elected official or employee of the city or any agency or political entity to which  
 86 this charter applies shall knowingly:

87 (1) Engage in any business or transaction, nor have a financial or other personal interest,  
 88 direct or indirect, which is incompatible with the proper discharge of his or her official  
 89 duties or which would tend to impair the independence of his or her judgment or action  
 90 in the performance of his or her official duties;

- 91 (2) Engage in or accept private employment or render services for private interests when  
92 such employment or service is incompatible with the proper discharge of his or her  
93 official duties or would tend to impair the independence of his or her judgment or action  
94 in the performance of his or her official duties;
- 95 (3) Disclose confidential information, including information obtained at meetings which  
96 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A. concerning the property,  
97 government, or affairs of the governmental body by which he or she is engaged without  
98 proper legal authorization or use such information to advance the financial or other  
99 private interest of himself or herself or others;
- 100 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
101 from any person, firm, or corporation which to his or her knowledge is interested, directly  
102 or indirectly, in any manner whatsoever, in business dealings with the governmental body  
103 by which he or she is engaged; provided, however, that an elected official who is a  
104 candidate for public office may accept campaign contributions and services in connection  
105 with any such campaign;
- 106 (5) Represent other private interests in any action or proceeding against this city or any  
107 portion of its government; or
- 108 (6) Vote or otherwise participate in the negotiation or in the making of any contract with  
109 any business or entity in which the official has financial interest.
- 110 (c) Any elected official, appointed officer, or employee who shall have any private  
111 financial interest, directly or indirectly, in any contract or matter pending before or within  
112 any department of the city shall disclose such private financial interest to the city council.  
113 The mayor or any councilmember who has a private interest in any matter pending before  
114 the city council shall disclose such private interest consistent with the city's code of ethics  
115 and such disclosure shall be entered on the records of the city council, and that official shall  
116 disqualify himself or herself, consistent with the city's code of ethics, from participating  
117 in any decision or vote relating thereto. Any elected official, appointed officer, or  
118 employee of any agency or political entity to which this charter applies who shall have any  
119 private financial interest, directly or indirectly, in any contract or matter pending before or  
120 within such entity shall disclose such private interest to the governing body of such agency  
121 or entity.
- 122 (d) No elected official, appointed officer, or employee of the city or any agency or entity  
123 to which this charter applies shall use property owned by such governmental entity for  
124 personal benefit or profit except in accordance with policies promulgated by the city  
125 council or the governing body of such agency or entity or unless use of such property is in  
126 their official capacity as an officer or employee of the city.

127 (e) Any violation of this section which occurs with the knowledge, express or implied, of  
 128 a party to a contract or sale shall render said contract or sale voidable at the option of the  
 129 city council.

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

136 (g) No appointive officer of the city shall continue in such employment upon qualifying  
 137 as a candidate for nomination or election to any public office in the city. No employee of  
 138 the city shall continue in such employment upon election to any public office in this city  
 139 or any other public office which is inconsistent, incompatible, or in conflict with the duties  
 140 of the city employee. Such determination shall be made by the mayor and city council  
 141 either immediately upon election or at any time such conflict may arise. No elected official  
 142 shall serve as an officer or on the board of a homeowners' association located within the  
 143 city. No member of an elected official's immediate family shall serve as an employee of  
 144 the city.

145 (h)(1) Any elected official, appointed officer, or employee of the city or any agency or  
 146 political entity to which this charter applies who knowingly conceals such financial  
 147 interest or knowingly violates any of the requirements of this section shall be guilty of  
 148 malfeasance in office or position and shall be deemed to have forfeited his or her office  
 149 or position.

150 (2) Any elected official, appointed officer, or employee of the city or any agency or  
 151 political entity to which this charter applies who shall forfeit his or her office or position  
 152 as described in paragraph (1) of this subsection shall be ineligible for appointment or  
 153 election to or employment in a position in the city government for a period of three years  
 154 thereafter."

155 **SECTION 6.**

156 Said Act is further amended by revising Section 2.16 as follows:

157 "Section 2.16.

158 General power and authority.

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

161 (b) In addition to all other powers conferred upon it by law, the council shall have the  
 162 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and  
 163 regulations, not inconsistent with this charter and the Constitution and the laws of the State  
 164 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,  
 165 protection of life and property, health, welfare, sanitation, comfort, convenience,  
 166 prosperity, or well-being of the inhabitants of the City of Snellville and may enforce such  
 167 ordinances by imposing penalties for violation thereof.

168 (c) The mayor and council may, by ordinances, create, change, alter, abolish, or  
 169 consolidate any non-elective offices, positions of employment, agencies, and departments  
 170 of the city and may prescribe the functions or duties to any of the non-elective offices,  
 171 positions of employment, agencies, and departments expressly provided for by this charter.

172 (d) The mayor and council may, by ordinance, delegate its authority regarding the  
 173 administrative affairs of the city unless such delegation is prohibited in this charter or by  
 174 the general laws or Constitution of the State of Georgia."

175 **SECTION 7.**

176 Said Act is further amended by revising Section 2.18 as follows:

177 "SECTION 2.18.

178 Organizational meetings.

179 The city council shall hold an organizational meeting on or before the second Monday of the  
 180 month immediately following any election. The meeting shall be called to order by the  
 181 mayor or the city clerk and the oath of office shall be administered to the newly elected  
 182 members by the city clerk or a judicial officer authorized to administer the oaths required by  
 183 Chapter 3 of Title 45 of the O.C.G.A. and shall, to the extent that it comports with federal  
 184 and state law, be as follows:

185 'I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)  
 186 (councilmember) of this city and that I will support and defend the charter thereof as well  
 187 as the Constitution and laws of the State of Georgia and of the United States of America.  
 188 I am not the holder of any unaccounted for public money due this state or any political  
 189 subdivision or authority thereof. I am not the holder of any office of trust under the  
 190 government of the United States, any other state, or any foreign state which I by the laws  
 191 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said  
 192 office according to the Constitution and laws of Georgia. I have been a resident [of my  
 193 district and] the City of Snellville for the time required by the Constitution and laws of this  
 194 state and by the municipal charter. I will perform the duties of my office in the best interest

195 of the City of Snellville to the best of my ability without fear, favor, affection, reward, or  
 196 expectation thereof."

197 **SECTION 8.**

198 Said Act is further amended by revising Section 2.19 as follows:

199 "SECTION 2.19.

200 Regular and special meetings.

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

203 (b) Special meetings of the city council may be held on call of the mayor or three members  
 204 of the city council. The call of a meeting shall be provided to the city clerk in writing and  
 205 shall include the names of those who have called for the meeting and the proposed agenda,  
 206 before any notice of the meeting is published unless the mayor and all councilmembers are  
 207 present for the call of the meeting or unless the call for the meeting is made during another  
 208 public meeting of the city council. Notice of such special meetings, including the date and  
 209 time of the meeting and business to be discussed, shall be served on all other members of  
 210 the city council and the city manager personally, by telephone, or by electronic  
 211 communications to the designated e-mail address for such communications at the City of  
 212 Snellville at least 24 hours in advance of the meeting. Such notice to councilmembers shall  
 213 not be required if the mayor and all councilmembers are present when the special meeting  
 214 is called. Such notice of any special meeting may be waived by a councilmember in  
 215 writing before or after such a meeting and attendance at the meeting shall also constitute  
 216 a waiver of notice on any business transacted in such councilmember's presence. Only the  
 217 business stated in the call may be transacted at the special meeting.

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

222 **SECTION 9.**

223 Said Act is further amended in Section 2.20 by revising subsection (b) as follows:

224 "(b) All city committees and committee chairpersons shall be appointed by the mayor and  
 225 shall serve at the pleasure of the mayor. The mayor shall have the power to nominate and  
 226 confirm new members to any committee at any time."

227 **SECTION 10.**

228 Said Act is further amended by revising Section 2.21 as follows:

229 "SECTION 2.21.

230 Quorum; voting.

231 The mayor and three council members shall constitute a quorum and shall be authorized to  
 232 transact business of the city council. When the mayor pro tem is presiding in the mayor's  
 233 absence, the mayor pro tem and three council members shall constitute a quorum. Voting  
 234 on the adoption of ordinances may be by voice vote and the vote shall be recorded in the  
 235 journal, but any member of the city council shall have the right to request a roll call vote and  
 236 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the  
 237 affirmative vote of a majority of the members of the mayor and city council present and  
 238 voting shall be required for the adoption of any ordinance, resolution, or motion. An  
 239 abstention shall be counted as an affirmative vote. When the mayor or a councilmember  
 240 does not vote after being disqualified as required by this charter, any state law, or local  
 241 ordinance, such lack of vote shall not be counted as either an affirmative or negative vote.  
 242 Once a quorum is established, the quorum cannot be defeated by the subsequent departure  
 243 of the mayor or a councilmember."

244 **SECTION 11.**

245 Said Act is further amended by revising Section 2.22 as follows:

246 "SECTION 2.22.

247 Ordinance form; procedures.

248 (a) Every proposed ordinance and resolution shall be introduced in writing and in the form  
 249 required for final adoption and the city council shall have the authority to approve,  
 250 disapprove, or amend the same. No ordinance shall contain a subject which is not  
 251 expressed in its title. The enacting clause shall be 'It is hereby ordained by the governing  
 252 authority of the City of Snellville....' and every ordinance shall so begin.

253 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
 254 special meeting of the city council. A resolution may be passed at the time it is offered, but  
 255 an ordinance shall not be adopted until the title of said ordinance has been read at two city  
 256 council meetings. Ordinances shall be considered and adopted or rejected by the city  
 257 council in accordance with the rules which it shall establish; provided, however, an  
 258 ordinance shall not be adopted the same day it is introduced, except for emergency

259 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance,  
 260 the clerk shall as soon as possible distribute a copy to the mayor and to each  
 261 councilmember and shall file a reasonable number of copies in the office of the clerk and  
 262 at such other public places as the city council may designate.

263 (c) An ordinance or resolution that has been passed by the city council shall become  
 264 effective on the date the ordinance is passed by the city council or on such other date as  
 265 may be specified in the ordinance."

266 **SECTION 12.**

267 Said Act is further amended in Section 2.25 by revising subsection (a) as follows:

268 "(a) The city council may adopt any standard code of technical regulations by reference  
 269 thereto in an adopting ordinance. The procedure and requirements governing such  
 270 adopting ordinance shall be as prescribed for ordinances generally except that:

271 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and  
 272 filing of copies of the ordinance shall be construed to include copies of any code of  
 273 technical regulations, as well as the adopting ordinance; and

274 (2) A copy of each adopted code of technical regulations, as well as the adopting  
 275 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of  
 276 this charter."

277 **SECTION 13.**

278 Said Act is further amended by repealing Sections 2.27 through 2.31.

279 **SECTION 14.**

280 Said Act is further amended by revising Section 3.10 as follows:

281 "SECTION 3.10.

282 Mayor and mayor pro tem.

283 (a) The mayor shall be elected at large by the registered voters within the city and serve  
 284 for terms of four years and until his or her successor is elected and qualified. Candidates  
 285 for the office of mayor shall follow the same qualifications and limitations as set forth in  
 286 Section 2.11 of this charter for all councilmembers. The mayor shall forfeit his or her  
 287 office on the same grounds and under the same procedure as for councilmembers and any  
 288 vacancy in the office of mayor shall be filled as outlined in Section 2.12 of this charter and  
 289 other applicable provisions of this charter and state law. The compensation of the mayor  
 290 shall be established in the same manner as for councilmembers.

291 (b) The mayor shall:

292 (1) Be the chief executive officer of the City of Snellville and as such shall possess all  
293 of the executive power granted to the city under the Constitution and laws of the State of  
294 Georgia and all the executive powers contained in this charter;

295 (2) Preside at all meetings of the city council, be counted towards a quorum and  
296 participate therein as a voting member on all matters before the city council;

297 (3) Be the head of the city for the purpose of service of process;

298 (4) Be the head of the city for ceremonial purposes and as such issue and sign all  
299 proclamations for ceremonial purposes;

300 (5) Be the official spokesperson for the city and the chief advocate of policy and as such  
301 serve as the city representative and spokesperson at all events and be the city's official  
302 representative to federal, state, and local governmental bodies and officials;

303 (6) Have the power to administer oaths and to take affidavits;

304 (7) Have the power to execute all contracts, deeds, and other obligations of the city  
305 within a level of authorization as established by the city council;

306 (8) Have the power to sign all orders, checks, and warrants for payment of money within  
307 a level of authorization as established by the city council;

308 (9) Sign as a matter of course on behalf of the city all written and approved ordinances,  
309 resolutions, and other instruments executed by the city which by law are required to be  
310 in writing;

311 (10) Have the authority to appoint city committees and members of citizen advisory  
312 boards and serve as an ex facto member of all said committees;

313 (11) Have the power to require the city manager to meet with him or her at a time and  
314 place designated for consultation and advice upon the affairs of the city;

315 (12) Nominate the city manager, city attorney, chief judge of municipal court members  
316 of city boards, agencies or commissions, and city representatives to non-city  
317 organizations, subject to confirmation by the city council;

318 (13) Appoint the city clerk and the city treasurer;

319 (14) Set the agenda for meetings of the city council after receiving input from members  
320 of the city council, the city manager, and the public; provided, however, that an additional  
321 item shall be added to the agenda upon the written request of any member of the city  
322 council if received prior to the publication of the agenda;

323 (15) Call for specially called meetings of the city council in compliance with the  
324 procedures set forth in this charter;

325 (16) See that all laws and ordinances of the city are faithfully executed;

326 (17) Have all of the powers specifically granted to the mayor elsewhere in this charter  
327 regardless of whether such powers are enumerated in this;

328 (18) Fulfill such other executive and administrative duties as the city council shall by  
329 ordinance establish; and

330 (19) Perform such other duties as may be required by law, this charter, or by ordinance.

331 (c) At the first meeting in January, the members of the city council shall elect, by a  
332 majority vote, a councilmember to serve as mayor pro tempore for that ensuing year. The  
333 mayor pro tempore shall assume the duties and powers of the mayor during the mayor's  
334 physical disability or absence. The mayor and council shall elect an acting mayor pro tem  
335 from among its members for any period in which the mayor pro tem is disabled, absent, or  
336 acting as mayor. Any such disability or absence shall be declared by a majority vote of the  
337 city council. The mayor pro tempore shall sign all contracts and ordinances in which the  
338 mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. The  
339 mayor pro tempore shall receive the same compensation as a councilmember."

340 **SECTION 15.**

341 Said Act is further amended by revising section 3.11 as follows:

342 "SECTION 3.11.

343 Boards, commissions, and authorities.

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

348 (b) All members of boards, commissions, citizen advisory boards or panels, and authorities  
349 of the city, except for the personnel board, shall be appointed nominated by the mayor  
350 subject to with the confirmation of the city council by a vote of at least three  
351 councilmembers, for such terms of office and in such manner as shall be provided by  
352 ordinance, except where other appointing authority, terms of office, or manner of  
353 appointment is prescribed by this charter or by applicable state law.

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

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

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

361 (f) No member of a board, commission, or authority shall assume office until he or she has  
 362 executed and filed with the clerk of the city an oath obligating himself or herself to  
 363 faithfully and impartially perform the duties of his or her office, such oath to be prescribed  
 364 by ordinance and administered by the mayor.

365 (g) All members of a board, commission, or authority shall serve at will and may be  
 366 removed from office by a vote of three members of the city council unless otherwise  
 367 approved by law.

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

376 **SECTION 16.**

377 Said Act is further amended by revising Section 3.12 as follows:

378 "SECTION 3.12.

379 City attorney.

380 (a) At the first regular meeting in January of each year, a city attorney shall be nominated  
 381 by the mayor subject to the confirmation of the city council by a vote of at least three  
 382 councilmembers. The city attorney shall be a member in good standing of the State Bar  
 383 of Georgia and shall not be a member of the city council. The city attorney shall serve at  
 384 the pleasure of the mayor and may be removed by the mayor with or without cause. The  
 385 mayor shall nominate with the confirmation of the city council by a vote of at least three  
 386 councilmembers such assistant city attorneys throughout the year as may be necessary.  
 387 The rates or salary paid to any city attorney or assistant city attorney shall be approved in  
 388 advance by the city council. The mayor shall approve all city attorney bills prior to  
 389 payment.

390 (b) The city attorney shall be responsible for providing the representation and defense of  
 391 the city in all litigation in which the city is a party; may be the prosecuting officer in the  
 392 municipal court; shall attend the meetings of the city council as directed; shall advise the  
 393 city council, mayor, and other officers and employees of the city concerning legal aspects  
 394 of the city's affairs; and shall perform such other duties as may be required of him or her

395 by virtue of his or her position as city attorney. The city attorney shall review all contracts  
396 of the city but shall not have the power to bind the city.

397 (c) The city attorney is not a public official of the city and does not take an oath of office.  
398 The city attorney shall at all times be an independent contractor. A law firm, rather than  
399 an individual, may be designated as the city attorney."

400 **SECTION 17.**

401 Said Act is further amended by revising Section 3.13 as follows:

402 "SECTION 3.13.

403 City clerk.

404 The mayor shall appoint a city clerk who shall not be a councilmember. The city clerk shall  
405 serve at the pleasure of the mayor. The city clerk shall be custodian of the official city seal,  
406 keep a journal of the proceedings of the city council, maintain in a safe place all records and  
407 documents pertaining to the affairs of the city, maintain city council records required by this  
408 charter, call a meeting of the city council to order, and perform such other duties as may be  
409 required by this charter, ordinance, state law or as directed by the city council. The city  
410 council shall provide for the compensation of the city clerk."

411 **SECTION 18.**

412 Said Act is further amended in Section 3.14 by revising subsections (a) and (b) as follows:

413 "(a) A city manager, who is not a member of the city council, shall be nominated by the  
414 mayor subject to the confirmation of the city council by a vote of at least three  
415 councilmembers. The terms, conditions, and compensation of the city manager's  
416 employment shall be set forth in a written contract approved by the city council. The city  
417 manager shall be the chief administrative officer of the city and manage and direct the daily  
418 operations of the city government in accordance with local ordinances, law, and policies  
419 prescribed by the city council. The city manager shall direct the administrative activities  
420 of the city; act as focal point for strategic planning, programming, and budgeting; supervise  
421 all city employees; serve as a liaison among the city staff and governing body; assist the  
422 general public; and serve on any committees created by the city council.

423 (b) The city manager shall specifically:

424 (1) Hire and, when the manager deems it necessary for the good of the city, discipline,  
425 suspend, or remove all employees, provided that excepted from this power are those  
426 officers and employees who by this charter are appointed or elected by the mayor or  
427 council or departments not under the jurisdiction of the city manager. The city manager

- 428 may delegate said authority to the head of a department or office regarding his or her  
 429 subordinates;
- 430 (2) Direct and supervise the administration of all departments of the city, except as  
 431 otherwise provided by this charter or state law;
- 432 (3) Prepare and submit to the city council for approval personnel policies and  
 433 procedures;
- 434 (4) Prepare and submit to the city council for approval a position classification and pay  
 435 plan;
- 436 (5) Prepare and administer the annual operating and capital improvements budgets and  
 437 any other budget and submit same to the city council;
- 438 (6) Prepare and submit to the city council, as of the end of the fiscal year, a complete  
 439 report on the finances and administrative activities of the city for the preceding year;
- 440 (7) Attend all meetings of the city council without a right to vote;
- 441 (8) See that all laws, provisions of this charter, and acts of the city council, subject to  
 442 enforcement by the manager or by officers subject to the manager's direction and  
 443 supervision, are faithfully executed; and
- 444 (9) Perform other such duties as may be required by the city council not inconsistent with  
 445 state laws, city ordinances, or this charter."

446 **SECTION 19.**

447 Said Act is further amended by revising Section 3.15 as follows:

448 "SECTION 3.15.

449 Administrative and service departments.

- 450 (a) Except as otherwise provided by this charter or by law, the directors of departments  
 451 and other appointed officers of the city shall be appointed solely on the basis of their  
 452 respective administrative and professional qualifications.
- 453 (b) All appointed officers and directors of departments shall receive such compensation  
 454 as prescribed by ordinance.
- 455 (c) There shall be a director of each department or agency who shall be its principal  
 456 officer. Each director shall, subject to the direction and supervision of the city manager,  
 457 be responsible for the administration and direction of the affairs and operations of his or  
 458 her department or agency."

459 **SECTION 20.**

460 Said Act is further amended by revising Section 3.16 as follows:

461 "SECTION 3.16.

462 City solicitor.

463 The mayor shall appoint a city solicitor and any assistant city solicitor as necessary, who  
 464 shall not be a councilmember, but who shall be a member in good standing of the State Bar  
 465 of Georgia. The city attorney or an associate may serve as the city solicitor by the  
 466 designation of the mayor. The city solicitor and any assistant city solicitors shall serve at the  
 467 pleasure of the mayor and may be removed at will with or without cause. The city solicitor  
 468 shall be responsible for the prosecution of all cases in the Municipal Court of Snellville and  
 469 any habeas claims or appeals that may arise from any and all such cases."

470 **SECTION 21.**

471 Said Act is further amended by revising section 4.11 as follows:

472 "SECTION 4.11.

473 Chief judge; associate judge.

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

476 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
 477 unless he or she has been an active member and in good standing of the State Bar of  
 478 Georgia for at least five years and shall possess all other qualifications required by law. All  
 479 judges shall be nominated by the mayor and confirmed by a vote of at least three  
 480 councilmembers annually at the first city council meeting in January and shall serve until  
 481 a successor is appointed and qualified.

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

483 (d) Judges serve at will and may be removed from office at any time with or without cause  
 484 by the mayor upon confirmation by a vote of at least three councilmembers the city council  
 485 unless otherwise provided by ordinance.

486 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the  
 487 judge will honestly and faithfully discharge the duties of his or her office to the best of that  
 488 person's ability and without fear, favor, or partiality. The oath shall be entered upon the  
 489 minutes of the city council journal required in Section 2.20 of this charter."

490 **SECTION 22.**

491 Said Act is further amended in Section 4.13 by revising subsection (c) as follows:

492 "(c) The municipal court may fix punishment for offenses within its jurisdiction not  
493 exceeding a fine of \$1,000.00 or imprisonment for six months, or both, or may fix  
494 punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided  
495 by state law."

496 **SECTION 23.**

497 Said Act is further amended by revising Section 5.16 as follows:

498 "SECTION 5.16.

499 Removal of officers.

500 (a) The mayor, or councilmembers shall be removed from office for any one or more of  
501 the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may  
502 hereafter be enacted.

503 (b) Removal of an officer elected official pursuant to subsection (a) of this section shall  
504 be accomplished by one of the following methods and in compliance with state law:

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

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

517 **SECTION 24.**

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