

House Bill 754

By: Representative Benton of the 31<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act to provide for a new charter for the City of Hoschton, Georgia, approved  
2 April 24, 2013 (Ga. L. 2013, p. 3539), as amended, so as to provide for a new governmental  
3 structure; to provide for the election and powers and duties of mayor; to provide for a mayor  
4 pro tem; to provide for the creation of the city council; to provide for expansion and the  
5 authority of the city council; to provide for qualifications for office; to provide for  
6 compensation and expenses; to provide for vacancies and suspensions; to provide for  
7 prohibitions; to provide for inquiries and investigations; to provide for eminent domain; to  
8 provide for organization and meeting procedures; to provide for ordinances, emergencies,  
9 and technical regulations; to provide for department heads; to provide for a city manager; to  
10 provide for position classification and pay plan; to provide for duties of the city manager; to  
11 provide for elections and removal; to remove provisions related to contracting; to provide for  
12 judges; to provide for special assessments; to provide for budget submission; to provide for  
13 sale and lease of property; to provide for existing personnel and policies; to make conforming  
14 changes; to provide for an effective date; to provide for related matters; to repeal conflicting  
15 laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 754

- 1 -

17 **SECTION 1.**

18 An Act to provide for a new charter for the City of Hoschton, Georgia, approved April 24,  
19 2013 (Ga. L. 2013, p. 3539), as amended, is amended by repealing Article II in its entirety  
20 and replacing it with a new Article II to read as follows:

21 "ARTICLE II  
22 GOVERNMENT STRUCTURE

## 23 SECTION 2.10.

24 Election of mayor.

25 The mayor shall be elected and serve for a term of four years and until a successor is elected  
26 and qualified. The first election of a mayor under this charter shall be held at the municipal  
27 elections to be held on November 2, 2021. The mayor shall be a qualified elector of the City  
28 of Hoschton and a resident of the city for at least 12 months immediately preceding his or  
29 her qualification for office. The mayor shall continue to reside in the City of Hoschton  
30 during the period of his or her service.

## 31 SECTION 2.11.

32 Powers and duties of mayor.

33 The mayor shall:

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

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

38 (3) Have the power to administer oaths;

- 39 (4) Be authorized to sign as a matter of course on behalf of the city all written and  
40 approved contracts, ordinances, and other instruments executed by the city which by law  
41 are required to be in writing;
- 42 (5) Vote on matters before the city council, make a respective motion, and be counted  
43 toward a quorum as any other councilmember; and
- 44 (6) Perform such other duties as may be required by law, this charter, or by ordinance.

45 SECTION 2.12.

46 Mayor pro tem; selection; duties.

47 The city council shall elect at the first meeting of each year by a majority vote a  
48 councilmember to serve as mayor pro tem, who shall serve in such capacity until such time  
49 as the mayor pro tem is reelected or a successor is elected at the first meeting of the  
50 following year. The mayor pro tem shall preside at all meetings of the city council and  
51 assume the duties and powers of the mayor during the mayor's disability, suspension, or  
52 absence. Any such disability or absence shall be declared by a majority vote of the city  
53 council. The city council by a majority vote shall elect a new mayor pro tem from among  
54 its members for any period during which the mayor pro tem is disabled, suspended, absent,  
55 or acting as mayor. Any such disability or absence shall be declared by a majority vote of  
56 the councilmembers.

57 SECTION 2.13.

58 City council creation; composition; number; election.

- 59 (a) The legislative authority of the government of the City of Hoschton, except as otherwise  
60 specifically provided in this charter, shall be vested in a city council to be composed of:

61 (1) A mayor and four councilmembers until such time as the councilmembers elected at  
62 the municipal general elections to be held in 2021 take office; and

63 (2) A mayor and six councilmembers after the councilmembers elected at the municipal  
64 general elections to be held in 2021 take office.

65 (b) The mayor and councilmembers shall be elected at large by the voters of the city and in  
66 the manner provided by general law and this charter. Except as provided in this section, the  
67 mayor and councilmembers shall serve for terms of four years and until their respective  
68 successors are elected and qualified.

69 (c) At the municipal general elections to be held in 2021:

70 (1) There shall be elected a mayor and four councilmembers;

71 (2) The candidate for mayor receiving the highest number of votes shall serve for a term  
72 of four years and until his or her successor is elected and qualified;

73 (3) The candidates for councilmember receiving the three highest number of votes shall  
74 serve for a term of four years and until their successors are elected and qualified; and

75 (4) The candidate for councilmember receiving the fourth highest number of votes shall  
76 serve for a term of two years and until his or her successor is elected and qualified.

77 (d) At the municipal general elections to be held in 2023, and every four years thereafter,  
78 there shall be elected three councilmembers. At the municipal general elections to be held  
79 in 2025, and every four years thereafter, there shall be elected a mayor and three  
80 councilmembers.

81 (e) No person's name shall be listed as a candidate on the ballot for election for either mayor  
82 or councilmember unless and until such person has filed a written notice with the clerk of the  
83 city that he or she desires his or her name to be placed on said ballot as a candidate either for  
84 mayor or councilmember. No person shall be eligible for the office of mayor or  
85 councilmember unless such person has filed said notice within the time provided for in  
86 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

87 SECTION 2.14.

88 City council qualifications.

89 No person shall be eligible to serve as a councilmember unless he or she is a qualified elector  
90 of the City of Hoschton and has been a resident of the city for at least 12 months immediately  
91 preceding his or her qualification for office. Each councilmember shall continue to reside  
92 in the City of Hoschton during the period of his or her service.

93 SECTION 2.15.

94 Compensation and expenses.

95 The mayor and councilmembers shall receive compensation and expenses for their services  
96 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A..

97 SECTION 2.16.

98 Vacancy; filling of vacancies; suspensions.

99 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,  
100 resignation, forfeiture of office, removal from office in a manner authorized by this charter  
101 or the general laws of the State of Georgia, or occurrence of any event specified by the  
102 Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws  
103 as are or may hereafter be enacted.

104 (b) A vacancy in the office of mayor or a councilmember shall be filled for the remainder  
105 of the unexpired term, if any, by appointment by the city council or those members  
106 remaining if less than six months remain in the unexpired term. If such vacancy occurs six  
107 months or more prior to the expiration of the term of that office, it shall be filled for the

108 remainder of the unexpired term by a special election, as provided for in Section 5.12 of this  
109 charter.

110 (c) This section shall also apply to a temporary vacancy created by the suspension from  
111 office of the mayor or any councilmember.

112 SECTION 2.17.

113 Prohibitions.

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

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

118 (1) Engage in any business or transaction or have a financial or other personal interest,  
119 direct or indirect, which is incompatible with the proper discharge of that person's official  
120 duties or which would tend to impair the independence of the official's judgment or action  
121 in the performance of those official duties;

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

126 (3) Disclose confidential information, including information obtained at meetings which  
127 are closed pursuant to Title 50, Chapter 14, of the O.C.G.A., concerning the property,  
128 government, or affairs of the City of Hoschton without proper legal authorization or use  
129 such information to advance the financial or other private interest of the official or others;

130 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
131 from any person, firm, or corporation which he or she knows is interested directly or  
132 indirectly in any manner whatsoever in business dealings with the City of Hoschton;

- 133 provided, however, that an elected official who is a candidate for public office may  
134 accept campaign contributions and services in connection with any such campaign insofar  
135 as permitted by the laws of the State of Georgia and other provisions of this charter;
- 136 (5) Represent other private interests in any action or proceeding against this city or any  
137 portion of its government; or
- 138 (6) Vote or otherwise participate in the negotiation or the making of any contract with  
139 any business or entity in which he or she has a financial interest.
- 140 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any  
141 financial interest, directly or indirectly, in any contract or matter pending before or within  
142 any department shall disclose such interest to the city council. The mayor or any  
143 councilmember who has a financial interest in any matter pending before the city council of  
144 the City of Hoschton shall disclose such interest and such disclosure shall be entered on the  
145 records of the city council and that councilmember shall be disqualified from participating  
146 in any decision or vote relating to that interest. Any elected official, appointed officer, or  
147 employee of any agency or political entity to which this charter applies who shall have any  
148 financial interest, directly or indirectly, in any contact or matter pending before or within  
149 such agency or entity shall disclose that interest to the governing body of such agency or  
150 entity.
- 151 (d) Use of public property. No elected official, appointed officer, or employee of the City  
152 of Hoschton or any agency or entity to which this charter applies, shall use property owned  
153 by the City of Hoschton for personal benefit, convenience, or profit.
- 154 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the  
155 knowledge, express or implied, of another party to a contract or sale shall render that contract  
156 or sale voidable at the option of the city council.
- 157 (f) Ineligibility of elected officials. Except where authorized by law, neither the mayor nor  
158 any councilmember shall hold any other elective or compensated appointive office in the  
159 City of Hoschton or otherwise be employed by said government or any agency thereof during

160 the term for which that official was elected. No former mayor and no former councilmember  
161 shall hold any compensated appointive office in the City of Hoschton until one year after the  
162 expiration of the term for which that individual was elected except as provided in the  
163 Constitution and laws of the State of Georgia or elsewhere in this charter.

164 (g) Political activities of certain officers, elected officials, and employees. No appointive  
165 officer of the City of Hoschton shall continue in such employment upon qualifying as a  
166 candidate for nomination or election to any public office. No employee of the City of  
167 Hoschton shall continue in such employment upon qualifying for or election to any public  
168 office in the City of Hoschton or any other public office which is inconsistent, incompatible,  
169 or in conflict with the duties of the city employee. Such determination shall be made by the  
170 mayor and council either immediately upon election or at any time such conflict may arise.

171 (h) Penalties for violation:

172 (1) Any officer, elected official, or employee of the City of Hoschton who knowingly  
173 conceals such financial interest or knowingly violates any of the requirements of this  
174 section shall be guilty of malfeasance in office or position and upon conviction therefor  
175 shall be deemed to have forfeited the office or position; and

176 (2) Any officer, elected official, or employee of the City of Hoschton who shall forfeit  
177 his or her office or position as described in paragraph (1) of this subsection shall be  
178 ineligible for appointment or election to or employment in a position in the government  
179 of the City of Hoschton for a period of three years thereafter.

180 SECTION 2.18.

181 Inquiries and investigations.

182 Following the adoption of an authorizing resolution, the city council may make inquiries and  
183 investigations into the affairs of the City of Hoschton and the conduct of any department,  
184 office, or agency thereof, and for this purpose may command the appearance of witnesses,

185 administer oaths, take testimony, and require the production of evidence. Any person who  
186 fails or refuses to obey a lawful order issued in the exercise of these powers by the city  
187 council shall be punished as provided by ordinance.

188 SECTION 2.19.

189 General power and authority of the city council.

190 Except as otherwise provided in this charter, the city council shall be vested with all the  
191 powers of government of this city as provided by Article I of this charter.

192 SECTION 2.20.

193 Eminent domain.

194 The city council is hereby empowered to acquire, construct, operate, and maintain public  
195 ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries,  
196 public housing, airports, hospitals, terminals, docks, parking facilities, and charitable,  
197 cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal,  
198 and medical institutions, agencies, and facilities, and water and wastewater facilities, and any  
199 other public improvements inside or outside the corporate limits of the city; and to regulate  
200 the use thereof and for such purposes, property may be acquired by condemnation under Title  
201 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

202 SECTION 2.21.

203 Organizational meeting.

204 The city council shall meet for organization on the first specially called or regularly  
205 scheduled meeting of the calendar year immediately following each municipal general

206 election. The meeting shall be called to order by the city clerk and the oath of office shall  
207 be administered to the newly elected members by an officer of the court authorized to  
208 administer oaths and shall, to the extent that it comports with federal and state law, be as  
209 follows:

210 I do solemnly swear/affirm that I will faithfully perform the duties of  
211 mayor/councilmember of this city and that I will support and defend the charter thereof as  
212 well as the Constitution and laws of the State of Georgia and of the United States of  
213 America. I am not the holder of any unaccounted for public money due this state or any  
214 political subdivision or authority thereof. I am not the holder of any office of trust under  
215 the government of the United States, any other state, or any foreign state which I by the  
216 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold  
217 said office according to the Constitution and laws of the State of Georgia. I have been a  
218 resident of the City of Hoschton for the time required by the Constitution and laws of this  
219 state and by the municipal charter. I will perform the duties of my office in the best interest  
220 of the City of Hoschton to the best of my ability without fear, favor, affection, reward, or  
221 expectation thereof.'

222 SECTION 2.22.

223 Regular and special meetings.

224 (a) The city council at its first regular meeting of each calendar year shall set the dates,  
225 places, and times of regular meetings for the calendar year. These meeting dates may be  
226 postponed after reasonable public notice as provided by ordinance.

227 (b) Special meetings of the city council may be held on call of the mayor or any member of  
228 the city council. Notice of such special meetings shall be served on all other members  
229 personally, or by telephone or email personally, at least 48 hours in advance of the meeting.  
230 Such notice to councilmembers shall not be required if the mayor and all councilmembers

231 are present when the special meeting is called. Such notice of any special meeting may be  
232 waived by a councilmember in writing before or after such a meeting, and attendance at the  
233 meeting shall also constitute a waiver of notice on any business transacted in such  
234 councilmember's presence. Only the business stated in the call may be transacted at the  
235 special meeting.

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

240 SECTION 2.23.

241 Rules of procedure.

242 (a) The city council shall adopt its rules of procedure and order of business consistent with  
243 the provisions of this charter and shall provide for keeping a journal of its proceedings, which  
244 shall be a public record retained in the office of the city clerk of the City of Hoschton.

245 (b) All committees and committee chairpersons and officers of the city council shall be  
246 appointed as hereafter provided by ordinance.

247 SECTION 2.24.

248 Quorum; voting.

249 (a) A majority of the city council, which shall include the mayor and all councilmembers  
250 then in office, shall constitute a quorum and shall be authorized to transact business of the  
251 city council. Voting on the adoption of ordinances shall be by voice vote, roll call vote, show  
252 of hands, or by recorded vote, and the vote shall be recorded in the minutes. Except as  
253 otherwise provided in this charter, the affirmative vote of a majority of the city council,

254 which shall include the mayor and all councilmembers then in office, shall be required for  
255 the adoption of any ordinance, resolution, or motion.

256 (b) No member of the city council shall abstain from voting on any matter properly brought  
257 before the council for official action except when such councilmember has a conflict of  
258 interest which is disclosed in writing prior to or at the meeting and made a part of the  
259 minutes. Any member of the city council present and eligible to vote on a matter and  
260 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
261 interest shall be deemed to have acquiesced or concurred with the members of the majority  
262 who did vote on the question involved.

263 SECTION 2.25.

264 Ordinance form; procedures.

265 (a) Every proposed ordinance shall be introduced in writing and in the form required for  
266 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
267 enacting clause shall be 'The Council of the City of Hoschton hereby ordains,' and every  
268 ordinance shall so begin.

269 (b) An ordinance may be introduced by the mayor or any councilmember and be read at a  
270 regular or special meeting of the city council. This reading may be accomplished by the  
271 reading of the caption. Ordinances shall be considered and adopted or rejected by the city  
272 council in accordance with the rules which it shall establish, except for emergency  
273 ordinances as provided in Section 2.27 of this charter. Subject to the provisions of this  
274 subsection, an ordinance may be adopted at the same meeting that it is introduced. The  
275 mayor or any councilmember may request that consideration of any proposed ordinance be  
276 delayed until the next regular meeting of the city council; provided, however, that such a  
277 delay may only occur once, unless additional delay is approved by a vote of the city council.  
278 Such request need not be accompanied by any explanation or reason and consideration shall

279 automatically be delayed until the next regular meeting of the city council without the  
280 necessity of such delay being approved or voted on by the city council. If the mayor or any  
281 of the councilmembers are absent, or if any changes to the ordinance being considered (other  
282 than correction of clerical errors) are proposed, an ordinance may not be adopted on the same  
283 day it is first introduced except for emergency ordinances as provided in Section 2.27 of this  
284 charter. Upon introduction of any ordinance, the clerk shall, as soon as is reasonable,  
285 distribute a copy to the mayor and to each councilmember and shall file a reasonable number  
286 of copies in the office of the clerk and at such other public places as the city council may  
287 designate.

288 SECTION 2.26.

289 Action requiring an ordinance.

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

291 SECTION 2.27.

292 Emergencies.

293 (a) To meet a public emergency affecting life, health, property, or public peace, the city  
294 council may convene on call of the mayor or any councilmember and promptly adopt an  
295 emergency ordinance, but such ordinance may not: levy taxes; grant, renew, or extend a  
296 franchise; regulate the rate charged by any public utility for its services; or authorize the  
297 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance  
298 shall be introduced in the form prescribed for ordinances generally except that it shall be  
299 plainly designated as an emergency ordinance and shall contain, after the enacting clause,  
300 a declaration stating that an emergency exists and describing the emergency in clear and  
301 specific terms. An emergency ordinance may be adopted with or without amendment or

302 rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority  
303 of the city council, which shall include the mayor and all councilmembers then in office,  
304 shall be required for adoption. It shall become effective upon adoption or at such later time  
305 as it may specify. Every emergency ordinance shall automatically stand repealed 30 days  
306 following the date upon which it was adopted, but this shall not prevent reenactment of the  
307 ordinance in the manner specified in this section if the emergency still exists. An emergency  
308 ordinance may also be repealed by adoption of a repealing ordinance in the same manner  
309 specified in this section for adoption of emergency ordinances.

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

314 SECTION 2.28.

315 Codes of technical regulations.

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

319 (1) The requirements of Section 2.25 of this charter for distribution and filing of copies  
320 of the ordinance shall be construed to include copies of any code of technical regulations,  
321 as well as the adopting ordinance; and

322 (2) A copy of each adopted code of technical regulations, as well as the adopting  
323 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.29  
324 of this charter.

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

## 327 SECTION 2.29.

328 Signing; authenticating; recording; codification; printing.

329 (a) The city clerk shall authenticate by his or her signature and record in full in a properly  
330 indexed book kept for that purpose all ordinances adopted by the city council.

331 (b) The city council shall provide for the preparation of a general codification of all the  
332 ordinances of the City of Hoschton having the force and effect of law. The general  
333 codification shall be adopted by the city council by ordinance and shall be published  
334 promptly together with all amendments thereto and such codes of technical regulations and  
335 other rules and regulations as the city council may specify. This compilation shall be known  
336 and cited officially as the 'Code of the City of Hoschton, Georgia.' A copy of the code shall  
337 be furnished to each officer, department, and agency of the City of Hoschton and made  
338 available for purchase by the public at a reasonable price as fixed by the city council.

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

## 348 SECTION 2.

349 Said Act is amended by repealing Section 3.10 in its entirety and enacting a new Section 3.10  
350 to read as follows:

351 "SECTION 3.10.

352 Administrative and service departments.

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

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

361 (c) There shall be a director or head of each department or agency who shall be its principal  
362 officer. Each such director or head shall, subject to the direction and supervision of the city  
363 manager, be responsible for the administration and direction of the affairs and operations of  
364 that director's department or agency.

365 (d) With the exception of the police chief, the city manager shall appoint all employees of  
366 the city to fill designated or approved positions. The city manager shall recommend a  
367 candidate for the position of the police chief but said individual shall be subject to approval  
368 and hiring by a vote of the city council.

369 (e) Except as otherwise provided in this charter, the city manager may reprimand, suspend,  
370 or remove any employee under his or her supervision; provided, however, that such  
371 employee shall enjoy any right of appeal to the city council as set forth or defined by the  
372 city's personnel policies. If discipline of the police chief leads to a recommendation of  
373 dismissal or suspension, the city manager must seek approval by a vote of the city council."

374 **SECTION 3.**

375 Said Act is amended by repealing Section 3.14 in its entirety and enacting a new Section 3.14  
376 to read as follows:

377 "SECTION 3.14.

378 Position classification and pay plan.

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

385 **SECTION 4.**

386 Said Act is amended by adding a new section to read as follows:

387 "SECTION 3.16.

388 City manager.

389 (a) The city council shall appoint a city manager who shall be the chief administrative  
390 officer of the city and manage and direct the daily operations of the city government in  
391 accordance with local ordinances, bylaws, and with policies prescribed by the city council.  
392 The city manager shall direct the administrative activities of the city; act as a leader for  
393 strategic planning, programming, and budgeting; supervise all city employees; serve as a  
394 liaison among the city staff and governing body; assist the general public; and serve on any  
395 boards or committees as is deemed necessary and appropriate by the city council.

396 (b) The city manager shall specifically:

397 (1) Discipline, suspend, or remove any employee, when necessary for the good of the  
398 city and excluding the police chief, as provided in this charter and state law. The city  
399 manager may designate said authority to the head of a department or office regarding that  
400 individual's subordinates;

401 (2) Appoint and hire, when necessary for the good of the city, all employees to fill a  
402 vacancy or approved position; provided, however, that the city council shall approve and  
403 hire the police chief. The city manager shall make a recommendation regarding such  
404 position;

405 (3) Prepare and submit the annual operating and capital budgets and any other budget to  
406 the city council and shall be responsible for administration of such budgets;

407 (4) Prepare and submit to the city council at the end of each fiscal year a complete report  
408 on the finances and administrative activities of the city for the preceding fiscal year;

409 (5) See that all laws, ordinances, and policies are duly enforced; and

410 (6) Perform other such duties as may be required by the city council, not inconsistent  
411 with this charter, law, or ordinances.

412 (c) The city manager shall serve at the pleasure of the city council and may be suspended  
413 or removed by a vote of a majority of the city council, which shall include the mayor and all  
414 councilmembers then in office."

415 **SECTION 5.**

416 Said Act is amended by repealing Section 4.11 in its entirety and enacting a new Section 4.11  
417 to read as follows:

418 "SECTION 4.11.  
419 Judges.

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

422 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless  
423 he or she is over 21 years of age, is a member of the State Bar of Georgia, and possesses all  
424 qualifications required by law. All judges shall be appointed by the city council and shall  
425 serve until his or her successor is appointed and qualified. The city council may require  
426 additional qualifications by ordinance at its discretion and in accordance with the  
427 Constitution and laws of the State of Georgia.

428 (c) Compensation of any judge or judges shall be fixed by ordinance.

429 (d) Judges shall serve as provided in Code Section 36-32-2 of the O.C.G.A. and may be  
430 removed from office in accordance with Code Section 36-32-2.1 of the O.C.G.A., or other  
431 such applicable laws as are or may hereafter be enacted.

432 (e) Before entering on the duties of the office, each judge shall take an oath given by the  
433 mayor that the judge will honestly and faithfully discharge the duties of the office to the best  
434 of his or her ability without fear, favor, or partiality. The oath shall be entered upon the  
435 minutes of the city council journal required in Section 2.23 of this charter."

436 **SECTION 6.**

437 Said Act is amended by repealing Article V in its entirety and enacting a new Article V to  
438 read as follows:

439 "ARTICLE V  
440 ELECTIONS AND REMOVAL  
441 SECTION 5.10.  
442 Applicability of general law.

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

445 SECTION 5.11.  
446 Municipal general elections.

447 (a) There shall be a municipal general election in odd-numbered years on the Tuesday next  
448 following the first Monday in November.

449 (b) The mayor and councilmembers in office on the effective date of this charter and any  
450 person selected to fill a vacancy in such office shall serve until the regular expiration of the  
451 term of office to which they were elected and until their successors are elected and qualified.  
452 Successors to the mayor and the two councilmembers whose terms end in 2021 shall be  
453 elected at the 2021 municipal general election and every four years thereafter. Successors  
454 to the councilmembers whose terms end in 2023 shall be elected at the 2023 municipal  
455 general election and every four years thereafter. Terms of office for the mayor and  
456 councilmembers shall begin at the first organizational meeting provided for under Section  
457 2.21 of this charter following elections of such officers.

458

## SECTION 5.12.

459

## Special elections; vacancies.

460 (a) In the event that the office of mayor or councilmember shall become vacant as provided  
461 in Section 2.16 of this charter, the city council or those remaining shall order a special  
462 election to fill the balance of the unexpired term of such office; provided, however, that if  
463 such vacancy occurs within six months of the expiration of the term of that office, the city  
464 council or those remaining shall appoint a successor for the remainder of the term. In all  
465 other respects, the special election shall be held and conducted in accordance with Chapter  
466 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

467 (b) In the event the city holds a special election to fill only one position, the candidate  
468 receiving the highest number of votes shall serve the remaining period of the term being  
469 filled and until a successor is elected and qualified. In the event the city holds a special  
470 election and there is a tie vote for the only or final position, the election shall be decided by  
471 a vote of the mayor and councilmembers; provided, however, that if one of the candidates  
472 is an incumbent, such incumbent shall not participate in the vote.

473

## SECTION 5.13.

474

## Other provisions.

475 Except as otherwise provided in this charter, the city council shall prescribe by ordinance  
476 such rules and regulations it deems appropriate to fulfill any options and duties under  
477 Chapter 2 of Title 21 of the O.C.G.A, the 'Georgia Election Code,' as now or hereafter  
478 amended.

479 SECTION 5.14.  
480 Nonpartisan elections.

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

483 SECTION 5.15.  
484 Election by plurality.

485 The person receiving a plurality of the votes cast for any city office shall be elected.

486 SECTION 5.16.  
487 Procedure for removal.

488 The mayor, councilmembers, or other officers provided for in this charter shall be removed  
489 from office for any one or more of the causes provided in Title 45 of the O.C.G.A., or such  
490 other applicable laws as are or may hereafter be enacted. Such removal may be  
491 accomplished by one of the following methods:

492 (1) By vote of the city council after an investigative hearing. In the event an elected  
493 officer is sought to be removed by the action of the city council, such officer shall be  
494 entitled to a written notice specifying the ground for removal and to a public hearing  
495 which shall be held not less than ten days after the service of such written notice. The  
496 city council shall provide by ordinance for the manner in which such hearings shall be  
497 held. Any elected officer sought to be removed from office as herein provided shall have  
498 the right of appeal from the decision of the city council to the Superior Court of Jackson  
499 County. Such appeal shall be governed by the same rules as govern appeals to the

500 superior court from the municipal court. Removal shall require a majority vote of the city  
501 council, which shall include the mayor and all councilmembers then in office.  
502 (2) By an order of the Superior Court of Jackson County following a hearing on a  
503 complaint seeking such removal brought by any resident of the City of Hoschton."

504 **SECTION 7.**

505 Said Act is amended by repealing Section 6.16 in its entirety and enacting a new Section 6.16  
506 to read as follows:

507 "SECTION 6.16.  
508 Special assessments.

509 The city council by ordinance shall have the power to assess and collect the cost of providing  
510 services relative to and, including, but not limited to, constructing, reconstructing, widening,  
511 or improving any public way, street, sidewalk, curbing, gutters, sewers, water facilities,  
512 wastewater facilities, or other utility mains and appurtenances from the abutting property  
513 owners under such terms and conditions as are reasonable. The city council by ordinance  
514 shall have the power to assess and collect the cost of providing any such public  
515 improvements set forth in Section 2.20 of this charter, whether such cost has been or will be  
516 incurred, from those owners of property that are or will be benefited thereby, or to which the  
517 improvements are or will be available under such terms and conditions as are reasonable.  
518 If unpaid, such charges shall be collected as provided in Section 6.18 of this charter."

519 **SECTION 8.**

520 Said Act is amended by repealing Section 6.25 in its entirety and enacting a new Section 6.25  
521 to read as follows:

522 "SECTION 6.25.

523 Submission of operating budget to city council.

524 On or before a date fixed by the city council but not later than 45 days prior to the beginning  
525 of each fiscal year, the city manager shall submit to the city council a proposed operating  
526 budget for the ensuing fiscal year. Such budget shall be accompanied by a message from the  
527 city manager containing a statement of the general fiscal policies of the city, the important  
528 features of the budget, explanations of major changes recommended for the next fiscal year,  
529 a general summary of the budget, and such other pertinent comments and information as  
530 deemed appropriate and necessary by the city council. The operating budget and the capital  
531 budget hereinafter provided for, the budget message, and all supporting documents shall be  
532 filed in the office of the city clerk and shall be open to public inspection."

533 **SECTION 9.**

534 Said Act is amended by repealing Section 6.29 in its entirety and enacting a new Section 6.29  
535 to read as follows:

536 "SECTION 6.29.

537 Capital improvements budget.

538 (a) On or before the date fixed by the city council but no later than 45 days prior to the  
539 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
540 capital improvements plan with a recommended capital budget containing the means of  
541 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
542 power to accept, with or without amendments, or reject the proposed plan and proposed  
543 budget. The city council shall not authorize an expenditure for the construction of any  
544 building, structure, work, or improvement unless the appropriations for such project are

545 included in the capital budget, except to meet a public emergency as provided in Section 2.27  
546 of this charter.

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

554 **SECTION 10.**

555 Said Act is amended by repealing Section 6.31 in its entirety and enacting a new Section 6.31  
556 to read as follows:

557 "SECTION 6.31.  
558 Contracting procedures.

559 No contract with the City of Hoschton shall be binding upon the city unless:

- 560 (1) It is in writing; and  
561 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of  
562 course, is signed by him or her to indicate such drafting or review."

563 **SECTION 11.**

564 Said Act is amended by repealing Section 6.33 in its entirety and enacting a new Section 6.33  
565 to read as follows:

566 "SECTION 6.33.  
567 Sale and lease of city property.

568 (a) The city council may sell and convey or lease any real or personal property owned or  
569 held by the city for governmental or any other purposes as now or hereafter provided by law.

570 (b) The city council may quitclaim any rights it may have in property not needed for public  
571 or other purposes upon report by the city manager and adoption of a resolution, both finding  
572 that the property is not needed for public or other purposes and that the interest of the city  
573 has no readily ascertainable monetary value.

574 (c) When opening, extending, or widening any street, avenue, alley, or public place of the  
575 city, a small parcel or tract of land is cut off or separated by such work from a larger tract or  
576 boundary of land owned by the city, the city council may authorize the city manager to sell  
577 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
578 property owner or owners when such sale and conveyance facilitates the enjoyment of the  
579 highest and best use of the abutting owner's property. Included in the sales contract shall be  
580 a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting  
581 property owner shall be notified of the availability of such property and shall be given the  
582 opportunity to purchase such property under such terms and conditions as set out by  
583 ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered  
584 shall convey all title and interest the city has in such property, notwithstanding the fact that  
585 no public sale after advertisement was or is hereafter made."

586 **SECTION 12.**

587 Said Act is amended by repealing Section 7.13 in its entirety and enacting a new Section 7.13  
588 to read as follows:

589 "SECTION 7.13.  
590 Existing personnel and officers.

591 Except as specifically provided otherwise in this charter, all personnel and officers of the  
592 City of Hoschton and their rights, privileges, and powers shall continue beyond the time this  
593 charter takes effect until changed pursuant to this charter."

594 **SECTION 13.**

595 Said Act is amended by repealing Section 7.19 in its entirety and enacting a new Section 7.19  
596 to read as follows:

597 "SECTION 7.19.  
598 Effective date.

599 This charter shall become effective on July 1, 2021."

600 **SECTION 14.**

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