

**CITY OF PINE LAKE, GEORGIA
SPECIAL CALLED SESSION AGENDA
COUNCIL CHAMBERS
January 25, 2024 @ 7:00PM
459 PINE DRIVE, PINE LAKE, GA 30072**

NOTE: All attendees are reminded to silence cellular phones and other devices that may cause interruption of the session proceedings.

CALL TO ORDER

ADOPTION OF THE AGENDA OF THE DAY

NEW BUSINESS

1. Legislative Charter Change – To Change from Mayor - Council to Manager - Council form of Government

ADJOURNMENT

**MAYOR
BRANDY HALL**

COUNCIL MEMBERS

Jean Bordeaux, Mayor pro tem
Augusta Woods
Jeff Goldberg
Thomas Torrent

ADMINISTRATIVE STAFF

ChaQuias Miller-Thornton
City Manager

Sarai Y'Hudah-Green
Chief of Police

Ned Dagenhard
Assistant City Clerk

Susan Moore
City Attorney

**CITY OF PINE LAKE
425 ALLGOOD ROAD
P.O. BOX 1325
PINE LAKE, GA 30072**

404-999-4901

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Memo

DATE: January 13, 2024
TO: Pine Lake Community
FROM: ChaQuias Thornton, City Manager
RE: Legislative Charter Change 2024_History of Item_Summary Notes

ITEM HISTORY

Mayor Hammet and the Pine Lake City Council hosted a town hall meeting on Tuesday, November 15, 2022 (Beach House, 4580 Lakeshore Drive). One of the topics discussed was a proposed charter amendment (in the form of Ordinance 2022-04). Terrell Jacobs – Municipal Services Consultant at Georgia Municipal Association served as facilitator and Pine Lake’s GMA District Representative Michael McPherson also attended the meeting and offered comments. Draft Ordinance 2022-04 was formally introduced for first read during the **November 29, 2022** regular meeting of Mayor and Council. The purpose of the proposed change is to:

1. Change the title of the Director of Administration to City Manager
2. Clarify charter language on the Administrative Duties of the Mayor and the City Manager
3. Clarify the power of the Mayor pro tem to vote as a member of Council when temporarily serving in the absence of the Mayor
4. Clarify actions to be take by resolution rather than ordinance
5. Remove certain municipal court fees

Copy of Ordinance 2022-04 is attached for reference.

Changes enacted by Ordinance 2022-04 were eligible for amendment under “Home Rule”. Through “Home rule” charter amendments, cities may amend their charters without need of the Georgia General Assembly as long as they do not violate federal or state law. Specifically, state law does not allow for "home rule" charter amendments that affect the composition and form of the municipal governing authority, the procedure for election and appointment of elected officials, actions defining any criminal offense, and actions adopting a form of taxation beyond that authorized by state law, among other restrictions.

Through amendments approved by the mayor and council, home rule allows cities to substantially self-govern. These kinds of ordinance changes require that the city adopt the ordinance at two regular consecutive meetings not less than seven days or more than 60 days apart. The law also requires that cities publish the ordinance for three weeks within a period of 60 days immediately before the ordinance’s final adoption.

During the regular meeting of Council on **Tuesday, December 13, 2022**, and in accordance with State law provisions, Mayor and Council entertained Second Read and First Adoption of Ordinance 2022-04.

During the regular meeting of Council on **Tuesday, January 10, 2023**, Mayor and Council consented, via majority vote, on the Final Read and Second Adoption of Ordinance 2022-04 – Amending the Charter of the City of Pine Lake, GA.

Current, proposed action:

Please see the attached draft from of Charter Amendment to be considered by the Georgia General Assembly for change in the city's form of government. These proposed changes require legislative action of Georgia General Assembly and will be presented by the City's State Senator Kim Jackson (potentially in conjunction with the City's House Representative Viola Davis).

Attached notes provide summary of the proposed amendments included within the draft.

General Note, within the draft:

Blue text represents formatting changes.

Red text represents insertions or deletions.

Green text represents repositioning of section of text.

Highlighted text depicts comments/notes regarding.

State passing of the legislation will serve as a second and final step to the City's transition into professional administration and execution of the city's affairs. The Council will continue to be endowed with legislative authority and the manager's executive authority will be directed by the Council. The city's Mayor will continue to be legislative head/chair of the governing body, will retain veto power, will act as the city's official spokesperson, will sign city contracts as a matter of course, will be responsible for the report of the city manager, and other powers assigned to the Mayor via the charter, as amended.

Please feel free to present your questions and/or comments/concerns to Mayor Hall and other members of the Council. You may also present questions and/or comments/concerns to City Attorney Moore. I will be available to respond to inquiries/comments/concerns as well.

Resolution in support of Legislative Charter Amendment to Change the Form of Government for the City of Pine Lake from Strong Mayor form to Council-Manager form is tentatively set to be considered during the regular meeting of Mayor and Council to be held on Tuesday, January 30th, 2024.

NOTE: The Administration has submitted the following notice to the local news organ. The notice is to be published on 01/18/2024.

"NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION

Notice is given that there will be introduced at the 2024 regular session of the General Assembly of Georgia a bill to annex property into the incorporated limits of the City of Pine Lake, GA and to amend an Act to provide a new charter for the City of Pine Lake, approved April 4, 1991 (Ga. L. 1991, p. 3935), as amended; and for other purposes."

Please do present any questions or comments that you may have regarding this matter.

CMThornton

SUMMARY NOTES OF THE PROPOSED CHARTER AMENDMENTS:

ARTICLE I – INCORPORATION AND POWERS

Only formatting changes are recommended for this section of the City CHARTER.

Section 1.11 – Corporate boundaries references map or description of the corporate boundaries of the city. There is a recommendation to have a written description of the metes and boundaries of the city to include the two parcels intended to be annexed.

ARTICLE II – GOVERNMENT STRUCTURE.

Subsections A. Creation and B. Terms and Qualifications includes the mayor in the composition of the city council.

Section 2.12(a) includes a reference to the GA Constitution regarding vacancies of mayor or councilmember positions upon the occurrence of any event specified by the Constitution/OCGA and the provisions for filling such vacancies.

Section 2.18 Organization provides for the organizational meeting of Council to be held at the first regular Tuesday meeting in January following a regular election.

Section 2.21 Quorum; voting. The Mayor will not vote as normal course and will only vote in a tie scenario and therefore, the quorum to conduct the business of city can remain at 3.

Section 2.22 Ordinance forms; procedures, subsection (c) adds provisions for the requirements of a “reading” of an ordinance for consideration and/or adoption.

Beginning at Section 2.27, the Council-Manager form of government is detailed.

Section 2.27. City Manager; appointment; qualifications; compensation; removal is added (repositioned). The city council is granted authority to appoint a city manager as opposed to mayoral appointment with council confirmation.

Section 2.28. Powers and duties of the city manager adds the establishment of executive authority to the current administrative authority for the city manager.

- 1 Executive authority to include the appointment, suspension or removal of personnel except as otherwise provided by law or personnel ordinances adopted by the Charter.
- 3 Ability to delegate another administrative officer as the director of administration.

Section 2.29. Acting city manager provides for the appointment of an acting city manager in the temporary or permanent absence of the city manager.

Note: Council may want to consider what constitutes temporary. (i.e. should it be any period that is not removal or termination of the city manager from position).

Section 2.30 Council's interference with administration restricts the Council from giving orders to officers or employees of the city either publicly or in private. Directions are given through the city manager.

Section 2.31. Power and duties of the mayor provides for the duties of the mayor under Council-Manager form of government.

Current duties of mayor:

- (1) Preside at council meetings and see that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads and employees of the city, except as otherwise provided in this Charter;
- (3) Except as provided to the city manager in this Charter, exercise supervision over all executive work of the city;
- (4) Provide advice to the city manager on preparation and submission to the city council of a recommended operating budget and recommended capital budget;
- (5) Review prior to submission to the city council at least once a year a statement covering the financial conditions of the city, and from time to time such other information as the city council may request;
- (6) Call special meetings of the city council as provided for in [section 2.19\(b\)](#);
- (7) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;
- (8) Approve or disapprove ordinances as provided in [section 2.31](#);
- (9) Require any department or agency of the city to submit written reports whenever he deems it expedient; and
- (10) Perform such other duties as may be required by law, this Charter, or ordinance.

Proposed duties of the mayor:

- (1) Preside at meetings of mayor and council and have the right to take part in the deliberations of the city council, but shall not vote on any question except in the case of a tie;
- (2) Serve as 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 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) Be clothed with veto power as pursuant to Section 2.33 of this charter;
- (6) Call special meetings of the city council as provided for in section 2.19(b);

- (7) Sign all checks for the payment of approved money owed by the city;
- (8) Approve or disapprove ordinances as provided in section 2.33;
- (9) Perform such other duties as may be required by law, this Charter, or ordinance.

Section 2.34 (previously section 2.32) Mayor pro tempore; selection; duties. Procedure for selection of the mayor pro tem is added.

ARTICLE III. ADMINISTRATIVE AFFAIRS

Section 3.10 Administrative and service departments, subsection (e) provides for all directors under the supervision of the city manager to be recommended by the city manager and appointed by the city council. Removes the mayor's authority to reject candidates recommended and authority to solely suspend or terminate direct reports. (i.e. the city manager reports to the mayor and is responsible to the Council. However, the mayor cannot solely terminate or suspend the city manager. Charter provisions require an act by the mayor and majority vote of the city council to do so.)

Section 3.12. City attorney provides that the city council appoints the city attorney upon solicitation and recommendation administered by the city manager.

Section 3.13. City manager removed and Section 3.14 City clerk moved to Section 3.13.

Section 3.13. City clerk provides for city council appointment of the city clerk.

Section 3.14. Administrative affairs, subsection (a) provides for mayoral acknowledgement of the city manager's recommendation of a city auditor with such recommendation being confirmed by vote of the city council. City manager will administer the solicitation and recommendation of the city auditor.

Section 3.15. Chief of police provides for the appointment of the chief of police by the city council.

Section 3.16. Position classification and pay plans provides that the city manager will be responsible for the preparation of the position classification and pay plans for the city.

ARTICLE IV. JUDICIAL BRANCH

Formatting changes only.

ARTICLE V. ELECTIONS AND REMOVAL

Formatting changes.

Section A. subsection 5.10 Applicability of general law removes election provisions of Title 21 of the Ga Code which were repealed years ago. **Section C. Vacancies** and **Section D. Other provisions** also removes the same references.

ARTICLE VI. FINANCE

Formatting changes only.

ARTICLE VII. – GENERAL PROVISIONS

Section 7.12. First election under this Charter; future elections provides for the names of those who serve in current positions on the council and references the now vacant seat on council. The next election under this charter will be held in November of 2025.

Please use the summary notes as reference when reviewing the proposed charter amendments to be considered during the 2024 session of the General Assembly.

ARTICLE I. - INCORPORATION AND POWERS

Name.

Section 1.10. - Incorporation.

The City of Pine Lake in DeKalb County is reincorporated by the enactment of this Charter and is constituted and declared a body politic and corporate under the name of the "City of Pine Lake." References in this Charter to "the city" or "this city" refer to the City of Pine Lake. The city shall have perpetual existence.

Boundaries.

Section 1.11. - Corporate boundaries.

The boundaries of this city shall be those existing on the effective date of the adoption of this Charter with such alterations as may be made from time to time by local law or in the manner provided by general state law. 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 of the city and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Pine Lake, Georgia." Photographic, typed or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

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Commented [SM2]: Do we want to have a written description as well? "The corporate boundaries of this city shall be as described and set forth in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter."

Commented [CMT3R2]: Yes. Metes and bounds description to include the parcels intended to be annexed.

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PART I - CHARTER
ARTICLE II. GOVERNMENT STRUCTURE

Municipal powers.

Section 1.12. - Municipal powers.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Charter. This city shall have all the powers of self-government not otherwise prohibited by this Charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Said powers shall include, but are not limited to, the following:

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

(2) 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 paragraph;

(3) 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;

(4) 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;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;

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

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PART I - CHARTER
ARTICLE II. GOVERNMENT STRUCTURE

(8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists [inside 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;

(9) 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;

(10) Garbage fees. To levy, fix, assess and collect a garbage, refuse and trash collection and disposal, and other sanitary service charge, tax or fee for such services as may be necessary in the operation of the city from all individuals, firms and corporations residing in or doing business [within the city] benefiting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

(11) 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;

(12) 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;

(13) Health and sanitation. To prescribe standards of health and sanitation [within the city] and to provide for the enforcement of such standards;

(14) 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 squares in the city; to provide for commitment of such persons to any jail;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys and walkways of the city;

(16) 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;

(17) 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;

PART I - CHARTER
ARTICLE II. GOVERNMENT STRUCTURE

(18) *Municipal property ownership.* To acquire, dispose of, 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;

(19) *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;

(20) *Municipal utilities.* To acquire, lease, construct, operate, maintain, sell and dispose of public utilities including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties therefor; and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, electrical distribution systems and all necessary appurtenances by which said utilities distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms and corporations inside and outside the corporate limits of the city;

(21) *Nuisances.* To define a nuisance and provide for its abatement whether on public or private property and to prescribe penalties and punishments for maintaining a nuisance;

(22) *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;

(23) *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 [aesthetically] pleasing community;

(24) *Police and fire protection.* To exercise the power of arrest through duly appointed police officers and to establish, operate or contract for a police and a fire fighting agency;

(25) *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;

(26) *Public improvements.* To provide for the acquisition, construction, building, operation and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal and medical institutions, agencies and facilities; to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated [O.C.G.A. § 22-1-1 et seq.], or such other applicable laws as are or may hereafter be enacted;

(27) *Public peace.* To provide for the prevention and punishment of drunkenness, riots and public disturbances;

PART I - CHARTER
ARTICLE II. GOVERNMENT STRUCTURE

(28) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for public utilities and public services; and to prescribe the rates, fares, regulations and the standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as [they are] not in conflict with valid regulations of the public service commission;

(30) 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, [inside] or abutting the corporate limits of the city and to prescribe penalties and punishment for violation of such ordinances;

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

(32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to negotiate and execute leases over, through, under, or across any city property or the right-of-way of any streets, roads, alleys and walkways or portion thereof within the corporate limits of the city for bridges, passageways or any other purpose or use between buildings on opposite sides of the streets and for other bridges, overpasses and underpasses for private use at such location, and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses and underpasses within the corporate limits of the city; and 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 for private use; 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;

(33) Sewer fees. To levy a fee, charge or sewer tax as necessary to assure [ensure] the acquiring, constructing, equipping, operating, maintaining and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge or tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to impose and collect a sewer connection fee or fees to those connected with the system;

(34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish and refuse and to regulate the collection and disposal of garbage, rubbish and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper and other recyclable materials and to provide for the sale of such items;

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PART I - CHARTER
ARTICLE II. GOVERNMENT STRUCTURE

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale or transportation of intoxicating liquors, and the use and sale 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;

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

(37) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation and collection of taxes on all property subject to taxation;

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

(39) 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;

(40) Urban redevelopment. To organize and operate an urban redevelopment program; and

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience or general welfare of the city and its inhabitants; to exercise all implied powers necessary to carry into execution all powers granted in this Charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this Charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited by municipalities under the Constitution or applicable laws of the State of Georgia.

(42) Cultural programs. The power to establish arts and cultural programs for the citizens of Pine Lake and to provide for the funding thereof.

Exercise of powers.

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.

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ARTICLE II. GOVERNMENT STRUCTURE

Legislative branch.

A. Creation.

Section 2.10. City council creation; composition; 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 five councilmembers. The mayor and councilmembers shall be elected in the manner provided by this Charter and general state law. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law.

B. Terms and qualifications of office.

Section 2.11. City council terms and qualifications for office.

The mayor and city councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of this city for the period of 12 continuous months immediately prior to the date of the election in which he or she seeks to qualify; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections in this city.

(Ord. of 12-13-1993, § 2.11)

C. Vacancies in office.

Section 2.12. Vacancy; filling of vacancies; suspensions.

(a) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office or removal from office in any manner authorized by this Charter or the Constitution or general laws of the State of Georgia.

(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment of a majority of the remaining members of the city council if less than 12 months remain in the unexpired term, otherwise, by an election as provided for in Section V of this charter and Title 21 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) 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.

D. Compensation and expenses.

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Commented [CMT5R4]: The mayor would be considered a member of the body of council but, would only vote in case of a tie and therefore, quorum would remain at 3. The mayor would retain veto power.

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Commented [CMT6]: Should there be language regarding vacancy upon the occurrence of any event specified by the Constitution, OCGA?

Commented [SM7R6]: Done.

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Section 2.13. Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

E. Prohibitions.

Section 2.14. Conflicts of interest; holding other offices.

(a) ~~Generally.~~ 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 his official duties or which would tend to impair the independence of his judgment or action in the performance of his 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 his official duties or would tend to impair the independence of his judgment or action in the performance of his official duties;
- (3) Disclose confidential information concerning the property, government or affairs of the governmental body by which he is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself 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 his knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he 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; and
- (6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which he has financial interest.

(b) *[Public disclosure of private interests.]* Any elected official, appointed officer or employee who [has] any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he shall disqualify himself 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 private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) *[Misuse of city-owned 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.

(d) *[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 said contract or sale voidable at the option of the city council.

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- (e) *[Holding of other appointed office during term.]* 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 he was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the city until one year after the expiration of the term for which he was elected.
- (f) *[Candidacy for public office; continuing city employ prohibited.]* 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.
- (g) *[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 his office or position.
 - (2) Any officer or employee of the city who shall forfeit his office or position as described in paragraph (1) above, shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

F. Inquiries and investigations.

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Section 2.15. Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the 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 provided by ordinance.

G. General power and authority.

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Section 2.16. General power and authority.

Except as otherwise provided by the Charter, the city council shall be vested with all the powers of government of this city as provided by article I of this Charter.

H. Eminent domain.

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Section 2.17. Eminent domain.

The city council is empowered to acquire, construct, operate and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, water works, electrical systems, gas systems, airports, hospitals and charitable, educational, recreational, sport, curative, corrective, detention, penal and medical institutions, agencies and facilities, and any other public improvements inside or outside the city, and to regulate the use thereof, and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

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Commented [CMT8]: Would suggest that the organizational meeting be held at the first regular meeting of Council in January following the election.

Organization and procedures.

Commented [SM9R8]: Agreed. Done.

A. Meetings.

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Section 2.18. Organization.

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The City Council shall hold an organizational meeting ~~on the first Tuesday~~ **at the first regular meeting** after January 1 ~~following a regular election each 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 swear or affirm that I will

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faithfully perform the duties of (Council Member)(Mayor) for the City of Pine Lake during my term of office; that I am not the holder of any unaccounted for public money due the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States or any other state or any foreign state which I may, by the laws of the State of Georgia, be prohibited from holding; that I am otherwise qualified to hold the office to which I have been elected according to the constitution and laws of Georgia; that I will support the Constitution of the United States and of the State of Georgia; that I am a resident of the City of Pine Lake; and I will enforce the Charter and ordinances of the City of Pine Lake to the best of my skill and ability'.

Section 2.19. Regular and special meetings.

- (a) The city council shall hold regular meetings at such times and places as 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 meetings 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 fully as is reasonably possible two days prior to such meetings.

B. Procedures.

Section 2.20. Procedures.

- (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 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 2.21. Quorum; voting.

- (a) Except as otherwise provided in subsection (b) of this section, three councilmembers shall constitute a quorum and shall be authorized to transact the 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 the mayor or any member of the city council 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 three councilmembers shall be required for the adoption of any ordinance, resolution or motion.
- (b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution or motion.

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Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1). ¶

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Commented [SM10]: Should this be changed if mayor is made a member of council?

Commented [CMT11R10]: Up to Council but suggestion is no. Mayor is allowed to call a special meeting of Council. Being the mayor will have the power to vote only in the case of a tie, 3 members being required to call a special called meeting remains in line with the number required for quorum.

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Commented [CMT12]: I have a question/clrification about quorum.

Commented [SM13R12]: If mayor is a voting member of council, then quorum should be four. Action could require four affirmative votes or a majority of the council members in attendance.

Commented [CMT14R12]: Since voting members will remain at 5, mayor would vote only in case of a tie (i.e. when a split vote of four members). Therefore quorum would remain at 3.

Section 2.22. 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 "The Council of the City of Pine Lake hereby ordains. . . ." 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, [that] an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in section 2.24. 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.

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(c) The reading of the preamble to an ordinance shall be sufficient to meet the requirements of a "read" or "reading". By affirmative vote of a majority of the city council, a reading of the ordinance in its entirety shall be required.

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Section 2.23. Action requiring an ordinance or resolution.

Permanent acts of the city council which have the force and effect of law shall be enacted by ordinance. Acts of a temporary nature may be enacted by resolution.

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Section 2.24. Emergencies.

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 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 [continues to exist]. An emergency ordinance [shall] also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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Section 2.25. 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 section 2.22(b) [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 2.26 [of this Charter].

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- (b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

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Section 2.26. Signing; authenticating; recording; codification; printing.

- (a) The city clerk shall authenticate by his signature and record in full in a properly indexed book kept for that purpose, all ordinances adopted by the 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 a [as] the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Pine Lake, 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 [then] in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included in the code.

Council- Manager form of government.

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Section 2.27. City Manager; appointment; qualifications; compensation; removal.

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The City Council shall appoint a city manager. The mayor and city council shall fix the city manager's compensation. The city manager shall be appointed solely on the basis of that person's administrative, executive, and professional qualifications. Except as otherwise provided by this Charter or by law, the city manager shall not be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a majority vote of the city council at a regularly scheduled meeting.

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(a) The mayor shall appoint a city manager, subject to confirmation by the city council.,

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Section 2.28. Powers and duties of the city manager.

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The city manager shall be the chief administrative and administrative and executive officer of the city. The city manager shall report to the mayor and be responsible to the city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief executive and administrative officer, the city manager shall:

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(b)

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- (1) Appoint and, when the city manager deems it necessary for the good of the city, suspend or remove any city employee and administrative officers the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager shall authorize any administrative officer who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;
- (2) Direct and supervise the administration and operation of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Shall serve as the director of administration; or delegate such responsibility to any administrative officer under the city manager's supervision;

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- ~~(4) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager or held for the purpose of receiving legal advice regarding the city manager, and have the right to take part in discussion, but the city manager may not vote;~~
- ~~(5) Perform the general duties of treasurer, accountant, and fiscal officer;~~
- ~~(6) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;~~
- ~~(7) Prepare and submit to the city council a recommended operating budget and recommended capital budget;~~
- ~~(8) Submit to the city council and make available to the public, at least annually, a statement covering the financial condition of the city and a report on the administrative activities of the city as of the end of each fiscal year;~~
- ~~(9) Make such other reports as the city council may require concerning the operations of the city departments, offices, and agencies subject to the city manager's direction and supervision;~~
- ~~(10) Keep the city council advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable;~~
- ~~(11) Provide council with an organizational chart that identifies all directors and the departments of city government that have been legally activated;~~
- ~~(12) Be responsible for the administration of court service operations, maintenance of municipal court records and collection of fines as established by ordinance and state law; and~~
- ~~(13) Perform other such duties as are specified in this charter or as may be required by the city council.~~

~~(Ord. of 3-11-1996, § 3.13; Ord. No. O00399, § 3.13, 2-8-1999; Ord. No. O004-00, § 3.13, 6-12-2000; Ord. No. 10-~~

Section 2.29. – Acting city manager.

~~By letter filed with the city clerk, the city manager shall designate, subject to the approval of council, a qualified city administrative officer to exercise the powers and perform the duties of city manager during the city manager's temporary absence. During such absence, the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager shall return. In the case of permanent absence or removal of the city manager, the city council shall have the authority to appoint or to designate an acting city manager and to affix the acting city manager's compensation. The acting city manager shall be appointed or designated solely on the basis of that person's administrative, executive, and professional qualifications.~~

Section 2.30. – Council's interference with administration.

~~Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.~~

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Deleted: The mayor shall be elected and serve for a term of four years and until his successor is elected and qualified. He shall be a qualified elector of this city and shall have been a resident of this [city immediately preceding his election]. He shall continue to reside [in this] city during the period of his service. He shall forfeit his office 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. ¶ (Ord. of 12-13-1993, § 2.27)¶

Deleted: Section 2.28. Chief executive officer.¶
The mayor shall be the chief executive of this city. Except as provided to other city officials, the mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter. ¶ (Ord. No. 2022-04 , § 1, 1-10-2023)¶

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Commented [SM15]: What qualifies as temporary or permanent? These probably need time limits.

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Section 2.31. – Powers and duties of mayor.

The mayor shall:

- (1) Preside at meetings of mayor and council and have the right to take part in the deliberations of the city council, but shall not vote on any question except in the case of a tie;
- (2) Serve as 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 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) Be clothed with veto power as pursuant to Section 2.33 of this charter;
- (6) Call special meetings of the city council as provided for in section 2.19(b);
- (7) Sign all checks for the payment of approved money owed by the city;
- (8) Approve or disapprove ordinances as provided in section 2.33;
- (9) Perform such other duties as may be required by law, this Charter, or ordinance.

Section 2.32. Limitation on terms of service.

No mayor elected and qualified for two terms shall be eligible to serve as mayor for the succeeding term.

Section 2.33. Submission of ordinances to the mayor; veto power.

- (a) Every ordinance adopted by the city council shall be presented by the [city] clerk to the mayor.
- (b) The mayor [shall] within ten days of receipt of an ordinance return it to the [city] clerk with or without his or her approval, or with his or her disapproval. If the ordinance is neither approved nor disapproved, it shall become law at 12:00 noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the [city] clerk a written statement of his or her reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery [to] and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the [city] clerk to the city council at its next meeting [and should] the city council then or at its next general meeting adopts the ordinance by an affirmative vote of four members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided herein. The reduced part or parts shall be presented to city council as though disapproved and shall become law unless overridden by the council as provided in subsection [(c) of this section].

Section 2.34. Mayor pro tempore; selection; duties.

By a majority vote of all its member, the city council shall elect a councilmember to serve as mayor pro tempore who shall serve at the pleasure of the council. When the mayor pro tempore is temporarily serving as mayor and is presiding at meetings of the city council, the mayor pro tempore shall retain the right to vote as a member of the city council.

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Deleted: see that all laws and ordinances of the city are faithfully executed;

Deleted: Appoint and remove all officers, department heads and employees of the city, except as otherwise provided in this Charter;

Deleted: Except as provided to the city manager in this Charter, exercise supervision over all executive work of the city;

Deleted: Provide advice to the city manager on preparation and submission to the city council of a recommended operating budget and recommended capital budget;

Commented [SM16]: Should mayor keep veto power if mayor can vote?

Commented [CMT17R16]: Mayor to retain veto power and only vote in a tie scenario.

Deleted: Review prior to submission to the city council at least once a year a statement covering the financial conditions of the city, and from time to time such other information as the city council may request;

Deleted: Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;

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Deleted: Require any department or agency of the city to submit written reports whenever he deems it expedient; and ¶ (10)

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~~During the absence of the mayor for any cause, the mayor pro tempore of the city council shall be clothed with all the rights and privileges of the mayor so long as such absence shall continue. The mayor pro tem shall sign all contracts and ordinances for which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.~~

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ARTICLE III. ADMINISTRATIVE AFFAIRS

Organizational and general provisions.

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, or alter all non-elective offices as necessary for proper administration of the ~~affairs and government of the 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 the budget adopted by the city council.
- (d) There shall be a director of each department. Each director shall be subject to the direction ~~and supervision~~ of the city manager and shall be responsible for the administration, the affairs, and the operation of the director's department. The city manager may serve as director of a department. An individual may serve as director of more than one department.
- (e) All directors under the supervision of the city manager shall be recommended by the city manager for ~~appointment by the city council.~~ The following administrative officers shall not be considered "directors" whom the mayor may suspend or remove under this section: city attorney, city manager and city clerk; the foregoing administrative officers shall only be subject to removal as otherwise allowed under this Charter by law. ~~All other appointed directors shall be employees at will unless otherwise provide by law or ordinance.~~

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Deleted: The mayor may reject candidates recommended by the city manager to serve as director. Upon mayor approval, such action shall not be effective for ten calendar days following the mayor giving written notice of such action and the reasons thereof to the director involved and to the city council. The director involved may appeal to the city council during the ten-day notice period. After a hearing on the tenth day from date of notice, the council may override the mayor's action by a vote of four councilmembers

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Deleted: Acting directors may serve until a quorum of the city council affirmatively requests a permanent director to be appointed, subject to regular city council approval.

Deleted: (f) The mayor may temporarily suspend any director or direct reports for ethics violations. Permanent suspension or termination of select employees is provided for in other provisions of this section. Unless specifically otherwise addressed, the mayor has full authority to suspend or terminate direct reports. ¶

Deleted: (Ord. No. 000299, § 3.10(e), 2-8-1999; Ord. No. 01-2012, §§ 3A(1)—(4), 1-9-2012; Ord. No. 2022-04 , § 4, 1-10-2023)¶
Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1). ¶

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Section 3.11. Boards, commissions and authorities.

- (a) The city council shall create by ordinance or resolution such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance or resolution 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 city council for such terms of office and in such manner as shall be provided by ordinance or resolution, 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 or resolution, 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, by ordinance or by other 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 for the original appointment, except as otherwise provided by this Charter, by ordinance or by other law.

- (f) No member of a board, commission or authority shall assume office until such member has executed and filed with the clerk of the city an oath obligating to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission or authority may be removed from office for cause by a vote of three members of the city council.
- (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 chair and one member as vice-chair, and may elect as its secretary one of its 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, an ordinance 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.

Administrative officers.

Section 3.12. City attorney.

The city council shall appoint a city attorney, subject to confirmation by city council, 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 representing and defending 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 council as directed; shall advise the city council, mayor, city manager 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 of him by virtue of such person position as city attorney. Except as otherwise provided by this Charter or by law, the city attorney shall be subject to termination or removal by a majority vote of the city council at a regularly scheduled meeting.

The city manager, as chief executive officer of the city, shall use the city's administrative resources to identify candidates and to present recommendations to the city council as to appointment of a city attorney. The recommendation of the manager is subject to confirmation by the city council. The city attorney shall be responsible for reviewing and approving all contracts, pursuant to related ordinances. The city attorney shall provide legal advice to the mayor, city council, director of administration, chief of police and the city clerk upon request of the mayor or city manager except on issues germane to investigations of the mayor, whereby authority is given to the mayor pro tem.

Section 3.13. City manager.

03, § 3.13, 8-11-2003; Ord. No. 15-03, § 3.13, 10-13-2003; Ord. No. 2022-04, § 6, 1-10-2023)

Section 3.13. City clerk.

The city council shall appoint a city clerk who shall not be a member of the city council. The city clerk shall be the custodian of the official city seal; maintain city council records required by this Charter; and perform such other duties as may be required by the city council and as are imposed upon that officer by state law. Except as otherwise provided in this Charter or by law, the city clerk shall be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a concurring majority of the city council sitting at a regularly scheduled meeting of the city council. In the event that an appointment is not made to the city clerk position, the city manager shall serve as acting city clerk.

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Editor's note(s)—Ord. No. 01-2012 shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-3(b)(1). ¶

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Moved up [1]: (a) The mayor shall appoint a city manager, subject to confirmation by the city council., The mayor and city council shall fix the city manager's compensation. The city manager shall be appointed solely on the basis of that person's administrative, executive, and professional qualifications. Except as otherwise provided by this Charter or by law, the city manager shall not be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a majority vote of the city council at a regularly scheduled meeting. ¶

(b) The city manager shall be the chief administrative officer of the city. The city manager shall report to the mayor and be responsible to the city council for the

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Section 3.14. Administrative affairs.

- (a) The mayor shall acknowledge the city manager's recommendation of an auditor and ~~such recommendation shall be subject to confirmation by the city council.~~ The auditor shall be responsible for auditing and annual revenues and expenditures pursuant to state and federal law.
- (b) The city manager shall solicit bids and proposals for city auditing service once every three years and shall review those bids and make a recommendation to the mayor and council for the purposes of the appointment of the city auditor.
- (c) The city manager shall solicit bids and proposals for legal services by a qualified municipal attorney at least once every five years and shall review those bids and make a recommendation to the mayor and council for the purpose of the appointment of the city attorney.

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Section 3.15. Chief of police.

The ~~city council~~ shall appoint a chief of police ~~by majority vote of the council.~~ The chief of police and officers under his command shall be responsible for the direct enforcement of all city ordinances and laws as defined by the city Charter and the State of Georgia. The chief of police shall also perform the duties of city marshal to levy all executions in favor of the city for taxes, fines, assessments or other pecuniary demands and to advertise and sell property levied on, real or personal, for the satisfaction of taxes, assessments or fines in accordance with the laws of the State of Georgia governing sheriff's sales. The chief of police shall have the authority which now vests in the sheriffs of this state to place purchasers of said property in possession.

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Personnel administration.

Section 3.16. Position classification and pay plans.

The ~~city manager~~ 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.

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Section 3.17. Personnel policies.

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

- (1) Hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected; and
- (2) Such dismissal hearings as due process may require; and
- (3) Such other personnel policies and notices as may be necessary to provide for the adequate and systematic handling of personnel affairs.

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ARTICLE IV. - JUDICIAL BRANCH

Municipal court.

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Section 4.10. - Creation; name.

There shall be a court to be known as the municipal court of the City of Pine Lake.

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Section 4.11. - Judges.

(a) The municipal court shall be presided over by a chief judge and such parttime, fulltime or stand-by judges as shall be provided by ordinance. The method of selection and terms of such judges shall be provided for by ordinance.

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(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the city council.

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

(d) Judges may be removed for cause by a vote of three members of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that he will honestly and faithfully discharge the duties of his office to the best of his ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in section 2.20 [of this Charter].

Section 4.12. - Convening of court.

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

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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 sole jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction. The jailer of DeKalb County is required to receive all such prisoners delivered to him by the municipal court.

(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 actual 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 said 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 appearance and shall fail to appear at the time fixed for trial, such person's bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his 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 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 shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of 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.

(i) 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.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

(k) The chief municipal court judge shall perform such other duties as required for proper administration of the court.

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 DeKalb County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

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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 superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

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ARTICLE V. - ELECTIONS AND REMOVAL

Elections.

A. General laws.

Section 5.10. - Applicability of general law.

All primaries and elections shall be held and conducted in accordance with the Constitution and general laws of the State of Georgia ~~Municipal Election Code (Title 21, Chapter 3 of the Official Code of Georgia Annotated) (O.C.G.A. § 21-3-1 et seq.)~~ as now or hereafter amended.

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B. Election of officers.

Section 5.11. - Election of the city council and mayor.

(a) There shall be a municipal general election on the first Tuesday next following the first Monday in November.

(b) There shall be elected the mayor and two councilmembers at one election and at every other election thereafter. The remaining city council seats shall be filled at the election alternating with the first election so that a continuing body is created as provided for in the initial election held under this Charter pursuant to section 7.12.

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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.

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Section 5.13. - Election by plurality.

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

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C. Vacancies.

Section 5.14. - Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant, 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 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 applicable general state law Chapter 3 of Title 21 of the Official Code of Georgia Annotated [O.C.G.A. § 21-3-1 et seq.], the "Georgia Municipal Election Code" as now or hereafter amended.

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D. Other provisions.

Section 5.15. - Other provisions.

Except as otherwise provided by this Charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under general state law Chapter 3 of Title 21 of the Official Code of Georgia Annotated [O.C.G.A. § 21-3-1 et seq.], the "Georgia Municipal Election Code."

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Removal of officers.

Section 5.16. - Removal of officers.

(a) The mayor, councilmembers or other appointed officers provided for in this Charter shall be removed from office for any one or more of the following causes:

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(1) Incompetence, misfeasance or malfeasance in office;

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- [\(2\) Conviction of a crime involving moral turpitude;](#)
- [\(3\) Failure at any time to possess any of the qualifications of office as provided by this Charter or by law;](#)
- [\(4\) Knowingly violating any express prohibition of this Charter;](#)
- [\(5\) Abandonment of office or neglect to perform the duties thereof;](#)
- [\(6\) Failure for any other cause to perform the duties of office as required by this Charter or by state law.](#)

[\(b\)](#)

[\(1\) Following a charge against an elected official upon one or more of the grounds listed in subparagraph \(a\), the elected official shall be notified of the charges in writing. The city council \(without participation by any charged member\) shall appoint a committee consisting of five citizens who are not elected officials to conduct an investigation of the charges and said commission shall issue a report of its findings to the mayor and city council within ten days of its appointment. The elected official charged shall have a right to a public hearing before the city council to be held within ten days of receipt by the mayor and city council of the report from the citizens committee. The charged elected official shall have the right of counsel, the right to examine witnesses, and the power to subpoena persons or physical evidence. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Court of DeKalb County. Such appeal shall be governed by the same rules as govern appeals to the Superior Court from the Probate Court; or](#)

[\(2\) By petition of recall by the electors of the City of Pine Lake, as provided for by the laws of the State of Georgia.](#)

[\(c\) Any mayor or councilmember of the city who shall forfeit his office as described in paragraph\[s\] A and B above shall be ineligible for appointment or election for any office in the city government.](#)

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ARTICLE VI. - FINANCE

Taxation and various fees.

A. Property taxes.

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, 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.](#)

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B. Occupation taxes and business license fees.

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. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling [within the city] to the extent such persons have a constitutionally sufficient nexus to this city to be [so] taxed. The city council may classify businesses, occupations, professions or callings 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.

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Section 6.13. - Licenses; permits; fees.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulations. Such fees may 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. The city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety and welfare necessitate.

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Section 6.14. - Franchises.

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, cable television 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 of 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 him. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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Section 6.15. - Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside 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.

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Section 6.16. - Special assessments.

The city council by ordinance shall have the power to assess, [charge], and collect the cost of constructing, reconstructing, widening or improving any public way, street, sidewalk, curbing, gutters, sewers or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in section 6.18 of this Charter.

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Section 6.17. - Construction; other taxes.

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This city shall be empowered to levy any other tax 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.

C. Collection of delinquent taxes.

Section 6.18. - Collection of delinquent taxes.

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 licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

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Borrowing.

Section 6.19. - Borrowing.

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program or venture authorized under this Charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

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Section 6.20. - Revenue bonds.

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds are to be paid out of any revenue produced by the project, program or venture for which they were issued.

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Section 6.21. - 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.

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Accounting and budgeting.

Section 6.22. - Accounting and budgeting.

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.

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Section 6.23. - 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 program, and a capital budget, including requirements as to the scope content, and form of such budgets and programs.

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Section 6.24. - Operating budget.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the mayor and city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city manager 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 such other comments and information as the city manager may deem pertinent. The operating budget, the capital improvement budget, 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 6.25 - Action by city council on budget.

(a) The city council may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide 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 resolution shall adopt the final operating budget for the ensuing fiscal year not later than December 27 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 resolution 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 6.23 of this Charter.

(c) The amount set out in the adopted operating budget or 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 allotments thereof to which it is chargeable.

Section 6.26. - Levy of taxes.

Following adoption of the operating budget, 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 expense of the general government of this city.

Section 6.27. - Changes in appropriations.

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

Section 6.28. - Capital improvements budget.

(a) On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the mayor and city council a proposed capital improvement budget with recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any

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building, structure, work or improvement unless the appropriations for such project are included in the capital improvement budget, except to meet a public emergency as provided in section 2.24 of this Charter.

(b) The city council by resolution shall adopt the final operating budget for the ensuing fiscal year not later than December 27 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 years 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 resolution 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 of section 6.23 of this Charter.

Section 6.29. - Independent 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 accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this Charter. Copies of all audit reports shall be available at printing costs to the public.

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Procurement and property management.

Section 6.30. - Contracting procedures.

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

(1) It is in writing;

(2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by him 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 2.21 of this Charter.

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Section 6.31. - Centralized purchasing.

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

Section 6.32. - Sale of city property.

(a) The city council may sell and convey any real or personal property owned or held by the city for governmental or other purposes as not 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 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of said street, avenue, alley or public place when such exchange is deemed to be in the best interest of the

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city. 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.

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. - Rules and regulations.

All ordinances, resolutions, rules and regulations now in force in the city not inconsistent with this Charter are declared valid and of full effect and force until amended or repealed by the city council.

Section 7.12. - First election under this Charter; future elections.

The first municipal election under this Charter shall be held on November 4, 2025, at which time the positions held by ~~Augusta Woods and Jean Bordeaux~~ and one seat currently vacant ~~Mayor Neil Copeland~~ and council posts ~~1 and 2~~ shall be filled. The council seats presently held by ~~Michael Stuckey and Philip Piper~~ shall be designated council posts ~~1 and 2, 3, 4 and 5~~ respectively. ~~Council seats~~ The positions presently held by ~~Mayor Brandy Hall, Jeff Goldberg and Thomas Torrent~~ ~~Charlotte Neil, Richard Newman, and Brad Roselle~~ shall be designated ~~mayor~~ and council posts ~~3, 4, and 5, 1 and 2~~ respectively, and shall be retained by them until the regular election date in ~~2027~~ unless vacated by them pursuant to provisions of article V of this Charter. All persons giving notice of candidacy for a city council seat shall designate the council post being sought. All council posts are held "at large" and represent all residents of Pine Lake. All registered voters of Pine Lake shall be able to elect candidates of their choice for all city council posts regardless of where they live within the city.

Section 7.13. - Charter language on other general matters.

Except as specifically provided otherwise by this Charter, all rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel or offices as may be provided by the city council.

Section 7.14. - Definitions and construction.

(a) Section captions in this Charter are informative only and shall not 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.

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ORDINANCE 2022-04

ORDINANCE AMENDING THE CHARTER OF THE CITY OF PINE LAKE TO CHANGE TITLE OF DIRECTOR OF ADMINISTRATION TO CITY MANAGER; TO CLARIFY INCONSISTENT CHARTER LANGUAGE ON ADMINISTRATIVE DUTIES OF MAYOR AND OF CITY MANAGER; TO CLARIFY THE POWER OF THE MAYOR PRO TEM TO VOTE AS A MEMBER OF COUNCIL WHEN TEMPORARILY SERVING AS MAYOR; TO CLARIFY ACTIONS TO BE TAKEN BY RESOLUTION RATHER THAN ORDINANCE; TO REMOVE CERTAIN MUNICIPAL COURT FEES; TO PROVIDE FOR SEVERABILITY, AN EFFECTIVE DATE AND FOR OTHER PURPOSES

Whereas, the Georgia General Assembly has provided municipalities the power to amend their charters pursuant to Code section 36-35-3(b)(1) subject to certain limitations set forth in Code section 36-35-6; and

Whereas, the City Council of the City of Pine Lake has determined it to be in the best interests of the City to clarify and change certain provisions of its Charter allowed and permitted by State Law; and

Whereas, current provisions of the City's Charter assign some of the same administrative duties to the mayor and the director of administration and the City Council has determined it to be in the best interests of the City to clarify responsibility for these duties; and

Whereas, the changes herein are not intended to substantively and materially alter the duties or responsibilities specifically given to a particular elective official by the Charter; and

Whereas, the changes herein are not intended to and do not alter any of the executive powers of the mayor or the veto power of the mayor; and

Whereas, the City Council of the City of Pine Lake has determined to change the job title of the director of administration to city manager; and

Whereas, the City Council of the City of Pine Lake has determined to clarify the power of the mayor pro tempore to vote as a member of the city council when temporarily serving as mayor; and

Whereas, the City Council has determined to repeal certain municipal court fees enumerated in the City's Charter; and

Whereas, at the time of final adoption, a notice containing a synopsis of this proposed Charter amendment shall have been published in the official organ of the county once a week for three weeks within a period 60 days immediately preceding its final adoption; and

Whereas, a copy of this Charter amendment is on file in the office of the city clerk and in the office of the Clerk of Superior Court of DeKalb County, Georgia; and

Whereas, in accordance with Code section 36-35-5, a copy of this Charter amendment, a copy of the required notice of publication, and an affidavit of a duly authorized representative of the newspaper in which the notice was published, to the effect that the notice has been published as provided in this chapter, will be filed with the Secretary of State and in the office of the Clerk of Superior Court of DeKalb County, Georgia;

Now, therefore, the Mayor and City Council of the City of Pine Lake hereby ordain as set forth herein:

SECTION 1.

Article II, Section 2.28 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 2.28 Chief executive officer.

The mayor shall be the chief executive of this city. Except as provided to other city officials, the mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia, and all the executive and administrative powers contained in this Charter.”

SECTION 2.

Article II, Section 2.29 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 2.29 Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (1) Preside at council meetings and see that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads and employees of the city, except as otherwise provided in this Charter;
- (3) Except as provided to the city manager in this Charter, exercise ~~Exercise~~ supervision over all executive ~~and administrative~~ work of the city ~~and provide for the coordination of administrative activities~~;
- (4) ~~Prepare and submit~~ Provide advice to the city manager on preparation and submission to the city council of a recommended operating budget and recommended capital budget;
- (5) ~~Submit~~ Review prior to submission to the city council at least once a year a statement covering the financial conditions of the city, and from time to time such other information as the city council may request;
- (6) Call special meetings of the city council as provided for in section 2.19(b);
- (7) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he may deem expedient;

- (8) Approve or disapprove ordinances as provided in section 2.31;
- (9) Require any department or agency of the city to submit written reports whenever he deems it expedient; and
- (10) Perform such other duties as may be required by law, this Charter, or ordinance.
- ~~(11) The mayor shall provide council with an organizational chart that identifies all directors and the departments of city government that have been legally activated."~~

SECTION 3.

Article II, Section 2.32 is amended by inserting at the end thereof the following sentence:

“When the mayor pro tempore is temporarily serving as mayor and is presiding at meetings of the city council, the mayor pro tempore shall retain the right to vote as a member of the city council.”

SECTION 4.

Article III, Section 3.10 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“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, or alter all non-elective offices as necessary for proper administration of the government.
- (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 appointive officers and directors of departments shall receive such compensation as prescribed by the budget adopted by the city council ordinance.
- (d) There shall be a director of each department. Each director shall be subject to the direction of the city manager and shall be responsible for the administration, the affairs, and the operation of the director’s department. The city manager may serve as director of a department. An individual may serve as director of more than one department.
- (e) All directors under the supervision of the city manager ~~mayor~~ shall be ~~nominated~~ recommended by the city manager for nomination by the mayor with confirmation of appointment by the city council. The mayor may reject candidates recommended by the city manager to serve as director. The city manager may recommend to the mayor the suspension or removal of directors under the city manager’s supervision. The ~~Upon mayor approval, may suspend or remove directors under his supervision but~~ such action shall not be effective for ten calendar days following the mayor giving written notice of such action and the reasons thereof to the director involved and to the city council. The director involved may appeal to the city council during the ten-day notice period. After a

hearing on the tenth day from date of notice, the council may override the mayor's action by a vote of four councilmembers. The following administrative officers shall not be considered "directors" whom the mayor may suspend or remove under this section: city attorney, ~~director of administration~~ city manager and city clerk; the foregoing administrative officers shall only be subject to removal as otherwise allowed under this Charter by law. Acting directors may serve until a quorum of the city council affirmatively requests a permanent director to be appointed, subject to regular city council approval.

- (f) The mayor may temporarily suspend any director or ~~other~~ direct reports for ethics violations. Permanent suspension or termination of select employees is provided for in other provisions of this section. Unless specifically otherwise addressed, the mayor has full authority to suspend or terminate direct reports.”

SECTION 5.

Article III, Section 3.11 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 3.11 Boards, commissions and authorities.

- (a) The city council shall create by ordinance or resolution such boards, commissions and authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city council deems necessary, and shall by ordinance or resolution 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 city council for such terms of office and in such manner as shall be provided by ordinance or resolution, 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 or resolution, 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, by ordinance or by other 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 for [the original appointment, except as otherwise provided by this Charter, by ordinance or by other law.
- (f) No member of a board, commission or authority shall assume office until ~~he~~ such member has executed and filed with the clerk of the city an oath obligating ~~himself~~ to perform faithfully and impartially the duties of his office, such oath to be prescribed by ordinance and administered by the mayor.
- (g) Any member of a board, commission or authority may be removed from office for cause by a vote of three members of the city council.
- (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 ~~chairman~~ and one member as vice-~~chairman~~, and may elect as its secretary one of its 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, an ordinance 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 6.

Article III, Section 3.13 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 3.13. ~~Director of Administration.~~ City manager.

- (a) The mayor shall appoint a ~~director of administration~~ city manager, subject to confirmation by the city council. The mayor and city council shall fix the city manager’s compensation. The city manager shall be appointed solely on the basis of that person’s administrative, executive, and professional qualifications. ~~who shall be responsible for the operation and supervision of departments providing administrative services as defined by ordinance; shall perform the general duties of treasurer, accountant and fiscal officer; shall be responsible for the collection of all taxes, licenses, fees and other monies belonging to the city and subject to the provisions of this Charter and the ordinances of the city; and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the city. In addition, the director of administrative services shall be responsible for the maintenance of municipal court records and collection of fines as established by ordinance and state laws and shall perform such other duties as required. Except as otherwise provided by this Charter or by law, the direction [director] of~~ administration city manager shall not be subject to termination or removal by the mayor or the city council acting alone, but only upon the joint action of the mayor and a majority vote of the city council at a regularly scheduled meeting.

~~The director of administration shall solicit bids and proposals for city auditing services once every three years and shall review those bids and make a recommendation to the mayor and council for the purposes of the appointment of the city auditor.~~

~~The director of administration shall solicit bids and proposals for legal services by a qualified municipal attorney at least once every five years [and] shall review those bids and make recommendation to the mayor and council for the purposes of the appointment of a city attorney.~~

- (b) The city manager shall be the chief administrative officer of the city. The city manager shall report to the mayor and be responsible to the city council for the administration of all city affairs placed in the city manager’s charge by or under this charter. As the chief administrative officer, the city manager shall:

- (1) Direct and supervise the administration and operation of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (2) Shall serve as the director of administration;
- (3) Attend all city council meetings, except for closed meetings held for the purposes of deliberating on the appointment, discipline, or removal of the city manager or held for the purpose of receiving legal advice regarding the city manager, and have the right to take part in discussion, but the city manager may not vote;
- (4) Perform the general duties of treasurer, accountant, and fiscal officer;
- (5) See that all laws, provisions of this charter, and acts of the city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (6) Prepare and submit to the city council a recommended operating budget and recommended capital budget;
- (7) Submit to the city council and make available to the public, at least annually, a statement covering the financial condition of the city and a report on the administrative activities of the city as of the end of each fiscal year;
- (8) Make such other reports as the city council may require concerning the operations of the city departments, offices, and agencies subject to the city manager's direction and supervision;
- (9) Keep the city council advised as to the financial condition and future needs of the city, and make such recommendations to the city council concerning the affairs of the city as the city manager deems desirable; and
- (10) Provide council with an organizational chart that identifies all directors and the departments of city government that have been legally activated;
- (11) Be responsible for the administration of court service operations, maintenance of municipal court records and collection of fines as established by ordinance and state law; and
- (12) Perform other such duties as are specified in this charter or as may be required by the city council."

SECTION 7.

Article III, Section 3.14 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

"Section 3.14 City clerk.

The mayor shall appoint a city clerk who shall not be a member of the city council, said appointment being subject to confirmation by the city council. The city clerk shall be the custodian of the official city seal; maintain city council records required by this Charter; and perform such other duties as may be required by the city council and as are imposed upon that officer by state law. Except as otherwise provided in this Charter or by law, the city clerk shall not be subject to termination or removal by the mayor or the city council acting alone, but only

upon the joint action of the mayor and a concurring majority of the city council sitting at a regularly scheduled meeting of the city council. In the event that an appointment is not made to the city clerk position, the city manager shall serve as city clerk.”

SECTION 8.

Article III, Section 3.15 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“3.15 Administrative affairs.

- (a) The mayor shall acknowledge the city ~~manager’s administrator’s~~ recommendation of an auditor, ~~pursuant to the Charter, article III, section 13(b)~~ and make the appointment, or provide a written rejection of the recommendation, within ten days of the recommendation. The mayor’s appointment of an auditor shall be subject to confirmation of the city council. The auditor shall be responsible for auditing and annual revenues and expenditures pursuant to state and federal law.
- (b) The city manager shall solicit bids and proposals for city auditing service once every three years and shall review those bids and make a recommendation to the mayor and council for the purposes of the appointment of the city auditor.
- (c) The city manager shall solicit bids and proposals for legal services by a qualified municipal attorney at least once every five years and shall review those bids and make a recommendation to the mayor and council for the purpose of the appointment of the city attorney.”

SECTION 9.

Article III, Section 3.17 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 3.17 Position classification and pay plans.

The mayor shall be responsible for ~~the preparation of~~ reviewing a position classification and pay plan prepared by the city manager, 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 10.

Article III, Section 3.18 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 3.18 Personnel policies.

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

- ~~(1) The method of employee selection and probationary periods of employment; and~~
- ~~(2) The administration of a position classification and pay plan, methods of promotion and applications of services ratings thereto, and transfer of employees within the classification plan; and~~
- ~~(3) (1) Hours of work, vacation, sick leave and other leaves of absence, overtime pay and the order and manner in which layoffs shall be effected; and~~
- ~~(4) (2) Such dismissal hearings as due process may require; and~~
- ~~(5) (3) Such other personnel policies and notices as may be necessary to provide for the adequate and systematic handling of personnel affairs.”~~

SECTION 11.

Article IV, Section 4.13.is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“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 sole jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now or hereafter provided by law and may impose any punishment up to the maximums specified by general law for offenses with its concurrent jurisdiction. The jailer of DeKalb County is required to receive all such prisoners delivered to him by the municipal court.
- (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 actual cost of meals, transportation and caretaking of prisoners bound over to superior courts for violations of state law.
 - ~~(a) The municipal court shall add twelve dollars (\$12.00) to the amount of every fine assessed for all traffic and vehicle violations or violations of the city codes and ordinances.~~
 - ~~(b) Twelve dollars (\$12.00) from every fine collected shall be allocated to pay for fuel costs for the police department.~~
- (e)The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said 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 his appearance and shall fail to appear at the time fixed for trial, ~~his~~ such person's bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and his 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 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 shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of 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.

(i) 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.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

(k) The chief municipal court judge shall perform such other duties as required for proper administration of the municipal court."

SECTION 12.

Article VI, Section 6.24 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 6.24 Operating budget.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the ~~mayor~~ city manager shall submit to the mayor and city council a proposed

operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the ~~mayor~~ city manager 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 such other comments and information as ~~he~~ the city manager may deem pertinent. The operating budget, the capital improvement budget, 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 13.

Article VI, Section 6.25(a) is amended by deleting said subsection in its entirety and inserting in lieu thereof the following:

“(a) The city council may amend the operating budget proposed by the ~~mayor~~ city manager, except that the budget as finally amended and adopted must provide 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.”

SECTION 14.

Article VI, Section 6.27 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 6.27 Changes in appropriation.

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

SECTION 15.

Article VI, Section 6.28(a) is amended by deleting said subsection in its entirety and inserting in lieu thereof the following:

“Section 6.28 Capital improvement budget.

- (a) On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the ~~mayor~~ city manager shall submit to the mayor and city council a proposed capital improvement budget with ~~his~~ recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. 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 improvement budget, except to meet a public emergency as provided in section 2.24 of this Charter.”

SECTION 16.

Article VI, Section 6.31 is amended by deleting said section in its entirety and inserting in lieu thereof the following:

“Section 6.31 Centralized purchasing.

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

SECTION 17.

In the event any portion of this ordinance amending the Charter shall be declared or adjudged invalid or unconstitutional for any reason, it is the intention of the City Council of the City of Pine Lake that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of this ordinance.

SECTION 18.

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 19.

This ordinance shall be effective upon successful compliance with the requirements of O.C.G.A. § 36-35-5 or January 11, 2023, whichever occurs later.

So Ordained upon second adoption date below.

First Adoption: 12/13/2022
Second Adoption: 01/10/2023

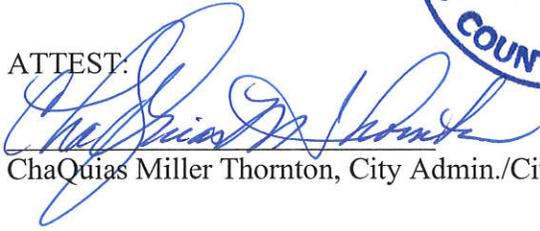
MAYOR AND CITY COUNCIL OF PINE LAKE, GEORGIA


Melanie Hammet, Mayor

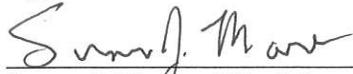


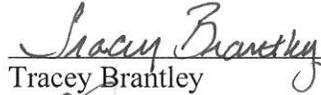


ATTEST:


ChaQuias Miller Thornton, City Admin./City Clerk

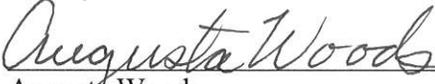
Approved as to Form:


Susan J. Moore, City Attorney


Tracey Brantley


Nivea Castro


Brandy Hall


Augusta Woods