

House Bill 1316

By: Representative Williams of the 148th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Cordele, approved July 29, 2020
2 (Ga. L. 2020, p. 4122), so as to transition the office of chairperson to at large commission
3 member; to provide for a mayor to be selected by and among the commission members; to
4 redesignate the office of vice chairperson to mayor pro tempore; to revise voting and quorum
5 provisions related to the commission; to make conforming changes; to provide that the city
6 manager shall recommend the annual budget to the commission in place of the chairperson;
7 to provide that the chairperson on the effective date of this Act shall become the initial at
8 large commission member; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 An Act creating a new charter for the City of Cordele, approved July 29, 2020 (Ga. L. 2020,
13 p. 4122), is amended by revising Section 2.10 through Section 2.14 as follows:

"SECTION 2.10.

City commission creation; number; election.

The legislative authority of the government of the city, except as otherwise specifically provided in this charter, shall be vested in a city commission to be composed of five commission members. One commission member shall be elected from each of the four wards of the city, and one commission member shall be elected by the voters of the city at large. The city commission established shall in all respects be a successor to and continuation of the governing authority under prior law. The commission members shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City commission terms and qualifications for office.

(a) The members of the city commission shall be registered and qualified to vote in municipal elections in the city and shall serve for terms of four years and until their respective successors are elected and qualified.

(b) No person shall be eligible to serve as commission member representing a commission district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least 12 months immediately prior to the date of the election for commission member. Any elected commission member shall continue to reside in his or her respective district during that person's period of service.

(c) No person shall be eligible to serve as the at large commission member unless that person shall have been a resident of the city for 12 months prior to the date of election. The at large commission member shall continue to reside therein during his or her period of service.

37

SECTION 2.12.

38

Vacancy; filling of vacancies.

39

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

40

41

42

43

(b) A vacancy in the office of commissioner shall be filled for the remainder of the unexpired term, if any, by appointment of the remaining commission members if less than six months remain in the unexpired term, otherwise by an election, as provided in Section 5.14 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or other such laws as are hereinafter enacted.

44

45

46

47

48

SECTION 2.13.

49

Compensation and expenses.

50

The commission members shall receive compensation and expenses for their services as provided by ordinance.

51

52

SECTION 2.14.

53

Conflicts of interest.

54

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

55

56

(b) No member of the city commission shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is financially interested.

57

58 (c) The city commission shall adopt by ordinance a code of ethics governing the conduct
59 of city officials and provide penalties for violation of such ordinance."

60 **SECTION 2.**

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

62 "SECTION 2.19.

63 Regular and special meetings.

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

66 (b) Special meetings of the city commission may be held on call of the mayor or shall be
67 held when requested in writing of three other members of the city commission. Notice of
68 such special meetings shall be served on all other members personally, or by telephone
69 personally, at least 24 hours in advance of the meeting except in the case of an emergency.
70 Such notice to commission members shall not be required if the mayor and all commission
71 members are present when the special meeting is called. Such notice of any special
72 meeting may be waived by a commission member in writing before or after such a meeting,
73 and attendance at the meeting shall also constitute a waiver of notice on any business
74 transacted in such commission member's presence. Only the business stated in the call may
75 be transacted at the special meeting.

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

80 **SECTION 3.**

81 Said Act is further amended by revising Section 2.21 and Section 2.22 as follows:

82 "SECTION 2.21.

83 Quorum; voting.

84 Three commission members shall constitute a quorum and shall be authorized to transact
85 business of the city commission. A majority of the votes cast shall determine all questions
86 except as otherwise provided in this charter. Voting on the adoption of ordinances,
87 resolutions, or motions shall be by voice vote and the vote shall be recorded in the journal,
88 but any member of the city commission shall have the right to request a roll call vote and
89 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
90 affirmative vote of three commission members shall be required for the adoption of any
91 ordinance, resolution, or motion.

92 SECTION 2.22.

93 Ordinance form; procedures.

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

98 (b) An ordinance may be introduced by a commission member and be read at a regular or
99 special meeting of the city commission. Ordinances shall be considered and adopted or
100 rejected by the city commission in accordance with the rules which it shall establish. All
101 ordinances shall have two separate readings. No ordinance shall be adopted on the same
102 day it is introduced. Emergency ordinances, as provided in Section 2.24, may be adopted

103 on the same day that they are introduced without dispensing with the second reading.
104 Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a
105 copy to each commission member and shall file a reasonable number of copies in the office
106 of the city clerk and at such other public places as the city commission may designate."

107 **SECTION 4.**

108 Said Act is further amended by revising subsection (a) of Section 2.24 as follows:

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

126 **SECTION 5.**

127 Said Act is further amended by revising Section 2.31 and Section 2.32 as follows:

128 "SECTION 2.31.
129 Mayor; selection and duties.

130 (a) At the first meeting in January of each year, the city commission shall elect a
131 commission member to serve as mayor. At all times, the commission member serving as
132 the mayor shall maintain all powers and duties provided to commissioners under this
133 charter, including but not limited to the right to vote on all matters before the commission.

134 (b) The mayor shall:

135 (1) Preside at all meetings of the city commission;

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

138 (3) Have the power to administer oaths and to take affidavits; and

139 (4) Sign, as a matter of course, on behalf of the city all written and approved contracts,
140 ordinances, and other instruments executed by the city which, by law, are required to be
141 in writing.

142 SECTION 2.32.
143 Mayor pro tempore; selection and duties.

144 At the first meeting in January of each year, the city commission shall elect a commission
145 member to serve as the mayor pro tempore. In the mayor's absence, the mayor pro tempore
146 shall preside at meetings of the city commission and shall assume the duties and powers
147 of the mayor upon the mayor's physical or mental disability."

148 SECTION 6.

149 Said Act is further amended by revising subsection (f) of Section 3.11 as follows:

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

154 **SECTION 7.**

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

156 "SECTION 3.12.

157 City attorney.

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

166 **SECTION 8.**

167 Said Act is further amended by revising subsection (e) of Section 4.11 as follows:

168 "(e) Before assuming office, each judge shall take an oath, given by the mayor, that the
169 judge will honestly and faithfully discharge the duties of the office to the best of that
170 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
171 minutes of the city commission journal required in Section 2.20."

172 **SECTION 9.**

173 Said Act is further amended by revising Section 4.16 and Section 4.17 as follows:

174 "SECTION 4.16.

175 Indigent defense and prosecutor.

176 The city commission shall have the power to provide for a system of defense for indigent
177 persons charged in the municipal court with violations of ordinances or state laws, and for
178 the prosecution of such cases by a prosecutor, and to provide for and require the expense
179 of same to be prorated over all criminal cases disposed of by the court and all bond
180 forfeitures in said cases, to be imposed by the municipal court judge and collected in all
181 criminal cases and in bond forfeitures in such cases as costs, in addition to fines, penalties,
182 and all other costs.

183 SECTION 4.17.

184 Funding the acquisition, maintenance, and replacement of
185 supplies and equipment for the municipal court.

186 The city commission shall have the power to provide that the costs of the acquisition,
187 maintenance, and replacement of supplies and equipment required in the operation of the
188 municipal court shall be funded by adding the expense thereof to all fines imposed by the
189 municipal court judge and collected in all criminal cases and to all bond forfeitures in such
190 cases as costs, in addition to fines, penalties, and all other costs."

191 **SECTION 10.**

192 Said Act is further amended by revising Section 5.11 as follows:

193 "SECTION 5.11.

194 Election of the city commission and chairperson.

195 (a) On Tuesday next following the first Monday in November 2025, successors to the at
196 large commission member and commission members from Ward 2 and Ward 3 shall be
197 elected to four-year terms or until their respective successors are elected and qualified.

198 (b) On Tuesday next following the first Monday in November 2027, successor commission
199 members from Ward 1 and Ward 4 shall be elected to four-year terms or until their
200 respective successors are elected and qualified.

201 (c) As provided in Section 2.18 of this charter, the members of the commission shall take
202 the oath of office and shall begin their terms at the organizational meeting to be held the
203 first Tuesday of January following the election.

204 (d) Elected officials of the city serving on the effective date of this charter shall serve out
205 the terms they were elected to."

206 **SECTION 11.**

207 Said Act is further amended by revising Section 5.14 as follows:

208 "SECTION 5.14.

209 Special elections; vacancies.

210 In the event that the office of commission member becomes vacant as provided in
211 Section 2.12 of this charter, those remaining members of the commission shall appoint a
212 successor for the remainder of the term if less than six months remain in the term. If more
213 than six months remain in the term, there shall be a special election held and conducted in
214 accordance with the Georgia Election Code."

215 **SECTION 12.**

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

217 "SECTION 5.16.

218 Removal of officers.

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

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

224 (1) By vote of three members of the commission after an investigative hearing. In the
225 event an elected officer is sought to be removed by the action of the city commission,
226 such officer shall be entitled to a written notice specifying the ground or grounds for
227 removal and to a public hearing which shall be held not less than ten days after the
228 service of such written notice. The city commission shall provide by ordinance for the
229 manner in which such hearings shall be held. Any elected officer sought to be removed
230 from office as herein provided shall have the right of appeal from the decision of the city
231 commission to the Superior Court of Crisp County. Such appeal shall be governed by the
232 same rules governing appeals to the superior court from the probate court.

233 (2) By an order of the Superior Court of Crisp County following a hearing on a
234 complaint seeking such removal brought by any resident of the city."

235 **SECTION 13.**

236 Said Act is further amended by revising subsection (a) of Section 6.19 as follows:

237 "(a) Executions for any and all taxes or licenses, or demands of any sort due the city or its
238 corporate authorities by any person, firm, or corporation, or against any property subject

239 thereto, shall be issued by the city clerk, be signed by him or her, in the name of the mayor,
240 and be directed to the chief of police of said city and his or her deputies and all and singular
241 the sheriffs, deputy sheriffs, and constables of this state, commanding them that of any
242 property belonging to the defendant against whom said execution is issued, or of certain
243 property described in the execution, they make by levy and sale the amount due on the
244 execution with all costs."

245 **SECTION 14.**

246 Said Act is further amended by revising Section 6.27 as follows:

247 "SECTION 6.27.

248 Action by city commission on budget.

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

254 (b) The city commission by ordinance shall adopt the final operating budget for the
255 ensuing fiscal year not later than the first day of the ensuing fiscal year. If the city
256 commission fails to adopt the budget by this date, the amounts appropriated for operation
257 for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a
258 month-to-month basis, with all items prorated accordingly until such time as the city
259 commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall take
260 the form of an appropriations ordinance, setting out the estimated revenues in detail by
261 sources and making appropriations according to fund and by organizational unit, purpose,
262 or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.25.

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

267

SECTION 15.

268 (a) Those members of the city commission of the City of Cordele who are serving as such
269 immediately prior to the effective date of this Act and any person selected to fill a vacancy
270 in any such office shall continue to serve as such members until the regular expiration of
271 their respective terms of office and upon the election and qualification of their respective
272 successors.

273 (b) The chairperson serving immediately prior to the effective date of this Act shall be the
274 initial at large commissioner, as newly described under this Act, and on and after the
275 effective date of this Act shall be deemed to be serving from and representing such citywide
276 district as newly described under this Act; such person shall also serve as the initial mayor
277 as provided for in this Act.

278 (c) Nothing in this Act shall alter or amend the boundaries of Wards 1, 2, 3, 4, and 5, as they
279 exist immediately prior to the effective date of this Act, and such wards shall continue to
280 exist in the same form as they existed prior to the effective date of this Act.

281

SECTION 16.

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