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AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF DAWSONVILLE SO AS TO AMEND ARTICLE II THROUGH VI OF THE CITY CHARTER SO AS TO PROVIDE CONSISTENCY CONCERNING DISTRICT POSTS; TO PROVIDE A CONSISTENT OATH OF OFFICE; TO ESTABLISH PROVISIONS RELATED TO CONFLICT OF INTEREST AND THE ETHICS CODE; TO PROVIDE FOR CITY COUNCIL REGULAR MEETINGS AND WORK SESSIONS AND FOR MEANS OF PROVIDING NOTICE OF THE SAME; TO INCREASE THE COMPENSATION OF THE MAYOR AND CITY COUNCIL MEMBERS; TO DESIGNATE A CODIFICATION SYSTEM; TO CLARIFY THE PROHIBITION ON HOLDING MULTIPLE OFFICES, THE TIMING OF THE CITY COUNCIL ORGANIZATIONAL MEETING AND APPOINTMENT OF A MAYOR PRO TEMPORE, THE PROCESS FOR CALLING SPECIAL AND EMERGENCY MEETINGS, ROLES OF THE CITY CLERK, CITY ATTORNEY, CITY MANAGER AND CITY JUDGE; TO CLARIFY PROVISIONS RELATED TO THE CITY COURT AND POLITICAL ACTIVITIES OF OFFICERS AND EMPLOYEES; TO PROVIDE CLARIFICATION FOR ELECTIONS AND TERMS, THE GROUNDS AND PROCEDURE FOR REMOVAL OF AN OFFICER, FRANCHISES AND OTHER AGREEMENTS THAT THE CITY COUNCIL MAY GRANT, UTILITY SERVICE CHARGES THE CITY COUNCIL MAY ASSESS AND/OR COLLECT; AND FOR OTHER PURPOSES.

WHEREAS, an Act was passed in the Georgia Legislature in April of 1996 providing a new Charter for the City of Dawsonville and for other purposes; and

WHEREAS, the Charter of the City of Dawsonville has not been substantially updated or revised since its passage in the Georgia Legislature in April of 1996; and

WHEREAS, the City of Dawsonville and its general public are best served by an efficient city council and city government; and

WHEREAS, the modernization, clarification, and updating of the City Charter will provide for the efficient administration of government and operation of the city council in the City of Dawsonville; and

WHEREAS, the Mayor and City Council have undertaken a project to substantially update, in the interest of consistency and uniformity, the City Charter and all ordinances of the City of Dawsonville; and

WHEREAS, the City of Dawsonville now desires to amend its City Charter to provide for the modernization, clarification, and updating of its Charter provisions.

NOW THEREFORE, THE COUNCIL OF THE CITY OF DAWSONVILLE, GEORGIA HEREBY ORDAINS AS FOLLOWS:

SECTION 1.

Section 2.10 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.10 in its entirety and replacing it with a new section 2.10 as follows:

Section 2.10. - City council created; 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 four councilmembers. The city council shall be a successor to and continuation of the city governing authority under prior law. The mayor shall be elected at-large and the four councilmembers shall be elected at-large by district post as further provided in article V of this Charter.

SECTION 2.

Section 2.11 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.11 in its entirety and replacing it with a new section 2.11 as follows:

Section 2.11. - Terms and qualifications of office.

The members of the council shall serve for terms of four years and until their respective successors are qualified and elected. The mayor shall serve for a term of four years and until his or her successor is qualified and elected. No person shall be eligible to serve as mayor unless he or she: (1) has been a resident of the city for a period of at least one year immediately prior to the date of election; (2) continues to reside within the city during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dawsonville; and (4) meets any applicable requirements imposed under Article 14, Chapter 2, of the "Georgia Election Code." No person shall be eligible to serve as a council member unless he or she: (1) has been a resident of the city and the applicable district post for a period of at least one year immediately prior to the date of election; (2) continues to reside within the city and applicable district post during his or her period of service; (3) is registered and qualified to vote in municipal elections of the City of Dawsonville; and (4) meets any applicable requirements imposed under Article 14, Chapter 2, of the "Georgia Election Code."

SECTION 3.

Subsection (a) of **Section 2.13** of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing subsection (a) in its entirety and replacing it with a new section subsection (a) as follows:

- (a) Effective January 1, 2020, the compensation of the mayor shall be \$1000.00 per month and the compensation of each council member shall be \$600.00 per month, until such time as the compensation of the mayor and/or council are amended by ordinance adding to or amending the City's Code of Ordinances in accordance with subsection (c). In addition to this monthly compensation, the mayor and council members shall also be paid \$150.00 per individual for each city council meeting and for any other meeting that has been pre-approved for compensation by the council that they attend other than the first regular city council meeting of the month.

SECTION 4.

Sections 2.14 through 2.15 of Article II of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 2.14 through 2.15 in their entirety and replacing them with new sections 2.14 through 2.15 as follows:

Section 2.14. - Holding other offices.

Except as authorized by law, neither the mayor nor any member of the council shall hold any other elected office or municipal employment in the City of Dawsonville during the term for which he or she is elected.

Section 2.15. - Code of Ethics; Conflict of interest.

No elected official, appointed officer, or employee of the city or any commission, authority or agency of the city shall knowingly violate the city's Code of Ethics ordinance or any state law of ethics prohibiting conflicts of interest applicable to the city. A violation shall subject the offender to such penalty as proscribed by the Code of Ethics.

SECTION 5.

Sections 2.19 through 2.23 of Article II of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 2.19 through 2.22 in their entirety and replacing them with new sections 2.19 through 2.22 as follows:

Section 2.19. - Organization meeting.

Following each regular election, the newly elected council shall meet for organization as the last item of business during the last regular meeting in December. The oath of office as set forth in Section 3.16 of the Charter shall be administered to all newly elected officials of the city.

Section 2.20. - Mayor pro tempore.

At the last regular meeting in December, the council shall elect one of its members to serve as mayor pro tempore for the upcoming year who shall discharge the duties and exercise the powers and authority of the mayor in the absence, disability, or disqualification of the mayor and during any vacancy in the office of mayor; provided, that his or her rights and duties as councilmember shall remain unimpaired, including, but not limited to, the right to vote on all matters properly before the council.

Section 2.21. - Regular and special meetings.

(a) The regular monthly meetings and work sessions of the City Council of the City of Dawsonville shall be established by setting and approving a calendar for the subsequent year no later than the last meeting of the City Council in December of the preceding year. In the event that a meeting calendar is not set and approved by the City Council by said December meeting prior to the coming year, meetings shall be held on the first Monday of each month beginning at 5:30 p.m. at the Dawsonville City Hall.

(b) Special meetings of the council may be held on call of the mayor. In the alternative, a special meeting may be held on the call of the mayor pro tempore and two councilmembers. Notice of such special meetings shall be provided in accordance with section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable state laws as are or may hereafter be enacted. However, at a minimum written notice of a special meeting shall be posted for at least 24 hours prior to the start of the special meeting at city hall. Further, notice of such special meetings shall be served on the mayor and all council members personally at least 24 hours in advance of the meeting or by telephone personally at least 24 hours in advance of the meeting or by email or other electronic means that evidences an acknowledgement of receipt at least 24 hours in advance of the meeting or shall be left at their residence at least 24 hours in advance of the meeting. Such notice shall not be required if the mayor and all councilmembers are present when the special meeting is called or convened. Such notice of any special meeting may be waived by a councilmember in writing before or after such meeting, and attendance at the meeting shall also constitute a waiver of notice of the meeting and of any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting except by unanimous consent of all members present. With such consent, any business which may be transacted in a regular meeting may be conducted at the special meeting.

(c) To meet a public emergency affecting life, health, property, or public peace, the city council may convene for an emergency meeting on call of the mayor or on the call of the mayor pro tempore or on the call of two councilmembers and at such emergency meeting 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. Notice as provided in subsection (b) above of an emergency meeting shall be provided as soon as reasonably possible after the call and shall be at least one hour before the meeting. 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 it 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 two councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this Section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for adoption of emergency ordinances.

Section 2.22. - Rules of procedure; minutes.

The council shall adopt its rules of procedure by ordinance or resolution and order of business consistent with the provisions of this Charter and shall provide for the keeping of minutes of its proceedings, which shall be a public record.

Section 2.23. - Quorum; voting.

(a) Three councilmembers and the mayor or mayor pro tempore shall constitute a quorum and shall be authorized to transact business of the council. Assuming a quorum is otherwise physically present, the mayor or any councilmember may attend as if present up to two regular or special meetings per year by teleconferencing technology means as provided by state law with the full right to participate and vote on all matters properly before the Council at said meeting. The mayor or a councilmember may participate via teleconferencing technology due to illness or physical absence from the City of Dawsonville. The mayor or councilmember participating via teleconferencing technology shall not count toward the satisfaction of the quorum requirement for a regular or special meeting.

(b) An emergency meeting held pursuant to Section 2.21(c) of the City Charter may be conducted entirely through teleconferencing technology and the mayor and/or councilmembers using such teleconferencing technology to participate may be counted to satisfy the quorum requirement for said meeting, so long as the requirements of section 50-14-1 of the Official Code of Georgia Annotated or such other applicable state laws as are or may hereafter be enacted are satisfied.

(c) Voting on the adoption of ordinances shall be taken by a recorded vote of the council and shall be entered upon the minutes. Any member of the council shall have the right to request a roll-call vote. The affirmative vote of a majority of the council present shall be required for the adoption of any ordinance, resolution, or motion except as otherwise provided in this Charter.

SECTION 6.

Section 2.27 of Article II of the Charter of the City of Dawsonville is hereby amended by repealing existing section 2.27 in its entirety and replacing it with a new section 2.27 as follows:

Section 2.27. - Signing; authenticating; recording; codifying; printing of ordinances.

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

(b) Municipal Code Corporation (Municode) is the official codification system for the City of Dawsonville and its Charter and Ordinances, along with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as the "Code of the City of Dawsonville, Georgia." Copies of the code are available for free to the general public and all officers through the publisher Municode on its online platform. This codification shall have the full force and effect of law. The city council shall cause each

ordinance and each amendment to this Charter to be published promptly on Municode following its adoption.

SECTION 7.

Sections 3.13 through 3.17 of Article III of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 3.13 through 3.17 in their entirety and replacing them with new sections 3.13 through 3.17 as follows:

Section 3.13. - City clerk.

The council may appoint a city clerk, who may also serve as the city treasurer, with such compensation as shall be determined by the council. The city clerk shall keep the minutes of the proceedings of the city council, maintain in a safe place all records and documents pertaining to the affairs of the city, and perform such other duties as may be required by law or as the council may direct.

Section 3.14. - City manager; appointment; qualifications; compensation.

The city council may appoint a city manager for an indefinite term and fix his or her compensation. The manager shall be appointed on the basis of his or her executive and administrative qualifications. The city manager shall serve at the pleasure of the council. The city manager shall be the chief administrative officer of the government of the City of Dawsonville and shall have such powers and duties as are vested in him or her by ordinance or as otherwise provided by the council.

Section 3.15. - City attorney.

The council may appoint a city attorney and provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for representing and/or directing all litigation in which the city is a party; shall attend the meetings of the mayor and/or council as directed; shall advise the council, mayor, 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 requested by the mayor, council, or city manager.

Section 3.16. - Oath of officers.

Before a person takes any elected office in the city government, he or she shall take before an officer of the state authorized to administer oaths the following such oath or affirmation:

"I do solemnly swear or affirm that I will faithfully perform the duties of _____ of this city, that I will in all respects observe the provisions of the Charter, the Code of Ethics and ordinances of the City of Dawsonville; and that I will support and defend the Charter thereof, as well as the Constitution of the United States and of the State of Georgia. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of the State of Georgia. I have been a resident of [my district and] the City of Dawsonville for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Dawsonville to the best of my ability without fear, favor, affection, reward, or expectation thereof. So help me God."

Section 3.17. - Candidacy of employees and appointed officials.

No appointive officer of the city shall continue in such employment upon qualifying as a candidate for election to any public office. No employee of the city shall continue in the employment of the city upon qualifying as a candidate for election to any city, county, or state elected office that is inconsistent, incompatible or in

conflict with the duties of the city employee. Such determination shall be made by the mayor and council either upon qualification, upon election or at any time such conflict may arise.

SECTION 8.

Sections 4.1 through 4.8 of Article V of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 4.1 through 4.8 in their entirety and replacing them with new sections 4.10 through 4.14 as follows:

Section 4.10. - Creation of municipal court; name.

There shall be a court created to be known as the "Municipal Court of the City of Dawsonville."

Section 4.11. - Appointment of judge of the municipal court by mayor and council.

The mayor and council may appoint an individual to serve as judge of the municipal court pursuant to O.C.G.A. § 36-32-2 and delegate to him or her all duties and authority of that office as provided in O.C.G.A. § 36-32-1 *et seq.* In the event of the appointment of a judge of the municipal court as provided in this section, the compensation of such judge shall be as determined by the mayor and council and the judge shall serve a one year term or until his/her replacement is appointed by the mayor and council.

Section 4.12. - Jurisdiction and powers of municipal court.

The municipal court shall have the jurisdiction and powers set forth in O.C.G.A. § 36-32-1 *et seq.*, or such other applicable state laws as are or may hereafter be enacted, and under the ordinances of the City of Dawsonville as amended from time to time.

Section 4.13. - Municipal Court procedures; personnel; punishment for code violations; fees and fines.

The mayor and council may set forth the procedures for convening and/or suspending the Municipal Court, set procedures for staffing the Municipal Court, define punishment for code violations, establish fees and fines, set courtroom procedures, set procedures for appointing indigent defense counsel, and provide for other necessary operational and practical matters of the Municipal Court through the City of Dawsonville's ordinances as may be amended from time to time.

Section 4.14. - Appeal.

The mayor and council may establish by ordinance procedures for appeal from decisions of the Municipal Court in accordance with state law.

SECTION 9.

Sections 5.10 through 5.16 of Article V of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 5.10 through 5.16 in their entirety and replacing them with new sections 5.10 through 5.15 as follows:

Section 5.10. - Applicability of general law.

All elections and the procedure and requirements for the election of all elected officials of the City of Dawsonville, as to special and general elections, shall be held and conducted in conformity with state law.

Section 5.11. - Regular elections.

(a) The general municipal election for the city shall be conducted on the Tuesday following the first Monday in November, in the odd numbered years, and on such day biennially thereafter.

(b) Successors to the mayor and each councilmember shall be elected at the general municipal election immediately preceding the expiration of such terms and shall take office on the first day of January immediately following that election for terms of office of four years each and until their respective successors are qualified and elected. Persons so elected shall take the oath of office as provided in section 3.16 of this Charter.

(c) The mayor and each council member shall be elected by the electors voting in the entire city at large. The mayor may reside in any district of the city as set forth in subsection (e) below. Each council member must reside in the district as set forth in subsection (e) below that they qualify for both at the time of qualification for that district post and throughout their elected service in that position. Each elector shall be entitled to vote for one candidate for each municipal office which is to be filled at any election. At the general municipal election conducted in 2019 and every four years thereafter, the candidates who receive the highest number of votes cast for the office of mayor and council member posts 1 and 3 shall be the persons elected to those offices. At the general municipal election conducted in 2021 and every four years thereafter, the candidates who receive the highest number of votes cast for council member posts 2 and 4 shall be the persons elected to those offices.

(d) Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party labels.

(e) There shall be four council member districts of approximately equal populations that shall be created and modified by ordinance as required by this Charter, state and federal law. In drawing district lines to achieve similar populations in each district, the Council shall take into account neighborhoods, roads and other landmarks or land divisions that provide appropriate lines between districts. The four districts shall each be represented by one council member who shall run for and be elected to that district post. The four district posts shall be known as Post 1, Post 2, Post 3 and Post 4. Any candidate for a council member position shall qualify only for the post of the district in which they reside and shall designate the post which the candidate is seeking when qualifying. The designation shall be entered upon the ballot in such manner so that in the ensuing election such candidate shall only oppose the other candidate or candidates, if any, designating the same specific district post.

Section 5.12. - Special elections; vacancies.

In the event of a vacancy in the office of the mayor or council member, the mayor and council shall appoint a qualified person to fill such vacancy until a special election is held as set forth below. If a tie vote by the mayor and council to fill a vacancy is unbroken for 15 days, the mayor, or mayor pro tempore in case of a vacancy in the office of mayor, shall appoint a qualified person to fill the vacancy. Once a vacancy is filled by appointment, a special election shall be called and held to fill the balance of the unexpired term. Notwithstanding the foregoing, if such vacancy occurs within 180 days prior to a regular election for the vacant office of the mayor or council member, the appointee shall serve until the election, the vacancy shall be filled at the regular election, and in such event, no special election shall be held. Special elections shall be called and held according to the next applicable special election date after a vacancy is created. In all other respects, special elections shall be conducted in accordance with the applicable provisions of this Charter and state law.

Section 5.13. - Rules and regulations for elections.

Except as otherwise provided by this Charter, the city council shall by ordinance prescribe such rules and regulations for elections as it deems appropriate to fulfill any options and duties under state law.

Section 5.14. - Removal of officers.

The mayor or any councilmember shall be subject to removal from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (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) Willful violation of any express prohibition of this Charter or City of Dawsonville ordinances or policies;
- (5) Willful violation of or disregard for their oath of office;
- (6) Abandonment of office or neglect to perform the duties thereof; or
- (7) Failure to perform the duties of office as required by this Charter or by law.

Section 5.15. - Procedure for removal.

- (a) Removal of an elected officer from office may be accomplished by one of the following methods:
 - (1) By action of two-thirds vote of the entire membership of the council. In the event an elected officer is sought to be removed by the action of the council, such officer shall be entitled to a written notice specifying the ground for removal and to a public hearing which shall be held not less than ten days from the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held in accordance with due process. Any elected officer sought to be removed from office as provided in this chapter shall have the right to appeal the decision of the council to the Superior Court of Dawson County by writ of certiorari in accordance with state law; or
 - (2) By an order of the Superior Court of Dawson County following a hearing on a complaint seeking such removal brought by at least three residents of the City of Dawsonville; or
 - (3) By an order of the Superior Court of Dawson County following a hearing on a complaint seeking such removal brought by the Ethics Board of the City of Dawsonville, as provided for in the City of Dawsonville Code of Ethics.
- (b) Once an elected officer has been removed from office pursuant to subsections (a)(1), (a)(2) or (a)(3) above, said individual shall not be eligible to run for any city office in any election for a period of four years from the date of removal. In the event an individual has been removed from office pursuant to subsection (a)(1), (a)(2) or (a)(3) above and said individual appeals the removal, said individual shall only be eligible to run for election to a city office if the individual posts a bond with the Superior Court of Dawson County in an amount equal to the estimated cost to the City of Dawsonville of conducting the election. If the appeal is denied and the removal is affirmed, then the bond amount shall be paid to the city. If the appeal is granted and the removal is reversed, then the bond shall be terminated and of no further force or effect.

SECTION 10.

Sections 6.14 through 6.15 of Article VI of the Charter of the City of Dawsonville are hereby amended by repealing existing sections 6.14 through 6.15 in their entirety and replacing them with new sections 6.14 through 6.15 as follows:

Section 6.14. - Franchises.

The city council shall have the power to grant franchises, contracts, or easements for the use of this city's streets and alleys, for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, provisions, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises.

Section 6.15. - Utility charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for utility services rendered both inside and outside the corporate limits of the city. If unpaid, said utility service charge shall be collected as provided in section 6.18 of this Charter.

SECTION 11.

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

SECTION 12.

This ordinance shall become effective upon adoption, the public good demanding the same.

SO ADOPTED AND ORDAINED by the City Council of Dawsonville, Georgia, this _____ day of _____, 2019.

MAYOR AND DAWSONVILLE CITY COUNCIL

By: _____
Mike Eason, Mayor

Caleb Phillips, Council Member Post 1

Stephen Tolson, Council Member Post 2

Jason Power, Council Member Post 3

Mark French, Council Member Post 4

ATTESTED TO BY:

Beverly Banister, City Clerk