

House Bill 990 (AS PASSED HOUSE AND SENATE)

By: Representatives Meeks of the 178th and Werkheiser of the 157th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to provide a new charter for the City of Screven, approved March 9, 1959
2 (Ga. L. 1959, p. 2203), as amended, particularly by an Act approved June 30, 1964 (Ga. L.
3 1964 Ex. Sess., p. 2114), so as to revise the terms of the mayor and city council; to provide
4 for election dates; to revise meeting dates for the city council; to revise the powers of the
5 mayor; to remove provisions related to the police court; to provide for a municipal court; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act to provide a new charter for the City of Screven, approved March 9, 1959 (Ga. L.
10 1959, p. 2203), as amended, particularly by an Act approved June 30, 1964 (Ga. L. 1964 Ex.
11 Sess., p. 2114), is amended by revising Section 4 as follows:

12 "SECTION 4.

13 (a) The municipal government of the City of Screven shall be vested in a mayor and five
14 councilmembers, each of whom shall be elected at large by the qualified and registered
15 voters of the city. Except as provided in subsection (b) of this section, the mayor and each
16 councilmember shall hold office for a term of four years and until their successors are
17 elected and qualified.

18 (b) The mayor and councilmembers in office upon the effective date of this Act shall serve
19 until January 1, 2022. At the general municipal election held on the Tuesday after the first
20 Monday in November, 2021, elections shall be held for the office of mayor and each of the
21 city council posts. The initial terms of office for the persons elected to city council posts
22 one, three, and five at the 2021 general election shall be two years. The initial terms of
23 office for the persons elected mayor and to city council posts two and four at the 2021
24 general election shall be four years. Thereafter, the terms of the mayor and all city council

25 posts shall be four years, with elections held on the Tuesday after the first Monday in
26 November in odd-numbered years."

27 **SECTION 2.**

28 Said Act is further amended by revising Section 9 as follows:

29 "SECTION 9.

30 As of January 1, 2021, the mayor and council shall hold regular and open meetings on the
31 first Thursday of each calendar month, and called meetings at such times as are necessary
32 to conduct the affairs of the city."

33 **SECTION 3.**

34 Said Act is further amended by adding new sections to read as follows:

35 "SECTION 11A.

36 The mayor shall be the chief executive of this city. The mayor shall possess all of the
37 executive and administrative powers granted to the city under the Constitution and laws of
38 the State of Georgia and all of the executive and administrative powers contained in this
39 charter.

40 SECTION 11B.

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

- 42 (1) See that all laws and ordinances of the city are faithfully executed;
- 43 (2) Appoint and remove all officers, department heads, and employees of the city, except
44 as otherwise provided in this charter;
- 45 (3) Exercise supervision over all executive and administrative work of the city and
46 provide for the coordination of administrative activities;
- 47 (4) Prepare and submit to the city council a recommended operating budget and capital
48 budget;
- 49 (5) Submit to the city council at least once a year a statement covering the financial
50 conditions of the city and, from time to time, such other information as the city council
51 may request;
- 52 (6) Recommend to the city council such measures relative to the affairs of the city,
53 improvement of the government, and promotion of the welfare of its inhabitants as the
54 mayor may deem expedient;
- 55 (7) Call special meetings of the city council;
- 56 (8) Approve or disapprove ordinances as provided in Section 11;

- 57 (9) Provide for an annual audit of all accounts of the city;
- 58 (10) Require any department or agency of the city to submit written reports whenever
- 59 the mayor deems it expedient; and
- 60 (11) Perform such other duties as may be required by law, this charter, or by ordinance."

61 **SECTION 4.**

62 Said Act is further amended by revising Section 26 and adding new sections to read as

63 follows:

64 "SECTION 26.

65 There is hereby created a court to be known as the Municipal Court of the City of Screven

66 which shall have jurisdiction and authority to try offenses against the laws and ordinances

67 of said city and to punish for a violation of the same. Such court shall have the power and

68 authority to enforce its judgments by the imposition of such penalties as may be provided

69 by law.

70 SECTION 26A.

- 71 (a) The municipal court shall be presided over by a chief judge and such part-time,
- 72 full-time, or stand-by judges as shall be provided by ordinance.
- 73 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
- 74 unless that person shall have attained the age of 21 years, shall be a member of the State
- 75 Bar of Georgia, and shall possess all qualifications required by law. All judges shall be
- 76 appointed by the city council and shall serve until a successor is appointed and qualified.
- 77 (c) Compensation of the judges shall be fixed by the city council.
- 78 (d) Judges may be removed from office pursuant to general law.
- 79 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the
- 80 judge will honestly and faithfully discharge the duties of the office to the best of that
- 81 person's ability and without fear, favor, or partiality. The oath shall be entered upon the
- 82 minutes of the city council journal.

83 SECTION 26B.

84 The municipal court shall be convened at such times as designated by ordinance or at such

85 times as deemed necessary to keep current the dockets thereof.

SECTION 26C.

- 86
- 87 (a) The municipal court is specifically vested with all of the jurisdiction and powers
88 throughout the entire area of the City of Screven granted by state laws generally to
89 municipal courts, and particularly by such laws as authorize abatement of nuisances.
- 90 (b) The municipal court shall have authority to punish those in its presence for contempt,
91 by a fine not to exceed \$200.00 or imprisonment not to exceed ten days. The municipal
92 court may fix punishment for any offense within its jurisdiction not exceeding the
93 maximum allowed by state law.
- 94 (c) The municipal court shall have authority to establish a schedule of fees to defray the
95 cost of operation and shall be entitled to reimbursement for the cost of meals,
96 transportation, and caretaking of prisoners bound over to superior courts for violations of
97 state law.
- 98 (d) The municipal court shall have authority to establish bail and recognizances to ensure
99 the presence of those charged with violations before said court and shall have discretionary
100 authority to accept cash or personal or real property as surety for the appearance of persons
101 charged with violations. Whenever any person shall give bail for their appearance and
102 shall fail to appear at the time fixed for trial, their bond shall be forfeited by the judge
103 presiding at such time and an execution shall be issued thereon by serving the defendant
104 and their sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
105 event that cash or property is accepted in lieu of bond as surety for the appearance of a
106 defendant at trial and if such defendant fails to appear at the time and place fixed for trial,
107 the cash so deposited shall be on order of the judge declared forfeited to the City of
108 Screven, or the property so deposited shall have a lien against it for the value forfeited,
109 which lien shall be enforceable in the same manner and to the same extent as a lien for city
110 property taxes.
- 111 (e) The municipal court shall have the authority to bind prisoners over to the appropriate
112 court when it appears by probable cause that a state law has been violated.
- 113 (f) The municipal court shall have the same authority as superior courts to compel the
114 production of evidence in the possession of any party; to enforce obedience to its orders,
115 judgments, and sentences; and to administer such oaths as are necessary.
- 116 (g) The municipal court may compel the presence of all parties necessary to a proper
117 disposal of each case by the issuance of summons, subpoenas, and warrants which may be
118 served as executed by any officer as authorized by this charter or by state law.
- 119 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest
120 of persons charged with offenses against any ordinance of the city, and each judge of the
121 municipal court shall have the same authority as a magistrate of the state to issue warrants
122 for offenses against state laws committed within the city.

123 **SECTION 26D.**

124 The right of certiorari from the decision and judgment of the municipal court shall exist in
 125 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 126 the sanction of a judge of the Superior Court of Wayne County under the laws of the State
 127 of Georgia regulating the granting and issuance of writs of certiorari.

128 **SECTION 26E.**

129 With the approval of the city council, judges shall have full power and authority to make
 130 reasonable rules and regulations necessary and proper to secure the efficient and successful
 131 administration of the municipal court; provided, however, that the city council may adopt
 132 in part or in total the rules and regulations applicable to municipal courts. The rules and
 133 regulations made or adopted shall be filed with the city clerk, shall be available for public
 134 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
 135 proceedings at least 48 hours prior to said proceedings."

136 **SECTION 5.**

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