House Bill 754 (AS PASSED HOUSE AND SENATE)
By: Representative Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.
An Act to provide for a new charter for the City of Hoschton, Georgia, approved April 24, 2013 (Ga. L. 2013, p. 3539), as amended, is amended by repealing Article II in its entirety and replacing it with a new Article II to read as follows:

"ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.10.
Election of mayor.

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

SECTION 2.11.
Powers and duties of mayor.

The mayor shall:
(1) Preside at all meetings of the city council;
(2) Be the head of the city for the purpose of service of process and for ceremonial purposes and shall be the official spokesperson for the city and the chief advocate of policy;
(3) Have the power to administer oaths;
(4) Be authorized to 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) Vote on matters before the city council, make a respective motion, and be counted toward a quorum as any other councilmember; and

(6) Perform such other duties as may be required by law, this charter, or by ordinance.

SECTION 2.12.
Mayor pro tem; selection; duties.

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

SECTION 2.13.
City council creation; composition; number; election.

(a) The legislative authority of the government of the City of Hoschton, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of:
(1) A mayor and four councilmembers until such time as the councilmembers elected at the municipal general elections to be held in 2021 take office; and
(2) A mayor and six councilmembers after the councilmembers elected at the municipal general elections to be held in 2021 take office.
(b) The mayor and councilmembers shall be elected at large by the voters of the city and in the manner provided by general law and this charter. Except as provided in this section, the mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified.
(c) At the municipal general elections to be held in 2021:
(1) There shall be elected a mayor and four councilmembers;
(2) The candidate for mayor receiving the highest number of votes shall serve for a term of four years and until his or her successor is elected and qualified;
(3) The candidates for councilmember receiving the three highest number of votes shall serve for a term of four years and until their successors are elected and qualified; and
(4) The candidate for councilmember receiving the fourth highest number of votes shall serve for a term of two years and until his or her successor is elected and qualified.
(d) At the municipal general elections to be held in 2023, and every four years thereafter, there shall be elected three councilmembers. At the municipal general elections to be held in 2025, and every four years thereafter, there shall be elected a mayor and three councilmembers.
(e) No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless and until such person has filed a written notice with the clerk of the city that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person has filed said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'
SECTION 2.14.  
City council qualifications.

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

SECTION 2.15.  
Compensation and expenses.

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

SECTION 2.16.  
Vacancy; filling of vacancies; suspensions.

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

(b) A vacancy in the office of mayor or a councilmember shall be filled for the remainder of the unexpired term, if any, by appointment by the city council or those members remaining if less than six months remain in the unexpired term. If such vacancy occurs six months or more prior to the expiration of the term of that office, it shall be filled for the
remainder of the unexpired term by a special election, as provided for in Section 5.12 of this charter.

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

SECTION 2.17. Prohibitions.

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

(b) Conflict of interest. No elected official, appointed officer, or employee of the City of Hoschton 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 that person's official duties or which would tend to impair the independence of the official's judgment or action in the performance of those 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 that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

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

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which he or she knows is interested directly or indirectly in any manner whatsoever in business dealings with the City of Hoschton;
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 insofar as permitted by the laws of the State of Georgia and other provisions of this charter;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or the making of any contract with any business or entity in which he or she has a financial interest.

(c) Disclosure. Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council of the City of Hoschton shall disclose such interest and such disclosure shall be entered on the records of the city council and that councilmember shall be disqualified from participating in any decision or vote relating to that interest. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contact or matter pending before or within such agency or entity shall disclose that interest to the governing body of such agency or entity.

(d) Use of public property. No elected official, appointed officer, or employee of the City of Hoschton or any agency or entity to which this charter applies, shall use property owned by the City of Hoschton for personal benefit, convenience, or profit.

(e) Contracts voidable and rescindable. Any violation of this section which occurs with the knowledge, express or implied, of another party to a contract or sale shall render that contract or sale voidable at the option of the city council.

(f) Ineligibility of elected officials. Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the City of Hoschton or otherwise be employed by said government or any agency thereof during
the term for which that official was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the City of Hoschton until one year after the expiration of the term for which that individual was elected except as provided in the Constitution and laws of the State of Georgia or elsewhere in this charter.

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

(h) Penalties for violation:

(1) Any officer, elected official, or employee of the City of Hoschton 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 upon conviction therefor shall be deemed to have forfeited the office or position; and

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

SECTION 2.18.

Inquiries and investigations.

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

SECTION 2.19.
General power and authority of the city council.

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

SECTION 2.20.
Eminent domain.

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

SECTION 2.21.
Organizational meeting.

The city council shall meet for organization on the first specially called or regularly scheduled meeting of the calendar year immediately following each municipal general
election. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members by an officer of the court authorized to administer oaths and shall, to the extent that it comports with federal and state law, be as follows:

'I do solemnly swear/affirm that I will faithfully perform the duties of mayor/councilmember of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. 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 the City of Hoschton 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 Hoschton to the best of my ability without fear, favor, affection, reward, or expectation thereof.'

SECTION 2.22.

Regular and special meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or any member of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone or email 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 as fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 2.23.
Rules of procedure.

(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 retained in the office of the city clerk of the City of Hoschton.

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

SECTION 2.24.
Quorum; voting.

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

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

SECTION 2.25.
Ordinance form; procedures.

(a) Every proposed ordinance shall 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 Hoschtont hereby ordains,' and every
ordinance shall so begin.

(b) An ordinance may be introduced by the mayor or any councilmember and be read at a
regular or special meeting of the city council. This reading may be accomplished by the
reading of the caption. Ordinances shall be considered and adopted or rejected by the city
council in accordance with the rules which it shall establish, except for emergency
ordinances as provided in Section 2.27 of this charter. Subject to the provisions of this
subsection, an ordinance may be adopted at the same meeting that it is introduced. The
mayor or any councilmember may request that consideration of any proposed ordinance be
delayed until the next regular meeting of the city council; provided, however, that such a
delay may only occur once, unless additional delay is approved by a vote of the city council.
Such request need not be accompanied by any explanation or reason and consideration shall
automatically be delayed until the next regular meeting of the city council without the
necessity of such delay being approved or voted on by the city council. If the mayor or any
of the councilmembers are absent, or if any changes to the ordinance being considered (other
than correction of clerical errors) are proposed, an ordinance may not be adopted on the same
day it is first introduced except for emergency ordinances as provided in Section 2.27 of this
charter. Upon introduction of any ordinance, the clerk shall, as soon as is reasonable,
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.

SECTION 2.26.
Action requiring an ordinance.

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

SECTION 2.27.
Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city
council may convene on call of the mayor or any councilmember 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 a majority
of the city council, which shall include the mayor and all councilmembers then in office,
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.

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

SECTION 2.28.
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 2.25 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 city clerk pursuant to Section 2.29
of this charter.

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

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SECTION 2.29.
Signing; authenticating; recording; codification; printing.

(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 city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the City of Hoschton 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 as the city council may specify. This compilation shall be known and cited officially as the 'Code of the City of Hoschton, Georgia.' A copy of the code shall be furnished to each officer, department, and agency of the City of Hoschton 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 currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.
Said Act is amended by repealing Section 3.10 in its entirety and enacting a new Section 3.10 to read as follows:
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, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city, as necessary for the proper administration of the affairs and government of the City of Hoschton.

(b) Except as otherwise provided in 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) There shall be a director or head of each department or agency who shall be its principal officer. Each such director or head shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

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

(e) Except as otherwise provided in this charter, the city manager may reprimand, suspend, or remove any employee under his or her supervision; provided, however, that such employee shall enjoy any right of appeal to the city council as set forth or defined by the city's personnel policies. If discipline of the police chief leads to a recommendation of dismissal or suspension, the city manager must seek approval by a vote of the city council."
SECTION 3.
Said Act is amended by repealing Section 3.14 in its entirety and enacting a new Section 3.14 to read as follows:

"SECTION 3.14.
Position classification and pay plan.

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 pay 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 officials are not city employees."

SECTION 4.
Said Act is amended by adding a new section to read as follows:

"SECTION 3.16.
City manager.

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

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

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

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

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

5. See that all laws, ordinances, and policies are duly enforced; and

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

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

SECTION 5.

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

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

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

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

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

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

SECTION 6.

Said Act is amended by repealing Article V in its entirety and enacting a new Article V to read as follows:
ARTICLE V
ELECTIONS AND REMOVAL

SECTION 5.10.

Applicability of general law.

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

SECTION 5.11.

Municipal general elections.

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

(b) The mayor and councilmembers in office on the effective date of this charter and any person selected to fill a vacancy in such office shall serve until the regular expiration of the term of office to which they were elected and until their successors are elected and qualified. Successors to the mayor and the two councilmembers whose terms end in 2021 shall be elected at the 2021 municipal general election and every four years thereafter. Successors to the councilmembers whose terms end in 2023 shall be elected at the 2023 municipal general election and every four years thereafter. Terms of office for the mayor and councilmembers shall begin at the first organizational meeting provided for under Section 2.21 of this charter following elections of such officers.
SECTION 5.12.
Special elections; vacancies.

(a) In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.16 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such office; provided, however, that if such vacancy occurs within six 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 Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

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

SECTION 5.13.
Other provisions.

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

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

SECTION 5.15. Election by plurality.

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

SECTION 5.16. Procedure for removal.

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

(1) By vote of the city council after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city 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 after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. 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 Jackson County. Such appeal shall be governed by the same rules as govern appeals to the
superior court from the municipal court. Removal shall require a majority vote of the city
council, which shall include the mayor and all councilmembers then in office.

(2) By an order of the Superior Court of Jackson County following a hearing on a
complaint seeking such removal brought by any resident of the City of Hoschton.”

SECTION 7.

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

"SECTION 6.16.
Special assessments.

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

SECTION 8.

Said Act is amended by repealing Section 6.25 in its entirety and enacting a new Section 6.25
to read as follows:
SECTION 6.25.
Submission of operating budget to city council.

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 city council a proposed operating budget for the ensuing fiscal year. Such 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 pertinent comments and information as deemed appropriate and necessary by the city council. The operating budget and the capital budget hereinafter provided for, 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 9.
Said Act is amended by repealing Section 6.29 in its entirety and enacting a new Section 6.29 to read as follows:

SECTION 6.29.
Capital improvements budget.

(a) On or before the date fixed by the city council but no later than 45 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. 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 budget, except to meet a public emergency as provided in Section 2.27 of this charter.

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

SECTION 10.
Said Act is amended by repealing Section 6.31 in its entirety and enacting a new Section 6.31 to read as follows:

"SECTION 6.31.
Contracting procedures.

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

(1) It is in writing; and

(2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of course, is signed by him or her to indicate such drafting or review."

SECTION 11.
Said Act is amended by repealing Section 6.33 in its entirety and enacting a new Section 6.33 to read as follows:
 SECTION 6.33. 
Sale and lease of city property.

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

(b) The city council may quitclaim any rights it may have in property not needed for public or other purposes upon report by the city manager 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) When 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 city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners when such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of such street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of such property and shall be given the opportunity to purchase such property under such terms and conditions as set out by ordinance. 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."

 SECTION 12.
Said Act is amended by repealing Section 7.13 in its entirety and enacting a new Section 7.13 to read as follows:
Existing personnel and officers.

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

SECTION 13.

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

"SECTION 7.19.
Effective date.

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

SECTION 14.

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