

House Bill 561 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 159th and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Springfield, approved April 11,
2 2012 (Ga. L. 2012, p. 4840), so as to provide for corporate boundaries; to provide for
3 members of the city council; to provide for political activities of officers and employees; to
4 provide for organizational meetings; to provide for ordinances; to provide for a mayor pro
5 tempore; to provide for administrative and service departments; to provide for a city attorney;
6 to provide for jurisdiction of the municipal court; to provide for appellate review; to provide
7 for an operating budget; to provide for capital improvements; to provide for purchasing; to
8 provide for sale and lease of property; to provide for bonds for officials; to provide for
9 related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 style="text-align:center">**SECTION 1.**

12 An Act providing a new charter for the City of Springfield, approved April 11, 2012 (Ga. L.
13 2012, p. 4840), is amended by revising subsection (a) of Section 1.2 as follows:
14 "(a) The boundaries of this city shall be those existing on the earliest effective date in 2017
15 of the adoption of this charter with such alterations as may be made from time to time in the
16 manner provided by law. The boundaries of this city at all times shall be shown on a map,
17 a written description, or any combination thereof, to be retained permanently in the office of
18 the city council and to be designated, as the case may be: 'Official Map of the corporate
19 limits of the City of Springfield, Georgia.' Photographic, typed, or other copies of such map
20 or description certified by the city clerk shall be admitted as evidence in all courts and shall
21 have the same force and effect as with the original map or description."

22 style="text-align:center">**SECTION 2.**

23 Said Act is further amended by revising Section 2.2 as follows:

24 "SECTION 2.2.

25 Members of city council; terms and qualifications for office.

26 The members of the city council shall serve for terms of four years and until their
 27 respective successors are elected and qualified. The term of office of each member of the
 28 city council shall begin on the first day of January immediately following the election of
 29 such member unless general law authorizes or requires the term to begin at the first
 30 organizational meeting in January or upon some other date. No person shall be eligible to
 31 serve as mayor or councilmember unless that person shall have been a resident of the city
 32 for 12 months prior to the date of the election of mayor or members of the city council;
 33 each shall continue to reside therein during that person's period of service and to be
 34 registered and qualified to vote in municipal elections of this city."

35 **SECTION 3.**

36 Said Act is further amended by revising subsection (g) of Section 2.5 as follows:

37 "(g) Political activities of certain officers and employees. No appointed officer or employee
 38 of the city shall continue in such employment upon qualifying as a candidate for nomination
 39 or election to any public office of the City of Springfield. No employee of the city shall
 40 continue in such employment upon election to any public office which is inconsistent,
 41 incompatible, or in conflict with the duties of the city employee. Such determination shall
 42 be made by the mayor and city council either immediately upon election or at any time such
 43 conflict may arise."

44 **SECTION 4.**

45 Said Act is further amended by revising Section 2.8 as follows:

46 "SECTION 2.8.

47 Organizational meetings.

48 The city council shall hold an organizational meeting on the second Tuesday in January of
 49 each year. The oath of office shall be administered by the city attorney, or other member
 50 of the State Bar of Georgia, to the newly elected members as follows:

51 I do solemnly swear that I will faithfully perform the duties of (mayor) (councilmember)
 52 of this city and that I will support and defend the charter thereof as well as the
 53 Constitution and laws of the State of Georgia and the United States of America."

54 **SECTION 5.**

55 Said Act is further amended by revising Section 2.12 as follows:

56 "SECTION 2.12.

57 Ordinance form; procedures.

58 (a) Every proposed ordinance shall be presented to the city council in writing and in the
 59 form required for final adoption. No ordinance shall contain a subject which is not expressed
 60 in its title. The enacting clause shall be 'It is hereby ordained by the governing authority of
 61 the City of Springfield' and every ordinance shall so begin.

62 (b) An ordinance may be presented to the city council by any member of the city council at
 63 a regular or special meeting of the city council. Ordinances shall be considered and adopted
 64 or rejected by the city council; provided, however, that an ordinance shall not be adopted on
 65 the same day it is presented and may not be adopted or rejected by the city council until a
 66 following regularly scheduled meeting, except for ordinances of an urgent nature as provided
 67 for in Section 2.14 of this charter. Upon presentation of any ordinance, the clerk shall
 68 distribute a copy of the proposed ordinance to the mayor and to each councilmember, shall
 69 file a copy of the proposed ordinance in the office of the clerk or at such other public places
 70 as the city council may designate, and shall make the proposed ordinance available for public
 71 inspection."

72 **SECTION 6.**

73 Said Act is further amended by revising Section 2.14 as follows:

74 "SECTION 2.14.

75 Ordinances of an urgent nature.

76 (a) To meet a public need affecting life, health, safety, welfare, property, or public peace,
 77 or which is otherwise urgent, the city council may at the request of the city manager and the
 78 approval of a member of the city council consider an ordinance of an urgent nature, but such
 79 ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged
 80 by any public utility for its services; or authorize the borrowing of money except for loans
 81 to be repaid within 30 days.

82 (b) An ordinance of an urgent nature shall be presented in the form prescribed for ordinances
 83 generally, except that it shall be plainly designated as an ordinance of an urgent nature and
 84 shall contain, after the enacting clause, a declaration stating that urgency exists and
 85 describing the urgency in clear and specific terms. An ordinance of an urgent nature may be

86 adopted, with or without amendment, or rejected at the meeting at which it is presented
 87 without the need for a second meeting as otherwise required by Section 2.12 of this charter,
 88 but the affirmative vote of a majority of the members of city council present shall be required
 89 for adoption. It shall become effective upon adoption or at such later time as it may specify.

90 (c) Unless it is considered and approved at a subsequent city council meeting held within 31
 91 days of the date of original adoption, every ordinance of an urgent nature shall automatically
 92 stand repealed 32 days following the date upon which it was adopted, but this shall not
 93 prevent reenactment of the ordinance in the manner specified in this section if the urgency
 94 still exists. An ordinance of an urgent nature may also be repealed by adoption of a repealing
 95 ordinance in the same manner specified in this section for adoption of ordinances of an
 96 urgent nature."

97 **SECTION 7.**

98 Said Act is further amended by revising subsection (a) of Section 2.16 as follows:

99 "(a) The clerk shall authenticate by the clerk's signature and record in full in a properly
 100 indexed book kept for that purpose all ordinances adopted by the city council."

101 **SECTION 8.**

102 Said Act is further amended by revising Section 2.22 as follows:

103 "SECTION 2.22.

104 Selection of mayor pro tempore.

105 By a majority vote of all its members, the city council shall elect a councilmember to serve
 106 as mayor pro tempore, who shall serve at the pleasure of the city council. The mayor pro
 107 tempore shall continue to vote and otherwise participate as a councilmember."

108 **SECTION 9.**

109 Said Act is further amended by revising subsection (a) of Section 3.1 as follows:

110 "(a) Except as otherwise provided in this charter, the city council by ordinance shall
 111 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
 112 nonelective offices, positions of employment, departments, and agencies of the city as
 113 necessary for the proper administration of the affairs and government of this city."

114 **SECTION 10.**

115 Said Act is further amended by revising Section 3.3 as follows:

116 "SECTION 3.3.

117 City attorney.

118 The city council shall appoint a city attorney, together with such assistant city attorneys as
 119 may be authorized, and shall provide for the payment of such attorney or attorneys for
 120 services rendered to the city. The city attorney shall be responsible for providing for the
 121 representation and defense of the city in all litigation in which the city is a party; may be
 122 the prosecuting officer in the municipal court; shall attend the meetings of the city council
 123 as directed; shall advise the city council and city manager and other officers and employees
 124 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
 125 as may be required by virtue of such person's position as city attorney. The city attorney
 126 shall not be the personal attorney of any official of the city."

127 **SECTION 11.**

128 Said Act is further amended by adding a new subsection to Section 4.4 to read as follows:
 129 "(i) The municipal court is specifically vested with all the jurisdiction and powers throughout
 130 the geographic area of this city granted by law to municipal courts and particularly by such
 131 laws as authorize the abatement of nuisances and prosecution of traffic violations."

132 **SECTION 12.**

133 Said Act is further amended by revising Section 4.5 as follows:

134 "SECTION 4.5.

135 Certiorari.

136 (a) The right of certiorari from the decision and judgment of the municipal court shall exist
 137 in all criminal cases and ordinance violation cases, and such certiorari shall be obtained
 138 under the sanction of a judge of the Superior Court of Effingham County under the laws of
 139 the State of Georgia regulating the granting and issuance of writs of certiorari.

140 (b) The orders, verdicts, judgments, and sentences of the municipal court shall be subject to
 141 appellate review in accordance with state law."

142 **SECTION 13.**

143 Said Act is further amended by revising Section 6.16 as follows:

144 "SECTION 6.16.
145 Operating budget.

146 On or before a date fixed by the city council, the city manager shall submit to the city
147 council a proposed operating budget for the ensuing fiscal year. The budget shall be
148 accompanied by a message from the city manager containing a statement of the general
149 fiscal policies of the city, the important features of the budget, explanations of major
150 changes recommended for the next fiscal year, a general summary of the budget, and other
151 pertinent comments and information. The operating budget and the capital budget provided
152 for in Section 6.20 of this charter, the budget message, and all supporting documents shall
153 be filed in the office of the city clerk and shall be open to public inspection."

154 **SECTION 14.**

155 Said Act is further amended by revising subsection (a) of Section 6.20 as follows:

156 "(a) On or before the date fixed by the city council, the city manager shall submit to the city
157 council a proposed capital improvements plan with a recommended capital budget containing
158 the means of financing the improvements proposed for the ensuing fiscal year. The city
159 council shall have power to accept, with or without amendments, or reject the proposed plan
160 and budget. The city council shall not authorize an expenditure for the construction of any
161 building, structure, work, or improvement unless the appropriations for such project are
162 included in the capital budget, except to meet an urgent need as provided in Section 2.14 of
163 this charter."

164 **SECTION 15.**

165 Said Act is further amended by revising Section 6.23 as follows:

166 "SECTION 6.23.
167 Purchasing.

168 The city council shall prescribe procedures for a system of centralized purchasing for the
169 city."

170 **SECTION 16.**

171 Said Act is further amended by revising subsection (c) of Section 6.24 as follows:

172 "(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
173 of the city a small parcel or tract of land is cut off or separated by such work from a larger

174 tract or boundary of land owned by the city, the city council may authorize the city manager
175 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
176 property owner or owners where such sale and conveyance facilitates the highest and best
177 use of the abutting owner's property. Included in the sales contract shall be a provision for
178 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
179 shall be notified of the availability of the property and given the opportunity to purchase said
180 property under such terms and conditions as set out by ordinance. All deeds and
181 conveyances heretofore and hereafter so executed and delivered shall convey all title and
182 interest the city has in such property, notwithstanding the fact that no public sale after
183 advertisement was or is hereafter made."

184 **SECTION 17.**

185 Said Act is further amended by revising Section 7.1 as follows:

186 "SECTION 7.1.

187 Bonds for officials.

188 The officers and employees of this city, both elected and appointed, shall execute such surety
189 or fidelity bonds in such amounts and upon such terms and conditions as the city council may
190 from time to time require by ordinance or as may be provided by law."

191 **SECTION 18.**

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