

**PART I**  
**CHARTER\***

**Article I. Incorporation and Powers**

- Sec. 1.10. Name.
- Sec. 1.11. Corporate boundaries.
- Sec. 1.12. Powers and construction.
- Sec. 1.13. Exercise of powers.

**Article II. Government Structure**

- Sec. 2.10. City council creation; number; election.
- Sec. 2.11. City council terms and qualifications for office.
- Sec. 2.12. Vacancy; filling of vacancies.
- Sec. 2.13. Compensation and expenses.
- Sec. 2.14. Conflicts of interest; holding other offices.
- Sec. 2.15. Inquiries and investigations.
- Sec. 2.16. General power and authority of the city council.
- Sec. 2.17. Organizational meetings.
- Sec. 2.18. Regular and special meetings.
- Sec. 2.19. Rules of procedure.
- Sec. 2.20. Quorum; voting.
- Sec. 2.21. Ordinance form; procedures.
- Sec. 2.22. Action requiring an ordinance.
- Sec. 2.23. Emergencies.
- Sec. 2.24. Codes of technical regulations.
- Sec. 2.25. Signing; authenticating; recording; codification; printing.
- Sec. 2.26. Election of mayor; forfeiture; compensation.
- Sec. 2.27. Mayor pro tempore.
- Sec. 2.28. Powers and duties of mayor.

**Article III. Administrative Affairs**

- Sec. 3.10. Administrative and service departments.
- Sec. 3.11. Boards, commissions, and authorities.
- Sec. 3.12. City attorney.
- Sec. 3.13. City clerk.
- Sec. 3.14. City treasurer.
- Sec. 3.15. City auditor.
- Sec. 3.16. City manager.
- Sec. 3.17. Position classification and pay plans.
- Sec. 3.18. Personnel policies.

**Article IV. Judicial Branch**

- Sec. 4.10. Creation; name.
- Sec. 4.11. Chief judge; associate judge.
- Sec. 4.12. Convening.
- Sec. 4.13. Jurisdiction; powers.
- Sec. 4.14. Certiorari.
- Sec. 4.15. Rules for court.

---

**\*Editor's note**—Printed in this Article I is the Charter of the city, as adopted by 1999 Ga. Laws, page 3729. Amendments to the Charter are indicated by parenthetical history notes following amended sections. The absence of a history note indicates that the provision remains unchanged from the original act. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

SUWANEE CODE

**Article V. Elections and Removal**

- Sec. 5.10. Nonpartisan elections.
- Sec. 5.11. Election by plurality.
- Sec. 5.12. Special elections; vacancies.
- Sec. 5.13. Other provisions.
- Sec. 5.14. Removal of officers.

**Article VI. Finance**

- Sec. 6.10. Property tax.
- Sec. 6.11. Millage rate; due dates; payment methods.
- Sec. 6.12. General obligation bonds.
- Sec. 6.13. Revenue bonds.
- Sec. 6.14. Fiscal year.
- Sec. 6.15. Contracting procedures.

**Article VII. General Provisions**

- Sec. 7.10. Bonds for officials.
- Sec. 7.11. Existing ordinances, resolutions, rules, and regulations.
- Sec. 7.12. Existing personnel and officers.
- Sec. 7.13. Pending matters.
- Sec. 7.14. Construction.
- Sec. 7.15. Effective Date.
- Sec. 7.16. Specific repealer.
- Sec. 7.18. General repealer.

## AN ACT

To create a new charter for the City of Suwanee; to provide for the incorporation of the City of Suwanee; to provide for the corporate limits; to provide for the corporate powers; to provide for a mayor, mayor pro tempore, and council; to provide for a city manager and other city officials and employees; to provide for organization and personnel; to provide for administrative affairs; to provide for a municipal court and judicial branch and the judges, jurisdiction, practices, and procedures related thereto; to provide for penalties; to provide for certiorari; to provide for elections and removal; to provide for practices and procedures; to provide for ordinances, rules, and regulations; to provide for fiscal administration; to provide for general provisions; to provide for all or any matters relative to the foregoing; to provide an effective date; to repeal an Act to incorporate the City of Suwanee, in the County of Gwinnett, approved March 30, 1987 (1987 Ga. Laws, page 4857), as amended; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY  
OF GEORGIA:

### ARTICLE I. INCORPORATION AND POWERS

#### Section 1.10. Name.

The city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style City of Suwanee, Georgia, and by that name shall have perpetual succession.

#### Section 1.11. Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the Corporate Limits of the City of Suwanee, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description. Any subsequent annexation, deannexation, or modification in the corporate

boundaries as contemplated in subsection (b) of this section shall be given full force and effect as if fully set forth in the "Official Map (or Description) of the Corporate Limits of the City of Suwanee, Georgia."

(b) The city council may provide for the redrawing of any such map or description by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map or description shall supersede for all purposes the entire map, maps, or description which it is designated to replace.

#### Section 1.12. Powers and construction.

(a) The city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of the city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of the city.

#### Section 1.13. Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

### ARTICLE II. GOVERNMENT STRUCTURE

#### Section 2.10. City council creation; 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 five councilmembers. The mayor and councilmembers shall be elected in the manner provided by this charter.

**Section 2.11. City council terms and qualifications for office.**

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless he or she shall have been a resident of the city at least 180 days prior to the date of qualifying for mayor or city council; each shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of this city.

**Section 2.12. Vacancy; filling of vacancies.**

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

(b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in section 5.12 of this charter.

**Section 2.13. Compensation and expenses.**

The mayor and each councilmember shall continue to receive the compensation which was in effect for said officials on the effective date of this charter. Changes in such compensation shall be accomplished pursuant to the provisions of O.C.G.A. § 36-35-4.

**Section 2.14. Conflicts of interest; holding other offices.**

(a) *Conflicts of interest.* No elected official, appointed officer, or employee of the city 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 his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her 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 his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;
- (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself, herself, or others;
- (4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever in business dealings with the governmental body by which he or she is engaged; 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;
- (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 in the making of any contract with any business or entity in which he or she has a financial interest.

(b) *Disclosure.* Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract

or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) *Use of public property.* No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

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

(e) *Ineligibility of elected official.* Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency hereof during the term for which he or she was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the city until one year after the expiration of the term for which he or she was elected.

(f) *Political activities of certain officers and employees.* No appointive officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office.

(g) *Penalties for violations.*

- (1) Any city officer or employee 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 shall be deemed to have forfeited his or her office or position.
- (2) Any officer or employee of the city 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 city government for a period of three years thereafter.

### **Section 2.15. Inquiries and investigations.**

The city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof and for this purpose may subpoena 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 2.16. General power and authority of the city council.**

Except as otherwise provided by 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 2.17. Organizational meetings.**

The city council shall hold an organizational meeting on the first business day of January, or as otherwise practical, of each year. The meeting shall be called to order and the oath of office - shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of the City of Suwanee 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."

### **Section 2.18. Regular and special meetings.**

(a) The city council shall hold regular meetings at such times and places as prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone 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 of any business transacted in

such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

**Section 2.19. Rules of procedure.**

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter.

(b) All committees and committee chairpersons shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

**Section 2.20. Quorum; voting.**

Three councilmembers 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 and the vote shall be recorded in the minutes, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the minutes. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

**Section 2.21. Ordinance form; procedures.**

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain any subject which is not expressed in its title. The enacting clause shall be "The Mayor and Council of the City of Suwanee hereby ordain..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance may be adopted the same day it is introduced. Upon adoption of any ordinance, the clerk shall as soon as possible 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 2.22. Action requiring an ordinance.**

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

**Section 2.23. Emergencies.**

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers 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 three 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 2.24. 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 subsection (b) of Section 2.21 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,

nance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for distribution or for purchase at a reasonable price.

**Section 2.25. Signing; authenticating; recording; codification; printing.**

(a) The 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) The city council shall provide for the preparation of a general codification of all the ordinances of the city 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 Suwanee, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city 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 2.26. Election of mayor; forfeiture; compensation.**

The mayor shall be elected and serve for a term of four years and until his or her successor is elected

and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for at least 180 days preceding his or her qualification for office. The mayor shall continue to reside in this city during the period of his or her service. The mayor shall forfeit his or her office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

**Section 2.27. Mayor pro tempore.**

At the organizational meeting, by a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore for that ensuing year. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence. Any such disability or absence shall be declared by a majority vote of the city council.

**Section 2.28. Powers and duties of mayor.**

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be at the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) 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 and be counted toward a quorum as any other councilmember; and
- (6) Fulfill such other duties as the city council shall by ordinance establish.

**ARTICLE III. ADMINISTRATIVE AFFAIRS**

**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, or alter all

nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.

(b) Except as otherwise provided by 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) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinances or as duly approved by the city council.

(d) There shall be an individual (director, supervisor, department head, or other title as designated) of each department or agency who shall be its principal officer. This person, along with the police chief and city clerk, shall be subject to the direction and supervision of the city manager and be responsible for the administration and direction of the affairs and operations of the department or agency.

(e) With the exception of the city clerk and police chief, the city manager shall appoint and hire all employees of the city to fill designated or approved positions, or both. The city manager shall recommend appointment or hiring of the city clerk and police chief but said individual shall be approved only by a vote of city council.

(f) The city manager may reprimand, suspend, or remove any employee under his or her supervision (excluding the city clerk and police chief); 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. The city manager may also reprimand or discipline the police chief and city clerk. If discipline leads to a recommendation of dismissal or suspension, the city manager must seek approval by a vote of four councilmembers.

**Section 3.11. Boards, commissions, and authorities.**

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the city council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council, by ordinance, may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until he or she has executed and filed with the clerk of the city an oath obligating himself or herself to perform faithfully and impartially the duties of his or her office, such oath to be prescribed by ordinance and administered by the mayor.

(g) Any member of a board, commission, or authority may be removed from office for cause by a vote of three members of the city council.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

**Section 3.12. City attorney.**

The city council shall appoint a city attorney, together with such assistant city attorneys as may be

authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, shall be the prosecuting officer in the municipal court, shall attend the meetings of the council as directed, shall advise the city 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 required of him or her by virtue of his or her position as city attorney.

**Section 3.13. City clerk.**

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city clerk's duties and responsibilities may be further defined or provided by a class specification or job description and shall include any other duties that may be assigned by the city manager.

**Section 3.14. City treasurer.**

The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes by the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer.

**Section 3.15. City auditor.**

The city council may appoint a city auditor to perform the duties of an auditor.

**Section 3.16. City manager.**

(a) The city council may 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, law, and policies prescribed by the city council. The city manager shall direct the administrative activities of the city; act as focal point 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.

(b) The city manager shall specifically:

- (1) Discipline, suspend, or remove all employees, excluding the city clerk and police chief, as further provided by this charter or state law. (See subsection (f) of Section 3.10 of this charter regarding the city clerk and police chief.) The city manager may delegate said authority to the head of a department or office regarding his or her 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 appoint and hire the city clerk and police chief. The city manager shall make a recommendation regarding such positions;
- (3) Prepare the annual operating and capital budget and any other budget and submit same to the city council and be responsible for administration of same;
- (4) Prepare and submit to the city council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the city for the preceding 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 the city charter, law, or ordinances.

(c) The city manager's duties and responsibilities may be further defined or provided by a class specification or job description or as assigned or designated by the city council.

(d) The city manager shall serve at the pleasure of the city council and may be suspended or removed by a vote of four councilmembers.

**Section 3.17. Position classification and pay plans.**

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 ap-

proval. Such 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 and appointed city officials are not city employees.

**Section 3.18. Personnel policies.**

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

**ARTICLE IV. JUDICIAL BRANCH**

**Section 4.10. Creation; name.**

There shall be a court to be known as the Municipal Court of the City of Suwanee.

**Section 4.11. Chief judge; associate judge.**

(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. All judges shall be appointed by the city council.

(b) Compensation of the judge or judges shall be fixed by ordinance.

(c) Before assuming office, each judge shall take an oath, given by the mayor, that he or she will honestly and faithfully discharge the duties of his or

her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

**Section 4.12. Convening.**

The municipal court shall be convened at regular intervals as provided by the court.

**Section 4.13. Jurisdiction; powers.**

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have the authority to punish those in its presence for contempt and to impose any penalty allowed under state law.

(c) The municipal court may fix punishment for offenses within its jurisdiction and may fix punishment by fine, imprisonment, or alternative sentencing so as to not exceed an amount or length as now or hereafter provided by state law.

(d) The municipal court shall have the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior and state courts for violation of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value

forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

**Section 4.14. Certiorari.**

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

**Section 4.15. Rules for court.**

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

**ARTICLE V. ELECTIONS AND REMOVAL**

**Section 5.10. Nonpartisan elections.**

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

**Section 5.11. Election by plurality.**

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

**Section 5.12. Special elections; vacancies.**

In the event that the office of mayor or councilmember shall become vacant for any cause whatsoever, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, 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 the O.C.G.A. tit. 21, ch. 2, the "Georgia Election Code."

**Section 5.13. Other provisions.**

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under O.C.G.A. tit. 21, ch. 2, the "Georgia Election Code."

**Section 5.14. Removal of officers.**

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed 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) Knowingly violating any express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

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

- (1) By the vote of three councilmembers 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 or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. An elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior

Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

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

**ARTICLE VI. FINANCE**

**Section 6.10. Property tax.**

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

**Section 6.11. Millage rate; due dates; payment methods.**

The city council by ordinance shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

**Section 6.12. General obligation bonds.**

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the laws of the state. Such bonding authority shall be exercised in accordance with the laws governing bond issuance by municipalities in effect at the time said issue is undertaken.

**Section 6.13. Revenue bonds.**

Revenue bonds may be issued by the city council as state law now or hereafter provides. Such bonds

are to be paid out of any revenue produced by the project, program, or venture for which they were issued.

**Section 6.14. Fiscal year.**

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

**Section 6.15. Contracting procedures.**

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.25 of this charter.

**ARTICLE VII. GENERAL PROVISIONS**

**Section 7.10. Bonds for officials.**

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

**Section 7.11. Existing ordinances, resolutions, rules, and regulations.**

Existing ordinances, resolutions, rules, and regulations now in force in the city not in conflict with this charter shall continue in force, unless repealed or amended.

**Section 7.12. Existing personnel and officers.**

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect.

**Section 7.13. Pending matters.**

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders, contracts, and legal or administrative proceedings shall continue and any such ongoing work or cases shall be completed by such city agencies, personnel, or offices as may be provided by the city council.

**Section 7.14. Construction.**

(a) Section captions in this charter are informative only and shall not be considered as a part thereof.

(b) The word "shall" is mandatory and the word "may" is permissive.

(c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

(d) The phrase "city council" shall denote the governing body of the City of Suwanee which comprises five councilmembers and a mayor unless the mayor is specifically excepted from this group, which group shall then mean the five councilmembers. Unless otherwise specified, all votes and actions taken by the governing body of the city shall consist of and include the five councilmembers and the mayor.

**Section 7.15. Effective Date.**

This charter shall become effective on July 1, 1999.

**Section 7.16. Specific repealer.**

An Act incorporating the City of Suwanee in the County of Gwinnett, approved March 30, 1987 (1987 Ga. Laws, page 4857), as amended, is repealed in its entirety. Nothing in this Act shall affect the Act providing for a homestead exemption from City of Suwanee ad valorem taxes, approved April 17, 1992 (1992 Ga. Laws, page 6524).

**Section 7.18. General repealer.**

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