

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. **HRO 2017-01**

**AN ORDINANCE TO AMEND THE CHARTER OF SNELLVILLE, GEORGIA BY  
ADDING SECTION 1.2 TO CLARIFY THE FORM OF GOVERNMENT ESTABLISHED  
BY THE EXISTING CHARTER IS THE CITY MANAGER FORM OF MUNICIPAL  
GOVERNMENT**

**WHEREAS**, the Charter of the City of Snellville provides for a Council-Manager form of government; and

**WHEREAS**, the Mayor and City Council have decided that it would be desirable to amend the Charter in a manner that will increase the clarity of its language by adding a section explicitly describing the form of government that is provided for in the existing charter; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35- 1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendments has been on file in the Office of the Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall be read and the Ordinance duly adopted at two consecutive City Council meetings not less than nor more than 60 days apart as required by Georgia law.

**NOW THEREFORE**, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Snellville, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of Snellville is hereby amended to add Section 1.20 so that the Charter as amended reads as follows:

**Section 1**

Section 1.20 – Form of government.

The form of government adopted for the City of Snellville, Georgia by this Charter is the Council-Manager form as described in the model charter provision of the Georgia Municipal Association. The model charter describes this form as one that derives its name from the fact that a professional city manager is hired to administer the daily affairs of the city with the oversight of the legislative mayor and city council. Administrative authority is concentrated in one individual. This person is usually much more qualified to manage the day-to-day affairs of the city than the average city official because of specialized experience and training in the area of city management. In addition, if the manager is found to be incompetent or inefficient, the council has the power of appointment and removal. In this form of government, the mayor functions as the chair of the legislative branch of government and has the responsibility of communicating the actions of the city council to the manager.

**Section 2**

All ordinances or parts of ordinances that conflict herewith are hereby expressly repealed.

**Section 3**

That the changes to the city charter as enacted in this ordinance shall be codified in accordance with state law and the Code of the City of Snellville, Georgia.

(SIGNATURES ARE CONTINUED ON THE FOLLOWING PAGE.)

IT IS HEREBY ORDAINED this 27<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Tom Witts, Mayor

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Barbara Bender, Council Member

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Cristy Lenski, Council Member

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Bobby Howard, Council Member

ATTEST:

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Melisa Arnold, City Clerk

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Dave Emanuel, Council Member

APPROVED AS TO FORM:

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Roger Marmol, Council Member

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Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, P. C.

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. **HRO 2017-02**

AN ORDINANCE TO AMEND THE CHARTER OF SNELLVILLE, GEORGIA BY  
ELIMINATING SECTION 1.13 EXAMPLES OF POWERS

**WHEREAS**, the Charter of the City of Snellville provides that the City shall be authorized to exercise the full extent of the powers provided to it under the law and also enumerates a non-exhaustive list of specific powers afforded to it; and

**WHEREAS**, the Mayor and City Council have decided that it would be desirable to amend the Charter in a manner that will increase the clarity of its language by eliminating the non-exhaustive list of specific enumerations of power; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35- 1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendments has been on file in the Office of the Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall be read and the Ordinance duly adopted at two consecutive City Council meetings not less than nor more than 60 days apart as required by Georgia law.

**NOW THEREFORE**, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Snellville, Georgia, pursuant to their authority, do hereby adopt this Ordinance as follows:

**Section 1**

The Charter of the City of Snellville is hereby amended to eliminate Section 1.13 in its entirety.

**Section 2**

All ordinances or parts of ordinances that conflict herewith are hereby expressly repealed.

**Section 3**

That the changes to the city charter as enacted in this ordinance shall be codified in accordance with state law and the Code of the City of Snellville, Georgia.

IT IS HEREBY ORDAINED this 27<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Tom Witts, Mayor

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Barbara Bender, Council Member

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Cristy Lenski, Council Member

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Bobby Howard, Council Member

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Dave Emanuel, Council Member

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Roger Marmol, Council Member

ATTEST:

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Melisa Arnold, City Clerk

APPROVED AS TO FORM:

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Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, P. C.

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. **HRO 2017-03**

**AN ORDINANCE TO AMEND SECTION 2.31 OF THE CHARTER OF SNELLVILLE, GEORGIA TO CLARIFY THE AUTHORITY OF THE MAYOR AND COUNCIL WITH RESPECT TO APPOINTMENT POWERS**

**WHEREAS**, the Charter of the City of Snellville provides that vacant positions are filled through the appointment of a qualified individual by the Mayor; and

**WHEREAS**, the Mayor and City Council have decided that it would be desirable to amend the Charter in a manner that will increase the efficiency of local government operations by allowing the City Council to appoint a person to a vacant position if the position has remained vacant for more than 60 days and to increase the clarity of the provisions contained in the existing charter by explicitly excepting the City Attorney, City Manager, and City Clerk from the provisions of Section 2.31(b) of the existing charter and to increase the clarity of the provisions contained in the existing charter by explicitly directing members of the City Council not to deal directly with employees under the supervision of the City Manager ; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35- 1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendments has been on file in the Office of the Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall be read and the Ordinance duly adopted at two consecutive City Council meetings not less than nor more than 60 days apart as required by Georgia law.

**NOW THEREFORE**, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Snellville, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that

the Charter of the City of Snellville is hereby amended so that Section 2.31 of the Charter as amended reads as follows:

**Section 1**

Section 2.31. - Power to nominate, appoint or designate an office or position.

- (a) Notwithstanding any other provision of this Charter, if a position of any type with the city remains vacant for a period of longer than 60 days, the city council shall have the authority to appoint and confirm by majority vote a qualified and eligible person to fill the vacant position.
- (b) This section shall not apply to hiring, nominations, appointments or designations of the City Manager, City Attorney or City Clerk or any employee assigned by this Charter or the City Code to the city manager or department directors.
- (c) Except for the purpose of inquiries and investigations under Section 2.15, the city council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 2**

All ordinances or parts of ordinances that conflict herewith are hereby expressly repealed.

**Section 3**

That the changes to the city charter as enacted in this ordinance shall be codified in accordance with state law and the Code of the City of Snellville, Georgia.

(SIGNATUERES ARE CONTINUED ON THE FOLLOWING PAGE.)

IT IS HEREBY ORDAINED this 27<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Tom Witts, Mayor

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Barbara Bender, Council Member

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Cristy Lenski, Council Member

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Bobby Howard, Council Member

ATTEST:

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Melisa Arnold, City Clerk

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Dave Emanuel, Council Member

APPROVED AS TO FORM:

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Roger Marmol, Council Member

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Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, P. C.

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. **HRO 2017-04**

AN ORDINANCE TO AMEND SECTIONS 3.12 AND 3.13 OF THE CHARTER OF SNELLVILLE, GEORGIA TO CLARIFY THE AUTHORITY OF THE MAYOR AND COUNCIL WITH RESPECT TO APPOINTMENT POWERS

**WHEREAS**, the Charter of the City of Snellville provides that vacant positions are filled through the appointment of a qualified individual by the Mayor; and

**WHEREAS**, the Mayor and City Council have decided that it would be desirable to amend the Charter in a manner that will increase the clarity of its language and the efficiency of local government operations by changing the word “appoint” to “nominate” in the above referenced sections and by requiring confirmation by the City Counsel of the nominee for City Attorney and City Clerk; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35- 1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendments has been on file in the Office of the Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall be read and the Ordinance duly adopted at two consecutive City Council meetings not less than nor more than 60 days apart as required by Georgia law.

**NOW THEREFORE**, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Snellville, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of Snellville is hereby amended so that Sections 3.12 and 3.13 of the Charter as amended read as follows:

## ADMINISTRATIVE OFFICERS

### **Section 1**

Section 3.12. - City attorney.

The mayor shall nominate a city attorney with the confirmation of the city council, and the mayor shall nominate with the confirmation of the city council such assistant city attorneys as may be needed. The city manager shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city 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 mayor shall nominate a city clerk with the confirmation of the city council 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 mayor and city council.

### **Section 2**

All ordinances or parts of ordinances that conflict herewith are hereby expressly repealed.

### **Section 3**

That the changes to the city charter as enacted in this ordinance shall be codified in accordance with state law and the Code of the City of Snellville, Georgia.

(SIGNATURES ARE CONTINUED ON THE FOLLOWING PAGE.)

IT IS HEREBY ORDAINED this 27<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Tom Witts, Mayor

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Barbara Bender, Council Member

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Cristy Lenski, Council Member

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Bobby Howard, Council Member

ATTEST:

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Melisa Arnold, City Clerk

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Dave Emanuel, Council Member

APPROVED AS TO FORM:

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Roger Marmol, Council Member

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Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, P. C.

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. **HRO 2017-05**

**AN ORDINANCE TO AMEND SECTION 5.16 OF THE CHARTER OF SNELLVILLE, GEORGIA TO CLARIFY THE AUTHORITY OF THE MAYOR AND COUNCIL WITH RESPECT TO REMOVAL OF APPOINTEES.**

**WHEREAS**, the Charter of the City of Snellville, as interpreted by the Supreme Court of Georgia, provides that appointees serve at the pleasure of the Mayor; and

**WHEREAS**, the Mayor and City Council have decided that it would be desirable to amend the Charter in a manner that will increase the clarity of its language and the efficiency of local government operations by requiring 4 votes of the Mayor and Council to remove the City Manager, City Clerk, or City Attorney; and

**WHEREAS**, Article IX, Section II, Paragraph II of the Constitution of the State of Georgia, entitled Home Rule for Municipalities, allows the General Assembly of the State of Georgia to provide by law for the self-government of municipalities, which the General Assembly has done with The Municipal Home Rule Act of 1965, O.C.G.A. §36-35- 1 et seq.; and

**WHEREAS**, O.C.G.A. §36-35-3 allows municipal charters to be amended by ordinances duly adopted at two regular consecutive meetings of the municipal governing authority, not less than seven nor more than 60 days apart; and

**WHEREAS**, pursuant to O.C.G.A. §36-35-3, required notice has been published in the Gwinnett Daily Post once a week for three weeks prior to its final adoption, and a copy of the proposed amendments has been on file in the Office of the Clerk of the City of Snellville and in the Office of the Clerk of the Superior Court of Gwinnett County, Georgia, all as required by law; and

**WHEREAS**, the required notice will have been published within the statutory period of 60 days immediately preceding the final adoption of this Ordinance amending the Charter; and

**WHEREAS**, the title of this Ordinance shall be read and the Ordinance duly adopted at two consecutive City Council meetings not less than nor more than 60 days apart as required by Georgia law.

**NOW THEREFORE**, in accordance with O.C.G.A. §36-35-3, the Mayor and City Council of the City of Snellville, Georgia, pursuant to their authority, do hereby adopt this Ordinance so that the Charter of the City of Snellville is hereby amended so that Section 5.16 of the Charter as amended read as follows:

**Section 1**

Section 5.16. - Removal of appointed officers of the city including the City Attorney, City Clerk and City Manager.

- (a) Appointed officials of the City of Snellville shall serve at the pleasure of the mayor and city council and may be suspended, terminated or removed by a vote of four members of the mayor and/or city council.

**Section 2**

All ordinances or parts of ordinances that conflict herewith are hereby expressly repealed.

**Section 3**

That the changes to the city charter as enacted in this ordinance shall be codified in accordance with state law and the Code of the City of Snellville, Georgia.

(SIGNATURES ARE CONTINUED ON THE FOLLOWING PAGE.)

IT IS HEREBY ORDAINED this 27<sup>th</sup> day of March, 2017.

\_\_\_\_\_  
Tom Witts, Mayor

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Barbara Bender, Council Member

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Cristy Lenski, Council Member

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Bobby Howard, Council Member

ATTEST:

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Melisa Arnold, City Clerk

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Dave Emanuel, Council Member

APPROVED AS TO FORM:

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Roger Marmol, Council Member

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Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, P. C.