

Additions in blue underline

Deletions in ~~red strikethrough~~

A HOME RULE ORDINANCE TO AMEND CERTAIN SECTIONS OF ARTICLES II, III, IV AND VI OF THE CHARTER OF THE CITY OF JOHNS CREEK; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING PROVISIONS OF THE CHARTER; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER LAWFUL PURPOSES.

WHEREAS, the City of Johns Creek, as an incident of its home rule power, may amend its charter by ordinance in accordance with O.C.G.A. § 36-35-3(b)(1); and

WHEREAS, the City of Johns Creek is exercising its home rule power within the limitations set forth in O.C.G.A. § 36-35-6.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF JOHNS CREEK HEREBY ORDAINS as follows:

Section 1. Amendments to ARTICLE II – GOVERNMENT STRUCTURE, ELECTIONS AND REMOVAL.

The charter of the City of Johns Creek is hereby amended by deleting section 2.14 in its entirety and inserting, in lieu thereof, the following:

“2.14. – Compensation and expenses.

The annual salary of the Mayor shall be \$25,000.00 and the annual salary for each Councilmember shall be \$15,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance ~~for the provision of insurance, retirement, workers compensation, and other employee benefits~~ to the mayor and members of the City Council. and The City Council may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the Mayor and members of the City Council in carrying out their official duties.”

The charter of the City of Johns Creek is hereby amended by deleting subsections (a) and (b) of section 2.15 in its entirety and inserting, in lieu thereof, the following:

“2.15. – Prohibitions.

- (a) 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 a ~~any~~ business or transaction or have a financial or other

- personal interest, [as further defined by City Ordinance](#), direct or indirect, which is incompatible with the proper discharge of official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;
- (2) Engage in or accept private employment or render services for private interests, [as further defined by City Ordinance](#), when such employment or service is incompatible with the proper discharge of official duties or would tend to impair the independence of his or her judgment or action in the performance of official duties;
 - (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
 - (4) Accept a ~~any~~-valuable gift, [as further defined by City Ordinance](#), 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, [as further defined by City Ordinance](#), in ~~an 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 ~~a any~~ contract with any business or entity in which he or she has a financial interest, [as further defined by City Ordinance](#).
- (b) Any elected official, appointed officer, or employee who has ~~a any~~ private financial interest, [as further defined by City Ordinance](#), directly or indirectly, in ~~a 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 ~~a 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 a any private financial interest, directly or indirectly, in a any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity. In instances where a member of the City Council serves on a board whose interest is being considered by the City Council, the member of City Council shall publicly disclose said relationship; however, will be allowed participate in discussion on the matter following disclosure provided there is no private financial interest involved.”

The charter of the City of Johns Creek is hereby amended by deleting subsection (b) of section 2.16 in its entirety and inserting, in lieu thereof, the following:

“Sec. 2.16. - Removal of Officers.

* * *

- (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
 - (1) By an affirmative vote of five (5) ~~Councilmembers~~members of 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 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. Any 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 Fulton 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 Fulton County following a hearing on a complaint seeking such removal brought by any resident of the City of Johns Creek.”

Section 2. Amendments to ARITCLE III – ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY AND ORDINANCES.

The charter of the City of Johns Creek is hereby amended by deleting the title of section 3.11 in its entirety and inserting, in lieu thereof, the following: **“3.11(c)(1) – City Council Organization.”**

The charter of the City of Johns Creek is hereby amended by deleting section 3.15 in its entirety and inserting, in lieu thereof, the following:

“Sec. 3.15. – Voting.

- (a) Except as otherwise provided in subsection (c) of this section, four ~~councilmembers~~ members of City Council shall constitute a quorum and shall be authorized to transact the business of the city council. ~~For voting and quorum purposes, the mayor shall be counted as one of the councilmembers.~~ Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, 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 journal. No member of City Council ~~councilmember~~ shall abstain from voting except in the case of a conflict of interest or if absent when a motion being voted upon was made. The member(s) of City Council ~~councilmember~~ shall provide a specific explanation of the conflict, and the explanation shall be recorded in the journal.
- (b) Except as otherwise provided in this Charter, the affirmative vote of a majority of the ~~councilmembers~~ City Council present shall be required for the adoption of any ordinance, resolution, or motion.
- (c) In the event vacancies in office result in less than a quorum of ~~councilmembers~~ the City Council holding office, then the remaining ~~councilmembers~~ City Council in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining City Council ~~councilmembers~~ shall be required for the adoption of any ordinance, resolution, or motion.

The charter of the City of Johns Creek is hereby amended by deleting section 3.18 in its entirety and inserting, in lieu thereof, the following:

“3.18. - Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall 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 a majority of the City Council ~~councilmembers~~ present 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 continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.”

The charter of the City of Johns Creek is hereby amended by deleting subsections (a), (b) and (c) of section 3.21 in its entirety and inserting, in lieu thereof, the following:

“3.21. - Submission of ordinances to the mayor.

- (a) Every ordinance, resolution, and other action adopted by the City Council shall be presented promptly to the mayor for signature. Except for City Council approval of appointments to committees, boards, and commissions, the employment of any appointed officer, internal affairs, or matters which must be approved by the voters, the mayor may veto any action adopted by the City Council.
- (b) The veto must be exercised no later than the next regular City Council meeting following the meeting at which the action was taken. The Mayor shall submit to the City Council a written statement of the reasons for the Mayor's veto.
- (c) An action vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of councilmembers necessary to vote on overriding the veto are not present, the action may be continued until the next meeting at which the minimum number of councilmembers are present. Such action shall not become effective unless it is readopted by the affirmative votes of at least ~~five~~two-thirds of the councilmembers within 60 days of the veto and for the purpose the mayor shall vote as a councilmember.”

The charter of the City of Johns Creek is hereby amended by deleting subsection (c) of section 3.22 in its entirety and inserting, in lieu thereof, the following:

“3.22. – Powers and duties of the mayor.

* * *

- (c) The mayor shall in his or her sole discretion appoint an executive aide to the mayor. The executive aide shall serve at the pleasure of the mayor. The executive aide shall receive a salary comparable to that of city department heads, which salary shall be fixed by the mayor. The executive aide shall report directly to the mayor. The duties and responsibilities of the executive aide shall at all times be as set forth by the mayor provided that the duties and responsibilities relate to city business and at no time shall the executive aide conduct personal business for the mayor. The executive aide shall have the authority, upon the specific request of the mayor, to act on behalf of the mayor in the mayor's ceremonial or administrative capacity. The executive aide shall have no authority to act on behalf of the mayor in a legislative or executive capacity.”

The charter of the City of Johns Creek is hereby amended by deleting subsection (11) of section 3.25 in its entirety and inserting, in lieu thereof, the following:

“3.25. - City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:

* * *

- (11) Make a full written report to the council by ~~on~~ the ~~first~~ fifteenth of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the clerk of the city;”

The charter of the City of Johns Creek is hereby amended by deleting section 3.26 in its entirety and inserting, in lieu thereof, the following:

“3.26. - Council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 [3.12] of this Charter, the city council or its members shall ~~deal~~ communicate with city officers and employees who are subject to the direction or supervision of the City mManager solely in a manner determined by ~~through the City m~~Manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.”

Section 3. Amendments to ARTICLE IV – ADMINISTRATIVE AFFAIRS.

The charter of the City of Johns Creek is hereby amended by deleting subsection (g) of section 4.11 in its entirety and inserting, in lieu thereof, the following:

“4.11. – Boards.

* * *

- (g) Any member of a board, commission, or authority may be removed from office by a majority vote of the city council.”

Section 4. Amendments to ARTICLE VI – FINANCE.

The charter of the City of Johns Creek is hereby amended by deleting section 6.12 in its entirety and inserting, in lieu thereof, the following:

“6.12. - Occupation taxes and business license fees.

The City Council by ordinance shall have the power to levy such occupation or business taxes as are not ~~denied~~ prohibited by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this Charter.”

The charter of the City of Johns Creek is hereby amended by deleting section 6.19 in its entirety and inserting, in lieu thereof, the following:

“6.19. – Borrowing.

The City Council shall have the power to issue bonds, limited to the stated ability by the City to repay said debt, 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.”

The charter of the City of Johns Creek is hereby amended by deleting section 6.20 in its entirety and inserting, in lieu thereof, the following:

“6.20. - Revenue bonds.

Revenue bonds may be issued by the City Council, limited to the stated ability by the City to repay said debt, 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.”

The charter of the City of Johns Creek is hereby amended by deleting section 6.23 in its entirety and inserting, in lieu thereof, the following:

“6.23. - Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs. The city council shall comply with the provisions of Chapter 81 of Title 36 of the O.C.G.A. [O.C.G.A. § 36-81-1 et seq.] including the requirement of adopting an annual balanced budget for the general fund, each special revenue fund and each debt service fund.”

The charter of the City of Johns Creek is hereby amended by deleting the title of section 6.36 in its entirety and inserting, in lieu thereof, the following: **“6.36. - Homestead Exemption for Citizens Either Age 70 [years] or Over, or ~~and~~ Disabled Persons, Meeting Certain Income Requirements.”**

Section 5. Severability.

If any article, section, subsection, paragraph, clause, phrase or provision of this ordinance shall be adjudged invalid or held unconstitutional, such decision shall not affect or invalidate the remaining portions of this ordinance.

Section 6. Repealer.

All charter sections, ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 7. Effective Date.

This ordinance shall be effective upon its adoption by the City Council of the City of Johns Creek.

SO ORDAINED, this _____ day of _____, 2017.

Michael E. Bodker, Mayor

ATTEST:

Joan C. Jones, City Clerk

APPROVED AS TO FORM:

City Attorney

