

ORDINANCE NO. _____

AN ORDINANCE BY THE CITY OF CLARKSTON TO AMEND THE CITY CHARTER TO MODERNIZE CERTAIN PROVISIONS; TO AMEND ARTICLE IV OF THE CHARTER REGARDING BUDGETING, APPROPRIATIONS AND AUDITING; TO REPEAL CONFLICTING PROVISIONS; AND FOR OTHER PURPOSES.

WHEREAS, the City Council empowered a Charter Review Committee to review the Charter for any provisions that might be confusing or out of date, as well as to recommend changes to the document that could strengthen the administration of City business; and

WHEREAS, the Charter Review Committee has recommended amending certain provisions of the Charter, particularly concerning financial administration, and the City Council desires to enact these changes; and

WHEREAS, the City is authorized to amend its Charter pursuant to its home rule powers as set forth in O.C.G.A. § 36-35-3.

NOW THEREFORE, BE IT ORDAINED by the City of Clarkston as follows:

SECTION 1. City Charter Section 3.02 is hereby amended to re-designate existing subsection 3.02(d)(9) as new subsection 3.02(d)(10) and to adopt new subsection 3.02(d)(9), which shall read as follows:

“(9) Establish personnel rules, ensure that all employees are aware of such rules and enforce such rules, all pursuant to Chapter 14 of the City Code.”

SECTION 2. City Charter Section 3.06 is hereby amended to add new subsection (h), which shall read as follows:

“(h) The Municipal Court shall have the authority to hear nuisance abatement actions and enforce Clarkston’s nuisance abatement ordinance.”

SECTION 3. City Charter Section 3.11 is hereby deleted and replaced with the following language:

“Sec. 3.11. - Oath of office.

Before a person takes any office in the city government, he or she shall take before an officer of this state authorized to administer oaths the following oath or affirmation:

"I solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Georgia; that I will in all respects observe the provisions of the charter and ordinances of the City of Clarkston, and that I will faithfully discharge the duties of the office of _____. [Here the oath taker may insert a solemn declaration invoking the deity or higher power of his/her choice, or elect not to do so,]"

SECTION 4. The existing text of Charter Section 4.02 is hereby deleted and replaced with the following text:

“Sec. 4.02. - City manager to submit annual budget, including a budget message; procedures for appropriation amendments.

(1) On or before a date fixed by the city council, but not later than forty-five (45) days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed budget for the next fiscal year, showing separately for the general fund, each utility, and each other fund the following: (i) revenues and expenditures during the preceding fiscal year, (ii) appropriations and estimated revenues and expenditures for the current fiscal year, (iii) estimated revenues and recommended expenditures for the next fiscal year, (iv) a comparative statement of the assets, liabilities, reserves, and surplus at the end of the preceding year and estimated assets, liabilities, reserves, and surplus at the end of the current fiscal year, and (v) such other information and data as may be considered necessary by the city manager or requested by the city council.

(2) ***Budget Message***

The City Manager’s message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the city for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in fiscal policies, expenditures, and revenues together with the reasons for such changes, summarize the city’s debt position and include such other material as the City Manager deems desirable.

(3) ***Amendments After Adoption***

- (a) *Supplemental Appropriations.* If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the city council by ordinance may make supplemental appropriations for the year up to the amount of such excess.
- (b) *Emergency Appropriations.* To meet a public emergency affecting life, health, property or the public peace, the city council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the city council may by such emergency ordinance authorize the issuance of emergency notes which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- (c) *Reduction of Appropriations.* If at any time during the fiscal year it appears probable to the city manager that the revenues available will be insufficient to meet the amount appropriated, the city manager shall report to city council without delay, indicating the estimated amount of the deficit, any remedial action taken by the city manager and recommendations as to any other steps to be taken. The city council shall then take such further action as it deems necessary to prevent or minimize any deficit, and for that purpose it may by ordinance reduce one or more appropriations.
- (d) *Transfer of Appropriations.* At any time during the fiscal year the city manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the city manager the city council may by ordinance transfer part or all of any unencumbered appropriation balance from one department, office or agency to another.
- (e) *Limitations; Effective Date.* No appropriation for debt service may be reduced or transferred, and no appropriation may be reduced below any amount required by law to be appropriated, or by more than the amount of the unencumbered balance thereof. The supplemental and emergency appropriations, and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.

SECTION 5. City Charter Section 4.05 is hereby deleted and replaced with the following language:

“Sec. 4.05. - Annual audit.

The city council shall engage, pursuant to an annual contract, a certified public accountant or accounting firm to make an annual audit of all financial books and records of the city in compliance with the requirements of State general law. A report setting forth the findings of such annual audit shall be filed with the city clerk and presented to the mayor, council members and city manager at a time established by the contract by which the auditor is engaged. The audit shall be made available to the public.”

SECTION 6. This Ordinance is intended to be severable. If any section, subsection, paragraph, sentence or word of this Ordinance is for any reason held to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed each section, subsection, paragraph, sentence or word of this Ordinance irrespective of the invalidity of any other section, subsection, paragraph, sentence or word.

SECTION 7. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. This Ordinance shall become effective immediately upon its final adoption by the City Council at the second of two consecutive regular meetings.

SO ORDAINED, this ____ day of _____, 2021.

SO ORDAINED, this ____ day of _____, 2021.

ATTEST:

**CITY COUNCIL,
CITY OF CLARKSTON, GEORGIA**

By _____
Tracy Ashby, City Clerk

Beverly Burks, Mayor

Approved as to Form:

Stephen Quinn
Stephen G. Quinn, City Attorney