

AN ORDINANCE OF THE CITY OF PEACHTREE CORNERS, GEORGIA, TO AMEND ITS CHARTER BY AMENDING THE PREAMBLE AND SECTION 3.13 (CITY CLERK) TO CORRECT TYPOGRAPHICAL ERRORS, SECTION 3.12 (CITY ATTORNEY) TO AUTHORIZE ACKNOWLEDGEMENT OF SERVICE, SECTION 4.11 (CHIEF JUDGE; ASSOCIATE JUDGE) TO PROVIDE FOR TWO-YEAR TERMS, SECTION 6.26 (ACTION BY CITY COUNCIL ON BUDGET) TO AUTHORIZE A JUNE BUDGET ADOPTION, SECTION 6.28 (CHANGES IN APPROPRIATIONS) TO AUTHORIZE CHANGES IN APPROPRIATIONS BY MAJORITY VOTE; TO REPEAL ALL CONFLICTING ORDINANCES; TO SET AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, pursuant to O.C.G.A. § 36-35-3(a), the governing authority of each municipality has the legislative power to adopt clearly reasonable ordinances, resolutions, and regulations relating to its property, affairs, and local government; and

WHEREAS, pursuant to O.C.G.A. § 36-35-3(b)(1), a municipal corporation may, incident to its home rule powers, amend its charter by ordinance duly adopted at two regular consecutive meetings; and

WHEREAS, the Mayor and Council desire to amend the City of Peachtree Corners charter;

NOW THEREFORE, IT IS HEREBY ORDAINED by the governing authority of the City of Peachtree Corners, Georgia as follows:

Section 1: The City of Peachtree Corners charter shall be amended by adding (underlined words) and deleting (~~struck through words~~) to the Preamble; Sec. 3.12 (City attorney); Sec. 3.13 (City clerk); Sec. 4.11 (Chief judge; associate judge); Sec. 6.26(b)(Action by city council on budget); and Sec. 6.28 (Changes in appropriations) as follows:

Preamble

To ~~to~~ provide a new charter for the City of Peachtree Corners; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and vice mayor ~~pro tempore~~ and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections;

to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Sec. 3.12. – City attorney.

- (a) The city manager shall appoint, subject to confirmation by the city council, 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 providing for 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 mayor and council 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 by virtue of such person's position as city attorney.
- (b) The city attorney is not a public official of the city and does not take an oath of office. A law firm, in lieu of an individual, may be designated as the city attorney.
- (c) The city attorney is authorized to acknowledge service of any suit, order, process, proceeding, or notice against the city and to waive formal service and notice, when, in the judgement of the city attorney, such acknowledgement or waiver will or may benefit the city by its advance notice or by expediting the preparation of its defenses or by saving court costs.

Sec. 3.13. – City clerk.

The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records, maintain city council records required by this charter, and perform such other duties as may be ~~required~~ assigned by the city ~~council~~ manager.

Sec. 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.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years, be a member of the State Bar of Georgia, and possess all other qualifications required by law. All judges shall be appointed by the mayor, subject to confirmation by the city council.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Any individual appointed as a judge shall serve for a minimum term of ~~one~~ two years and until a successor is appointed or if the judge is removed from office as provided in O.C.G.A. § 36-32-2.1.

- (e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's 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 journal required in [Section 2.19](#) of this charter.

Sec. 6.26. – Action by city council on budget.

- (a) The councilmembers may amend the operating budget proposed by the city manager, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.
- (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than June 15 ~~30~~ of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to [Section 6.24](#) of this charter.
- (c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

Sec. 6.28. – Changes in appropriations.

The city council by ~~ordinance~~ majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

Section 2. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

SO ORDAINED AND EFFECTIVE, this 17th day of December, 2024.

ATTEST:

APPROVED:

Kymberly Chereck (SEAL)
Kym Chereck, City Clerk

Mike Mason
Mike Mason, Mayor



VOTE: A Sadd / A Christ / A Wright / A Mason / A Sawyer / A Douglass / A Gratwick