



**City of Flowery Branch
Special Called City Council Meeting
Tuesday, January 17, 2023, 6:00 PM
City of Flowery Branch City Hall
5410 West Pine Street, Flowery Branch, GA 30542**



CALL SPECIAL CITY COUNCIL MEETING TO ORDER:

PLEDGE OF ALLEGIANCE:

NEW BUSINESS - WORK SESSION:

- Consider First Reading of Ordinance 688 - Publishing of 2023 General Election Qualifying Fees
[Executive Summary Ordinance 688.pdf](#)
[Ordinance 688 - 2023 Call for Election.pdf](#)

ADJOURNMENT WORK SESSION:

CALL VOTING SESSION TO ORDER:

NEW BUSINESS - VOTING SESSION:

- Consider First Reading of Ordinance 688 - Publishing of 2023 General Election Qualifying Fees
[Executive Summary Ordinance 688.pdf](#)
[Ordinance 688 - 2023 Call for Election.pdf](#)

EXECUTIVE SESSION:

ADJOURNMENT:

If you have a disability or impairment and need special assistance please contact the City Clerk prior to the meeting at 770-967-6371 - Meeting agenda is subject to change



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance 688 - Publishing of 2023 General Election Qualifying Fees

COUNCIL MEETING DATE: January 17, 2023

HISTORY:

In the past O.C.G.A. set qualifying dates for the 3rd Monday in August. Resolution 07-001 approved on January 17, 2007 set the qualifying fee for each municipal office for a General Election and states the fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year, which shall increase from \$144.00 to \$216.00 per Council Member seat.

FACTS AND ISSUES:

O.C.G.A. 21-2-131 (a)(1)(A) requires fixing and publishing of the qualifying fees prior to February 1 of an election year.

Seats up for election and qualifying fee for each:

- Post #1 \$216.00
- Post #2 \$216.00

Qualifying is proposed to begin the 3rd Monday in August per O.C.G.A. 21-2-132 (3)(A).

Qualifying dates are proposed for Monday, August 21, 2023 at 8:30 am through Wednesday August 23, 2023 at 4:30 pm.

OPTIONS:

IF FUNDING IS INVOLVED, ARE FUNDS APPROVED IN THE CURRENT BUDGET:

No

AMOUNT AND SOURCE OF FUNDS:

RECOMMENDATION:

SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 688 as presented.

COLLABORATING DEPARTMENT:

DEPARTMENT: Administration

Prepared by: Shelia Cooper

ATTACHMENTS

- [Executive Summary Ordinance 688.pdf](#)
- [Ordinance 688 - 2023 Call for Election.pdf](#)

FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY

SUBJECT: 2023 Fixing and Publishing of General Election-Ordinance 688

DATE: January 17, 2023

(X) RECOMMENDATION

() POLICY DISCUSSION

BUDGET INFORMATION:

() STATUS REPORT

ANNUAL-

() OTHER

CAPITAL-

COUNCIL ACTION REQUESTED ON: January 17, 2023

First Reading of Ordinance 688-To provide for the 2023 municipal election for the City of Flowery Branch for the following posts, Post 1 and Post 2, to set qualifying dates and to set the fee for said qualifying.

HISTORY:

In the past O.C.G.A. set qualifying dates for the 3rd Monday in August. Resolution 07-001 approved on January 17, 2007 set the qualifying fee for each municipal office for a General Election and states the fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year, which shall increase from \$144.00 to \$216.00 per Council Member seat.

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OPTIONS: Approval

RECOMMENDED SAMPLE MOTION:

I make a motion to approve the First Reading of Ordinance 688 as presented.

DEPARTMENT: Administration

Prepared by: Shelia Cooper

First Reading:	January 17, 2023
Second Reading:	January 19, 2023
Passed:	January 19, 2023

ORDINANCE NO. 688

AN ORDINANCE TO PROVIDE FOR THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2023; ESTABLISH AND SET THE DATE AND TIME OF THE GENERAL ELECTION FOR THE CITY OF FLOWERY BRANCH, GEORGIA FOR 2023 FOR COUNCIL MEMBERS POST 1 AND POST 2; PROVIDE A QUALIFYING PERIOD FOR SAID POSITIONS; PROVIDE FOR THE QUALIFYING FEES FOR SAID POSITIONS; PROVIDE FOR A QUALIFYING PROCEDURE; APPOINT ELECTION OFFICIALS; PROVIDE FOR THE OPENING AND CLOSING OF REGISTRATION FOR SAID GENERAL ELECTION; REPEAL CONFLICTING ORDINANCES; PROVIDE FOR SEVERABILITY AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, the City Council of the City of Flowery Branch, Georgia is authorized by Article IX, Section II, Paragraph II of the Constitution of the State of Georgia of 1983, and pursuant to O.C.G.A. Section 21-2-1 et seq., to enact ordinances for the holding of elections and special elections of public officials of the municipality; and

WHEREAS, the terms for the positions of Council Members Post 1 and Post 2, shall expire on December 31, 2023; and

WHEREAS, the City of Flowery Branch, Georgia desires to conduct a general election to fill these positions, openly and fairly for all duly qualified and registered electors of the City of Flowery Branch, Georgia;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS,

Section 1. General Election.

The City of Flowery Branch, Georgia will conduct a general election on Tuesday, November 7, 2023 from 7:00 a.m. to 7:00 p.m. with the place of said election being in the City Hall located at 5410 W. Pine Street, Flowery Branch, Georgia for the positions as indicated in Section 2 of this Ordinance.

Section 2. Positions Open for Election and Terms Thereof.

The general election to be held on the date established by Section 1 of this Ordinance is for filling the following positions:

- a) The position of Council Member Post 1 which will be elected at large for a four-year term beginning on January 1, 2024 through December 31, 2027.
- b) The position of Council Member Post 2 which will be elected at large for a four-year term beginning on January 1, 2024 through December 31, 2027.

Section 3. Qualifying Period.

The qualifying period for the election set by Section 1 of this Ordinance to qualify for the positions described in Section 2 of this Ordinance shall be open on Monday August 21, 2023 and will continue day-to-day through Wednesday August 23, 2023. The hours of qualifying each day shall be during the regular business hours of the City of Flowery Branch, Georgia except Monday August 21, 2023 qualifying will begin at 8:30 a.m. as per O.C.G.A. Section 21-2-132. The place of qualifying shall be the office of the City Clerk of the City of Flowery Branch, Georgia, being the office of the Election Superintendent, and being located at City Hall, 5410 W. Pine Street, Flowery Branch, Georgia.

Section 4. Qualifying Fee.

(a) The qualifying fee for each Council Member position, which are open for election as provided by Section 2 of the Ordinance, shall be \$216.00. Such fee shall be paid to the Election Superintendent at the time a candidate files the candidate's notice of candidacy.

(b) A pauper's affidavit may be filed in lieu of paying the qualifying fee otherwise required by Section 4(a) of this Ordinance. A candidate filing a pauper's affidavit instead of paying a qualifying fee shall under oath affirm the candidate's poverty and the candidate's resulting inability to pay the qualifying fee otherwise required. The form of the affidavit shall be as prescribed by the Georgia Secretary of State and shall include a financial statement which lists the total income, assets, liabilities and other relevant financial information of the candidate.

The affidavit shall contain an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required. The following warning shall be printed on the affidavit form as prepared by the Georgia Secretary of State, to wit: "WARNING: Any person knowingly making any false statement on this affidavit commits the offense of false swearing and shall be guilty of a felony."

The Election Superintendent shall place on the ballot the name of any candidate who subscribes and swears to an oath that such candidate has neither the assets nor the income to pay the qualifying fee otherwise required.

Section 5. Qualifying Affidavit and Financial Disclosure Statement.

- (a) Each candidate qualifying for the positions described in Section 2 of this Ordinance shall accompany the candidate's notice with an affidavit stating:
 - (1) The candidate's residence, with street and number, if any, and the candidate's post office address;
 - (2) The candidate's profession, business or occupation, if any;
 - (3) The name of post or office sought for election and precinct, if applicable;
 - (4) That the candidate is an elector of the municipality of the candidate's residence and is eligible to vote in the election in which the candidate is running for office;

- (5) The name of the position that the candidate is seeking;
- (6) That the candidate is eligible to hold such position;
- (7) That the candidate has never been convicted and sentenced in any court of competent jurisdiction for fraudulent violation of primary or election laws, malfeasance in office or a felony involving moral turpitude under the laws of this state or any other state or of the United States, of that the candidate's civil rights have been restored and that at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude; and
- (8) That the candidate will not knowingly violate any provisions of the "Georgia Municipal Election Code" or any rules and regulations adopted under the "Georgia Municipal Election Code."

(b) Each person qualifying as a candidate will file a financial disclosure statement prescribed by the laws of the State of Georgia in the form as prescribed therein, no later than the fifteenth (15th) day following the qualifying with the Election Superintendent of the City of Flowery Branch, Georgia.

Section 6. Write-In Candidates.

(a) In this general election, no person elected on a write-in vote shall be eligible to hold office unless notice of the person's intention of candidacy was given twenty (20) or more days prior to the election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the election, to the Mayor or the Election Superintendent and by publication in the official newspaper of the City of Flowery Branch, Georgia, said publication currently being "The Times."

(b) In addition to the requirements contained in Section 6(a) of this Ordinance, the person or persons giving notice of intention of candidacy for a write-in candidate shall also file with the Mayor or the Election Superintendent, a copy of the notice as published with an affidavit stating that the notice has been published, with the name of the newspaper and the date of publication, not later than the fifth (5th) day after the deadline for filing and publishing of such notice. The affidavit may be made by the person giving notice or intention of candidacy or by the publisher of the newspaper in which the notice was published or by an employee of the newspaper designated by the publisher.

Section 7. Election Appointments.

(a) The following persons are hereby appointed to act as election officials for the November 7, 2023. General Election:

Election Superintendent	Shelia Cooper
Chief Registrar	To be announced
Absentee Ballot Clerks	Hall County Elections
Poll Manager	Hall County Elections

Poll Worker
Poll Worker

Hall County Elections
Hall County Elections

(b) The office of the City Clerk of the City of Flowery Branch, Georgia is hereby declared to be the office of the Election Superintendent for candidates qualifying for the offices open for election as provided by Section 3 of this Ordinance.

Section 8. Last Day for Voter Registration.

The last day that an elector/voter may register to vote in the 2023 General Election shall be Monday, October 9, 2023, by 5:00 p.m. at the Hall County Board of Elections and Registration located at 2875 Browns Bridge Road, Gainesville, Georgia, unless said date is a Georgia legal holiday, and then the last day for voter/elector registration shall be the next day by 5:00 p.m.

Section 9. Repealer.

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed to the extent of conflict.

Section 10. Severability.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

Dated this 19th day of January 2023.

Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney



FLOWERY BRANCH CITY COUNCIL

EXECUTIVE SUMMARY



SUBJECT: Consider First Reading of Ordinance 688 - Publishing of 2023 General Election Qualifying Fees

COUNCIL MEETING DATE: January 17, 2023

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Edward R. Asbridge, Mayor

ATTEST:

Shelia R. Cooper, City Clerk

APPROVED AS TO FORM:

E. Ronald Bennett, Jr., City Attorney