

House Bill 1701

By: Representative Coleman of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Eastman; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of the city and the powers,
3 duties, election, terms, method of filling vacancies, and compensation of the members of
4 such governing authority; to provide for investigations; to provide for organization and
5 procedures; to provide for ordinances, rules, and regulations; to provide for penalties; to
6 provide for the officers of the city and the powers and duties of such officers; to provide for
7 administrative responsibilities; to provide for boards, commissions, and authorities; to
8 provide for a city manager and other personnel; to provide for a municipal court and the
9 judge or judges thereof; to provide for taxation, fees, and charges; to provide for books and
10 accounts; to provide for other matters relative to the foregoing; to repeal an Act providing
11 the former charter of the City of Eastman, approved April 11, 1979 (Ga. L. 1979, p. 4593),
12 as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 ARTICLE I
15 INCORPORATION AND POWERS
16 SECTION 1.10.
17 Name.

18 The City of Eastman, in Dodge County, Georgia, is reincorporated by the enactment of this
19 charter and is hereby constituted and declared a body politic and corporate under the name
20 and style City of Eastman, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate Boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the City Clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Eastman, Georgia." Photographic, typed, or other copies of such map or description certified by the clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and Construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this charter. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Without limiting the generality of the foregoing, it is specifically provided that the city shall have the powers set out in Section 1.13 of this charter.

SECTION 1.13.

Examples of Powers.

(a) *Animal Regulations.* To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter.

(b) *Appropriations and Expenditures.* To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized

- 1 by this charter and for any purpose for which a municipality is authorized to expend money
2 by the laws of the State of Georgia; and to provide for the payment of expenses of the city.
- 3 (c) *Building Regulation.* To regulate and to license the erection and construction of
4 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
5 heating and air-conditioning codes; and to regulate all housing and building trades.
- 6 (d) *Business Regulation and Taxation.* To levy and to provide for the collection of
7 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
8 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted;
9 to permit and regulate the same; to provide for the manner and method of payment of such
10 regulatory fees and taxes; and to revoke permits after due process for failure to pay any city
11 taxes or fees.
- 12 (e) *Condemnation.* To condemn property, inside or outside the corporate limits of the city,
13 for present or future use and for any corporate purpose deemed necessary by the governing
14 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other
15 applicable laws as are or may hereafter be enacted.
- 16 (f) *Contracts.* To enter into contracts and agreements with other governmental entities and
17 with private persons, firms, and corporations.
- 18 (g) *Emergencies.* To establish procedures for determining and proclaiming that an
19 emergency situation exists within or without the city and to make and carry out all reasonable
20 provisions deemed necessary to deal with or meet such an emergency for the protection,
21 safety, health, or well-being of the citizens of the city.
- 22 (h) *Environmental Protection.* To protect and preserve the natural resources, environment,
23 and vital areas of the state through the preservation and improvement of air quality, the
24 restoration and maintenance of water resources, the control of erosion and sedimentation, the
25 management of solid and hazardous waste, and other necessary actions for the protection of
26 the environment.
- 27 (i) *Fire Regulations.* To fix and establish fire limits and from time to time to extend,
28 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general
29 law, relating to both fire prevention and detection and to fire fighting; and to prescribe
30 penalties and punishment for violations thereof.
- 31 (j) *Garbage Fees.* To levy, fix, assess, and collect a garbage, refuse, and trash collection and
32 disposal and other sanitary service charge, tax, or fee for such services as may be necessary
33 in the operation of the city from all individuals, firms, and corporations residing in or doing
34 business in the city benefiting from such services; to enforce the payment of such charges,
35 taxes, or fees; and to provide for the manner and method of collecting such service charges.

- 1 (k) *General Health, Safety, and Welfare.* To define, regulate, and prohibit any act, practice,
2 conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare,
3 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 4 (l) *Gifts.* To accept or refuse gifts, donations, bequests, or grants from any source for any
5 purpose related to powers and duties of the city and the general welfare of its citizens, on
6 such terms and conditions as the donor or grantor may impose.
- 7 (m) *Health and Sanitation.* To prescribe standards of health and sanitation and to provide
8 for the enforcement of such standards.
- 9 (n) *Jail Sentences.* To provide that persons given jail sentences in the city's court may work
10 out such sentences in any public works or on the streets, roads, drains, and other public
11 property in the city; to provide for commitment of such persons to any jail; or to provide for
12 commitment of such persons to any county work camp or county jail by agreement with the
13 appropriate county officials.
- 14 (o) *Motor Vehicles.* To regulate the operation of motor vehicles and exercise control over
15 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
16 city.
- 17 (p) *Municipal Agencies and Delegation of Power.* To create, alter, or abolish departments,
18 boards, offices, commissions, and agencies of the city and to confer upon such agencies the
19 necessary and appropriate authority for carrying out all the powers conferred upon or
20 delegated to the same.
- 21 (q) *Municipal Debts.* To appropriate and borrow money for the payment of debts of the city
22 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
23 venture authorized by this charter or the laws of the State of Georgia.
- 24 (r) *Municipal Property Ownership.* To acquire, dispose of, lease, and hold in trust or
25 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
26 outside the property limits of the city.
- 27 (s) *Municipal Property Protection.* To provide for the preservation and protection of
28 property and equipment of the city and the administration and use of same by the public; and
29 to prescribe penalties and punishment for violations thereof.
- 30 (t) *Municipal Utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of
31 public utilities, including but not limited to a system of waterworks, sewers and drains,
32 sewage disposal, gas works, electric light plants, cable television and other
33 telecommunications, transportation facilities, public airports, and any other public utility;
34 to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor;
35 and to provide for the withdrawal of service for refusal or failure to pay the same.
- 36 (u) *Nuisance.* To define a nuisance and provide for its abatement whether on public or
37 private property.

- 1 (v) *Penalties.* To provide penalties for violation of any ordinances adopted pursuant to the
2 authority of this charter and the laws of the State of Georgia.
- 3 (w) *Planning and Zoning.* To provide comprehensive city planning for development by
4 zoning; and to provide subdivision regulation and the like as the city council deems
5 necessary and reasonable to insure a safe, healthy, and esthetically pleasing community.
- 6 (x) *Police and Fire Protection.* To exercise the power of arrest through duly appointed
7 police officers and to establish, operate, or contract for a police and a fire-fighting agency.
- 8 (y) *Public Hazards: Removal.* To provide for the destruction and removal of any building
9 or other structure which is or may become dangerous or detrimental to the public.
- 10 (z) *Public Improvements.* To provide for the acquisition, construction, building, operation,
11 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
12 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
13 terminals, docks, parking facilities or charitable, cultural, educational, recreational,
14 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
15 agencies, and facilities; to provide any other public improvements, inside or outside the
16 corporate limits of the city; and to regulate the use of public improvements; and, for such
17 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
18 other applicable laws as are or may hereafter be enacted.
- 19 (aa) *Public Peace.* To provide for the prevention and punishment of drunkenness, riots, and
20 public disturbances.
- 21 (bb) *Public Transportation.* To organize and operate such public transportation systems as
22 are deemed beneficial.
- 23 (cc) *Public Utilities and Services.* To grant franchises or make contracts for, or impose taxes
24 on, public utilities and public service companies and to prescribe the rates, fares, regulations,
25 and standards and conditions of service applicable to the service to be provided by the
26 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia
27 Public Service Commission.
- 28 (dd) *Regulation of Roadside Areas.* To prohibit or regulate and control the erection,
29 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
30 all other structures or obstructions upon or adjacent to the rights of way of streets and roads
31 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
32 penalties and punishment for violation of such ordinances.
- 33 (ee) *Retirement.* To provide and maintain a retirement plan for officers and employees of
34 the city.
- 35 (ff) *Roadways.* To lay out, open, extend, widen, narrow, establish or change the grade of,
36 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
37 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within

1 the corporate limits of the city; to grant franchises and rights of way throughout the streets
2 and roads and over the bridges and viaducts for the use of public utilities; and to require real
3 estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or
4 lands and to impose penalties for failure to do so.

5 (gg) *Sewer Fees*. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
6 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
7 and sewerage system and to levy on those to whom sewers and sewerage systems are made
8 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
9 to provide for the manner and method of collecting such service charges and for enforcing
10 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
11 those connected with the system.

12 (hh) *Solid Waste Disposal*. To provide for the collection and disposal of garbage, rubbish,
13 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
14 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
15 and other recyclable materials and to provide for the sale of such items.

16 (ii) *Special Areas of Public Regulation*. To regulate or prohibit junk dealers, pawn shops,
17 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
18 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
19 inflammable materials, the use of lighting and heating equipment, and any other business or
20 situation which may be dangerous to persons or property; to regulate and control the conduct
21 of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
22 by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,
23 palmistry, adult bookstores, and massage parlors.

24 (jj) *Special Assessments*. To levy and provide for the collection of special assessments to
25 cover the costs for any public improvements.

26 (kk) *Taxes: Ad Valorem*. To levy and provide for the assessment, valuation, revaluation,
27 and collection of taxes on all property subject to taxation.

28 (ll) *Taxes: Other*. To levy and collect such other taxes as may be allowed now or in the
29 future by law.

30 (mm) *Taxicabs*. To regulate and license vehicles operated for hire in the city; to limit the
31 number of such vehicles; to require the operators thereof to be licensed; to require public
32 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
33 regulate the parking of such vehicles.

34 (nn) *Urban Redevelopment*. To organize and operate an urban redevelopment program.

35 (oo) *Other Powers*. To exercise and enjoy all other powers, functions, rights, privileges, and
36 immunities necessary or desirable to promote or protect the safety, health, peace, security,
37 good order, comfort, convenience, or general welfare of the city and its inhabitants; to

1 exercise all implied powers necessary or desirable to carry into execution all powers granted
 2 in this charter as fully and completely as if such powers were fully stated herein; and to
 3 exercise all powers now or in the future authorized to be exercised by other municipal
 4 governments under other laws of the State of Georgia; and no listing of particular powers in
 5 this charter shall be held to be exclusive of others, nor restrictive of general words and
 6 phrases granting powers, but shall be held to be in addition to such powers unless expressly
 7 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

8 **SECTION 1.14.**

9 Exercise of Powers.

10 All powers, functions, rights, privileges, and immunities of the city and its officers, agencies,
 11 or employees shall be carried into execution as provided by this charter. If this charter makes
 12 no provision, such shall be carried into execution as provided by ordinance or as provided
 13 by pertinent laws of the State of Georgia.

14 **ARTICLE II**

15 **GOVERNMENT STRUCTURE**

16 **SECTION 2.10.**

17 City Council Creation; Number; Election.

18 The legislative authority of the government of this city, except as otherwise specifically
 19 provided in this charter, shall be vested in a city council to be composed of five
 20 councilmembers. The city council established shall in all respects be a successor to and
 21 continuation of the governing authority under prior law. The councilmembers shall be elected
 22 in the manner provided by general law and this charter.

23 **SECTION 2.11.**

24 City Councilmembers; Terms and Qualifications for Office.

25 The members of the city council shall serve for terms of four years and until their respective
 26 successors are elected and qualified. No person shall be eligible to serve as councilmember
 27 unless that person shall have been a resident of the city for 12 months prior to the date of
 28 election of members of the council; and each shall continue to reside therein during that
 29 member's period of service and to be registered and qualified to vote in municipal elections
 30 of this city.

1 proper legal authorization or use such information to advance the financial or other private
2 interest of that person or others;

3 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
4 any person, firm, or corporation which to that person's knowledge is interested, directly or
5 indirectly, in any manner whatsoever, in business dealings with the governmental body in
6 which that person is engaged; provided, however, that an elected official who is a candidate
7 for public office may accept campaign contributions and services in connection with any
8 such campaign;

9 (5) Represent other private interests in any action or proceeding against this city or any
10 portion of its government; or

11 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
12 any business or entity in which that person has financial interest.

13 (c) *Disclosure.* Any elected official, appointed officer, or employee who shall have any
14 financial interest, directly or indirectly, in any contract or matter pending before or within
15 any department of the city shall disclose such interest to the city council. Any
16 councilmember who has a financial interest in any matter pending before the city council
17 shall disclose such interest and such disclosure shall be entered on the records of the city
18 council, and that person shall disqualify himself or herself from participating in any decision
19 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
20 or political entity to which this charter applies who shall have any financial interest, directly
21 or indirectly, in any contract or matter pending before or within such entity shall disclose
22 such interest to the governing body of such agency or entity.

23 (d) *Use of Public Property.* No elected official, appointed officer, or employee of the city
24 or any agency or entity to which this charter applies shall use property owned by such
25 governmental entity for personal benefit, convenience, or profit except in accordance with
26 policies promulgated by the city council or the governing body of such agency or entity.

27 (e) *Contracts Voidable and Rescindable.* Any violation of this section which occurs with
28 the knowledge, express or implied, of a party to a contract or sale shall render said contract
29 or sale voidable at the option of the city council.

30 (f) *Ineligibility of Elected Official.* Except where authorized by law, no councilmember shall
31 hold any other elective or compensated appointive office in the city or otherwise be
32 employed by said government or any agency thereof during the term for which that person
33 was elected. No former councilmember shall hold any compensated appointive office in the
34 city until one year after the expiration of the term for which that official was elected.

35 (g) *Political Activities of Certain Officers and Employees.* No appointive officer of the city
36 shall continue in such employment upon qualifying as a candidate for nomination or election
37 to any public office. No employee of the city shall continue in such employment upon

1 election to any public office in this city or any other public office which is inconsistent,
 2 incompatible, or in conflict with the duties of the city employee. Such determination shall
 3 be made by the council either immediately upon election or at any time such conflict may
 4 arise.

5 (h) *Penalties for Violation:*

6 (1) Any city officer or employee who knowingly conceals such financial interest or
 7 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 8 in office or position and shall be deemed to have forfeited that person's office or position.

9 (2) Any officer or employee of the city who shall forfeit an office or position as described
 10 in paragraph (1) of this subsection shall be ineligible for appointment or election to or
 11 employment in a position in the city government for a period of three years thereafter.

12 **SECTION 2.15.**

13 Inquiries and Investigations.

14 Following the adoption of an authorizing resolution, the city council may make inquiries and
 15 investigations into the affairs of the city and the conduct of any department, office, or agency
 16 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
 17 require the production of evidence. Any person who fails or refuses to obey a lawful order
 18 issued in the exercise of these powers by the city council shall be punished as provided by
 19 ordinance.

20 **SECTION 2.16.**

21 General Power and Authority of the City Council.

22 Except as otherwise provided by law or this charter, the city council shall be vested with all
 23 the powers of government of this city.

24 **SECTION 2.17.**

25 Eminent Domain.

26 The city council is hereby empowered to acquire, construct, operate, and maintain public
 27 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 28 sewers, drains, sewage treatment facilities, waterworks, electrical systems, gas systems,
 29 airports, hospitals, and charitable, educational, recreational, sport, curative, corrective,
 30 detentional, penal, and medical institutions, agencies, and facilities and any other public
 31 improvements inside or outside the city and to regulate the use thereof; and for such purposes

1 property may be condemned under procedures established under general law applicable now
2 or as provided in the future.

3 **SECTION 2.18.**

4 Organizational Meetings.

5 The city council shall hold an organizational meeting on the second Monday in January of
6 each year. The meeting shall be called to order by the city clerk and the oath of office shall
7 be administered to the newly elected members as follows:

8 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
9 (councilmember) of this city and that I will support and defend the charter thereof as well
10 as the Constitution and laws of the State of Georgia and of the United States of America."

11 **SECTION 2.19.**

12 Regular and Special Meetings.

13 (a) The city council shall hold regular meetings at such times and places as shall be
14 prescribed by ordinance.

15 (b) Special meetings of the city council may be held on call of three members of the city
16 council. Notice of such special meetings shall be served on all other members personally, or
17 by telephone personally, at least 48 hours in advance of the meeting. Such notice to
18 councilmembers shall not be required if all councilmembers are present when the special
19 meeting is called. Such notice of any special meeting may be waived by a councilmember
20 in writing before or after such a meeting, and attendance at the meeting shall also constitute
21 a waiver of notice on any business transacted in such councilmember's presence. Only the
22 business stated in the call may be transacted at the special meeting.

23 (c) All meetings of the city council shall be public to the extent required by law, and notice
24 to the public of special meetings shall be made fully as is reasonably possible as provided by
25 Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter
26 be enacted.

27 **SECTION 2.20.**

28 Rules of Procedure.

29 (a) The city council shall adopt its rules of procedure and order of business consistent with
30 the provisions of this charter and shall provide for keeping a journal of its proceedings, which
31 shall be a public record.

1 (b) All committees and committee chairpersons and officers of the city council shall be
 2 appointed by the city council chairperson and shall serve at the pleasure of the city council
 3 chairperson. The city council chairperson shall have the power to appoint new members to
 4 any committee at any time.

5 **SECTION 2.21.**

6 Quorum; Voting.

7 Three councilmembers shall constitute a quorum and shall be authorized to transact business
 8 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
 9 shall be recorded in the journal, but any member of the city council shall have the right to
 10 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
 11 provided in this charter, the affirmative vote of three councilmembers shall be required for
 12 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
 13 affirmative vote.

14 **SECTION 2.22.**

15 Ordinance Form; Procedures.

16 (a) Every proposed ordinance should be introduced in writing and in the form required for
 17 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 18 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 19 Eastman" and every ordinance shall so begin.

20 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 21 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 22 by the city council in accordance with the rules which it shall establish; provided, however,
 23 an ordinance shall not be adopted the same day it is introduced, except for emergency
 24 ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance,
 25 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
 26 and shall file a reasonable number of copies in the office of the clerk and at such other public
 27 places as the city council may designate.

28 **SECTION 2.23.**

29 Action Requiring An Ordinance.

30 Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of three councilmembers and promptly adopt an emergency ordinance, but such ordinance may 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 at least a majority of councilmembers 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 still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.

Codes of Technical Regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

1 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
2 delivered promptly to the manager;

3 (2) Within five days after a copy of the resolution is delivered to the manager, the manager
4 may file with the city council a written request for a public hearing. This hearing shall be
5 held within 30 days after the request is filed. The manager may file with the council a
6 written reply not later than five days before the hearing; and

7 (3) If the manager has not requested a public hearing within the time specified in
8 paragraph (2) of this subsection, the city council may adopt a final resolution for removal,
9 which may be made effective immediately, by an affirmative vote of a majority of all its
10 members. If the manager has requested a public hearing, the city council may adopt a final
11 resolution for removal, which may be made effective immediately, by an affirmative vote
12 of a majority of all its members at any time after the public hearing.

13 (b) The manager shall continue to receive a salary until the effective date of a final
14 resolution of removal.

15 **SECTION 2.29.**

16 Acting City Manager.

17 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
18 council, a qualified city administrative officer to exercise the powers and perform the duties
19 of manager during the manager's temporary absence or physical or mental disability. During
20 such absence or disability, the city council may revoke such designation at any time and
21 appoint another officer of the city to serve until the manager shall return or the manager's
22 disability shall cease.

23 **SECTION 2.30.**

24 Powers and Duties of the City Manager.

25 The city manager shall be the chief executive and administrative officer of the city. The
26 manager shall be responsible to the city council for the administration of all city affairs
27 placed in the manager's charge by or under this charter. As the chief executive and
28 administrative officer, the manager shall:

29 (1) Appoint and, when the manager deems it necessary for the good of the city, suspend
30 or remove all city employees and administrative officers the manager appoints, except as
31 otherwise provided by law or personnel ordinances adopted pursuant to this charter. The
32 manager may authorize any administrative officer who is subject to the manager's direction

1 and supervision to exercise these powers with respect to subordinates in that officer's
2 department, office, or agency;

3 (2) Direct and supervise the administration of all departments, offices, and agencies of the
4 city, except as otherwise provided by this charter or by law;

5 (3) Attend all city council meetings, except for closed meetings held for the purposes of
6 deliberating on the appointment, discipline, or removal of the city manager, and have the
7 right to take part in discussion but not to vote;

8 (4) See that all laws, provisions of this charter, and acts of the city council subject to
9 enforcement by the manager or by officers subject to the manager's direction and
10 supervision are faithfully executed;

11 (5) Prepare and submit the annual operating budget and capital budget to the city council;

12 (6) Submit to the city council and make available to the public a complete report on the
13 finances and administrative activities of the city as of the end of each fiscal year;

14 (7) Make such other reports as the city council may require concerning the operations of
15 city departments, offices, and agencies subject to the manager's direction and supervision;

16 (8) Keep the city council fully advised as to the financial condition and future needs of the
17 city and make such recommendations to the city council concerning the affairs of the city
18 as the manager deems desirable; and

19 (9) Perform other such duties as are specified in this charter or as may be required by the
20 city council.

21 **SECTION 2.31.**

22 Council Interference with Administration.

23 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
24 city council or its members shall deal with city officers and employees who are subject to the
25 direction and supervision of the manager solely through the manager, and neither the city
26 council nor its members shall give orders to any such officer or employee, either publicly or
27 privately.

28 **SECTION 2.32.**

29 Selection of Chairperson and Vice Chairperson.

30 By a majority vote of all its members the city council shall elect councilmembers to serve as
31 chairperson and vice chairperson, and both shall serve at the pleasure of the city council.
32 Both shall continue to vote and otherwise participate as councilmembers.

- 1 (c) All appointive officers and directors of departments shall receive such compensation as
2 prescribed by ordinance.
- 3 (d) There shall be a director of each department or agency who shall be its principal officer.
4 Each director shall, subject to the direction and supervision of the city manager, be
5 responsible for the administration and direction of the affairs and operations of that director's
6 department or agency.
- 7 (e) All appointive officers and directors under the supervision of the city manager shall be
8 nominated by the city manager with confirmation of appointment by the city council. All
9 appointive officers and directors shall be employees at will and subject to removal or
10 suspension at any time by the city manager unless otherwise provided by law or ordinance.

11 **SECTION 3.11.**

12 **Boards, Commissions, and Authorities.**

- 13 (a) The city council shall create by ordinance such boards, commissions, and authorities to
14 fulfill any investigative, quasi-judicial, or quasi-legislative function as the city council deems
15 necessary and shall by ordinance establish the composition, period of existence, duties, and
16 powers thereof.
- 17 (b) All members of boards, commissions, and authorities of the city shall be appointed by
18 the city council for such terms of office and in such manner as shall be provided by
19 ordinance, except where other appointing authority, terms of office, or manner of
20 appointment is prescribed by this charter or by law.
- 21 (c) The city council, by ordinance, may provide for the compensation and reimbursement
22 for actual and necessary expenses of the members of any board, commission, or authority.
- 23 (d) Except as otherwise provided by charter or by law, no member of any board,
24 commission, or authority shall hold any elective office in the city.
- 25 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
26 unexpired term in the manner prescribed herein for original appointment, except as otherwise
27 provided by this charter or by law.
- 28 (f) No member of a board, commission, or authority shall assume office until that person has
29 executed and filed with the clerk of the city an oath obligating himself or herself to faithfully
30 and impartially perform the duties of that member's office, such oath to be prescribed by
31 ordinance and administered by the chairperson of city council or his or her designee.
- 32 (g) All members of boards, commissions, and authorities serve at will and may be removed
33 at any time by a vote of three members of the city council unless otherwise provided by law.
- 34 (h) Except as otherwise provided by this charter or by law, each board, commission, or
35 authority of the city shall elect one of its members as chairperson and one member as vice

1 chairperson and may elect as its secretary one of its own members or appoint as secretary an
2 employee of the city. Each board, commission, or authority of the city government may
3 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
4 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
5 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the
6 clerk of the city.

7 **SECTION 3.12.**

8 City Attorney.

9 The city council shall appoint a city attorney, together with such assistant city attorneys as
10 may be authorized, and shall provide for the payment of such attorney or attorneys for
11 services rendered to the city. The city attorney shall be responsible for providing for the
12 representation and defense of the city in all litigation in which the city is a party; may be the
13 prosecuting officer in the municipal court; shall attend the meetings of the council as
14 directed; shall advise the city council, city manager, and other officers and employees of the
15 city concerning legal aspects of the city's affairs; and shall perform such other duties as may
16 be required by virtue of such person's position as city attorney.

17 **SECTION 3.13.**

18 City Clerk.

19 The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk
20 shall be custodian of the official city seal and city records; maintain city council records
21 required by this charter; and perform such other duties as may be required by the city
22 manager.

23 **SECTION 3.14.**

24 Position Classification and Pay Plans.

25 The city manager shall be responsible for the preparation of a position classification and pay
26 plan which shall be submitted to the city council for approval. Such plan may apply to all
27 employees of the city and any of its agencies, departments, boards, commissions, or
28 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
29 the salary range applicable to any position except by amendment of such pay plan. For
30 purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.15.

Personnel Policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

ARTICLE IV

JUDICIAL BRANCH

SECTION 4.10.

Creation; Name.

There shall be a court to be known as the Municipal Court of the City of Eastman.

SECTION 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, shall be a member of the State Bar of Georgia, and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

(c) Compensation of the judges shall be fixed by ordinance.

(d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.

(e) Before assuming office, each judge shall take an oath, given by the chairperson of city council or his or her designee, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; Powers.

(a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 30 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Dodge County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for Court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V**ELECTIONS AND REMOVAL****SECTION 5.10.**

Applicability of General Law.

All primaries and elections shall be held and conducted in accordance with the "Georgia Election Code," Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

SECTION 5.11.

Division of City into Districts.

For the purpose of electing five councilmembers of the city, the city has been divided into five districts which are described and delineated on a map which is a permanent part of the documents of the City of Eastman and is maintained and kept in the clerk's office of the City of Eastman. Said map or drawing is also on permanent display at city hall.

SECTION 5.12.

Election of the City Council.

(a) There shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November.

(b) There shall be elected three councilmembers at one election and at every other election thereafter. The remaining city council seats shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 5.13.

Nonpartisan Elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.14.

Selection of Councilmembers by District.

One councilmember shall be elected from each of the five districts described in Section 5.11 of this charter. The councilmember from each respective district shall be elected by the voters of that particular district in which they reside as described in Section 5.11 of this charter.

SECTION 5.15.

Residence Requirements of Candidates for Councilmember.

In order to be eligible to be elected as a councilmember from a district, the candidate therefor must be a resident of such district on the date he or she qualifies to run for office and at the time of election thereto.

SECTION 5.16.

Election by Majority Vote.

The members of the city council shall be elected by a majority vote of the votes cast for each position.

SECTION 5.17.

Special Elections; Vacancies.

In the event that the office of any councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with the "Georgia Election Code," Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

SECTION 5.18.

Other Provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the "Georgia Election Code," Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

SECTION 5.19.

Removal of City Councilmembers.

Any councilmember may be removed or suspended from office in the manner provided by general law.

ARTICLE VI**FINANCE****SECTION 6.10.**

Property Tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government and providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and Business Taxes.

The city council, by ordinance, shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions 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.

SECTION 6.13.

Regulatory Fees; Permits.

The city council, by ordinance, shall have the power to require businesses or practitioners doing business within this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and consideration for such franchises; provided, however, no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the clerk. The

1 city council may provide by ordinance for the registration within a reasonable time of all
2 franchises previously granted.

3 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
4 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
5 street railways, telephone companies, electric companies, electric membership corporations,
6 cable television and other telecommunications companies, gas companies, transportation
7 companies, and other similar organizations.

8 **SECTION 6.15.**

9 Service Charges.

10 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
11 tolls for sewers, sanitary and health services, or any other services provided or made
12 available within and without the corporate limits of the city for the total cost to the city of
13 providing or making available such services. If unpaid, such charges shall be collected as
14 provided in Section 6.18 of this charter.

15 **SECTION 6.16.**

16 Special Assessments.

17 The city council, by ordinance, shall have the power to assess and collect the cost of
18 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
19 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
20 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
21 collected as provided in Section 6.18 of this charter.

22 **SECTION 6.17.**

23 Construction; Other Taxes and Fees.

24 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
25 and the specific mention of any right, power, or authority in this article shall not be construed
26 as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of Delinquent Taxes and Fees.

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

General Obligation Bonds.

The city council shall have the power to issue bonds 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.

SECTION 6.20.

Revenue Bonds.

Revenue bonds may be issued by the city council 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.

SECTION 6.21.

Short-Term Loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-Purchase Contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided

1 the contract terminates without further obligation on the part of the municipality at the close
2 of the calendar year in which it was executed and at the close of each succeeding calendar
3 year for which it may be renewed. Contracts must be executed in accordance with the
4 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
5 or may hereafter be enacted.

6 **SECTION 6.23.**

7 Fiscal Year.

8 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
9 budget year and the year for financial accounting and reporting of each and every office,
10 department, agency, and activity of the city government.

11 **SECTION 6.24.**

12 Preparation of Budgets.

13 The city council shall provide an ordinance on the procedures and requirements for the
14 preparation and execution of an annual operating budget, a capital improvement plan, and
15 a capital budget, including requirements as to the scope, content, and form of such budgets
16 and plans.

17 **SECTION 6.25.**

18 Submission of Operating Budget to City Council.

19 On or before a date fixed by the city council but not later than 30 days prior to the beginning
20 of each fiscal year, the city manager shall submit to the city council a proposed operating
21 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
22 city manager containing a statement of the general fiscal policies of the city, the important
23 features of the budget, explanations of major changes recommended for the next fiscal year,
24 a general summary of the budget, and other pertinent comments and information. The
25 operating budget and the capital budget hereinafter provided for, the budget message, and
26 all supporting documents shall be filed in the office of the city clerk and shall be open to
27 public inspection.

1 such purpose, but any additional appropriations may be made only from an existing
2 unexpended surplus.

3 **SECTION 6.29.**

4 Capital Budget.

5 (a) On or before the date fixed by the city council but no later than 30 days prior to the
6 beginning of each fiscal year, the city manager shall submit to the city council a proposed
7 capital improvements plan with a recommended capital budget containing the means of
8 financing the improvements proposed for the ensuing fiscal year. The city council shall have
9 power to accept, with or without amendments, or reject the proposed plan and proposed
10 budget. The city council shall not authorize an expenditure for the construction of any
11 building, structure, work, or improvement unless the appropriations for such project are
12 included in the capital budget, except to meet a public emergency as provided in Section 2.24
13 of this charter.

14 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
15 year not later than the thirty-first day of December of each year. No appropriation provided
16 for in a prior capital budget shall lapse until the purpose for which the appropriation was
17 made shall have been accomplished or abandoned; provided, however, the city manager may
18 submit amendments to the capital budget at any time during the fiscal year, accompanied by
19 recommendations. Any such amendments to the capital budget shall become effective only
20 upon adoption by ordinance.

21 **SECTION 6.30.**

22 Independent Audit.

23 There shall be an annual independent audit of all city accounts, funds, and financial
24 transactions by a certified public accountant selected by the city council. The audit shall be
25 conducted according to generally accepted auditing principles. Any audit of any funds by the
26 state or federal governments may be accepted as satisfying the requirements of this charter.
27 Copies of annual audit reports shall be available at printing costs to the public.

28 **SECTION 6.31.**

29 Contracting Procedures.

30 No contract with the city shall be binding on the city unless:

31 (1) It is in writing;

1 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
2 course, is signed by the city attorney to indicate such drafting or review; and

3 (3) It is made or authorized by the city council and such approval is entered in the city
4 council journal of proceedings pursuant to Section 2.20 of this charter.

5 **SECTION 6.32.**

6 Centralized Purchasing.

7 The city council may, by ordinance, prescribe procedures for a system of centralized
8 purchasing for the city.

9 **SECTION 6.33.**

10 Sale and Lease of City Property.

11 (a) The city council may sell and convey, or lease, any real or personal property owned or
12 held by the city for governmental or other purposes as now or hereafter provided by law.

13 (b) The city council may quitclaim any rights it may have in property not needed for public
14 purposes upon report by the city manager and adoption of a resolution, both finding that the
15 property is not needed for public or other purposes and that the interest of the city has no
16 readily ascertainable monetary value.

17 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
18 of the city a small parcel or tract of land is cut off or separated by such work from a larger
19 tract or boundary of land owned by the city, the city council may authorize the city manager
20 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
21 property owner or owners where such sale and conveyance facilitates the enjoyment of the
22 highest and best use of the abutting owner's property. Included in the sales contract shall be
23 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
24 property owner shall be notified of the availability of the property and given the opportunity
25 to purchase said property under such terms and conditions as set out by ordinance. All deeds
26 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
27 interest the city has in such property, notwithstanding the fact that no public sale after
28 advertisement was or is hereafter made.

29 **ARTICLE VII**

30 **GENERAL PROVISIONS**

31 **SECTION 7.10.**

32 Bonds for Officials.

1 The officers and employees of this city, both elective and appointive, shall execute such
2 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
3 council shall from time to time require by ordinance or as may be provided by law.

4 **SECTION 7.11.**

5 Prior Ordinances.

6 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
7 with this charter are hereby declared valid and of full effect and force until amended or
8 repealed by the city council.

9 **SECTION 7.12.**

10 Existing Personnel and Officers.

11 Except as specifically provided otherwise by this charter, all personnel and officers of the
12 city and their rights, privileges, and powers shall continue beyond the time this charter takes
13 effect for a period of 180 days before or during which the existing city council shall pass a
14 transition ordinance detailing the changes in personnel and appointive officers required or
15 desired and arranging such titles, rights, privileges, and powers as may be required or desired
16 to allow a reasonable transition.

17 **SECTION 7.13.**

18 Pending Matters.

19 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
20 contracts, and legal or administrative proceedings shall continue and any such ongoing work
21 or cases shall be completed by such city agencies, personnel, or offices as may be provided
22 by the city council.

23 **SECTION 7.14.**

24 Construction.

25 (a) Section captions in this charter are informative only and are not to be considered as a part
26 thereof.

27 (b) The word "shall" is mandatory and the word "may" is permissive.

1 (c) The singular shall include the plural and the masculine shall include the feminine, and
2 vice versa.

3 **SECTION 7.15.**

4 Severability.

5 If any article, section, subsection, paragraph, or sentence or part thereof of this charter shall
6 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
7 or impair other parts of this charter unless it clearly appears that such other parts are wholly
8 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
9 legislative intent in enacting this charter that each article, section, subsection, paragraph, and
10 sentence or part thereof be enacted separately and independent of each other.

11 **SECTION 7.16.**

12 Specific Repealer.

13 An Act incorporating the City of Eastman in the County of Dodge, approved April 11, 1979
14 (Ga. L. 1979, p. 4593), as amended, is hereby repealed in its entirety, and all amendatory acts
15 thereto are likewise repealed in their entirety.

16 **SECTION 7.17.**

17 Effective Date.

18 This Act shall become effective on July 1, 2002.

19 **SECTION 7.18.**

20 General Repealer.

21 All laws and parts of laws in conflict with this Act are repealed.