

House Bill 1722

By: Representative Bell of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to incorporate the town of Nicholson, in the County of Jackson, State of
2 Georgia, approved August 22, 1907 (Ga. L. 1907, p. 845), as amended, so as to provide for
3 the powers of the city; to provide for a governing authority of such city and the powers,
4 duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
5 prohibitions, conflicts of interest, and suspension and removal from office relative to
6 members of such governing authority; to provide for inquiries and investigations; to provide
7 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
8 ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties,
9 powers, and other matters relative thereto; to provide for administrative affairs and
10 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
11 attorney, city clerk, city treasurer, city accountant, and other personnel and matters relating
12 thereto; to provide for rules and regulations; to provide for a municipal court and the judge
13 or judges thereof and other matters relative to those judges; to provide for the court's
14 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
15 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,
16 service charges, and assessments; to provide for bonded and other indebtedness; to provide
17 for auditing, accounting, budgeting, and appropriations; to provide for city contracts and
18 purchasing; to provide for the conveyance of property; to provide for bonds for officials; to
19 provide for prior ordinances and rules, pending matters, and existing personnel; to provide
20 for penalties; to provide for definitions and construction; to provide for other matters relative
21 to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other
22 purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

24 **SECTION 1.**

25 An Act to incorporate the town of Nicholson, in the County of Jackson, State of Georgia,
26 approved August 22, 1907 (Ga. L. 1907, p. 845), as amended, is amended by designating the

1 existing Section 1 as Article I and the existing Section 2 as Article II and by striking
2 Sections 3 through 18 and inserting in lieu thereof the following:

3 "ARTICLE III

4 POWERS

5 SECTION 3.10.

6 Name.

7 The City of Nicholson, in Jackson County, Georgia, a body politic and corporate, shall
8 continue to operate under the name and style 'City of Nicholson, Georgia,' and by that
9 name shall have perpetual succession.

10 SECTION 3.11.

11 Corporate boundaries.

12 (a) The corporate boundaries of this city shall be those existing on the effective date of this
13 Act as described and set forth in the official map of the corporate limits of the City of
14 Nicholson, Georgia, with such alterations as may be made from time to time by local law
15 or in the manner provided by general state law. The boundaries of this city at all times
16 shall be shown on a map, a written description, or any combination thereof, to be retained
17 permanently in the office of the mayor and to be designated, as the case may be: 'Official
18 Map of the corporate limits of the City of Nicholson, Georgia' or 'Official Description of
19 the corporate limits of the City of Nicholson, Georgia.' Photographic, typed, or other
20 copies of such map or description certified by the city clerk shall be admitted as evidence
21 in all courts and shall have the same force and effect as with the original map or
22 description.

23 (b) The city council may provide for changes in the corporate boundaries as shown in the
24 official map and for the redrawing of any city map by ordinance to reflect lawful changes
25 in the corporate boundaries. A redrawn written description of the corporate limits of the
26 city or a redrawn map shall supersede for all purposes the entire written description or map
27 or maps which it is designated to replace.

SECTION 3.12.

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. These powers shall include, but not be limited to, the following:

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams or bodies of water within the corporate limits of the city;

(2) 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;

(3) 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 by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(4) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(5) Business regulation and taxation. To levy and to provide for collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for failure to pay any city taxes or fees;

(6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

(7) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

1 (8) Emergencies. To establish procedures for determining and proclaiming that an
2 emergency situation exists within or outside the city and to make and carry out all
3 reasonable provisions deemed necessary to deal with or meet such an emergency for the
4 protection, safety, health, or well-being of the citizens of the city;

5 (9) Fire regulations. To fix and establish fire districts and from time to time to extend,
6 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
7 general law, relating to both fire prevention and detection and to fire fighting; and to
8 prescribe penalties and punishment for violations thereof;

9 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
10 and disposal and other sanitary service charge, tax, or fee for such services as may be
11 necessary in the operation of the city from all individuals, firms, and corporations
12 residing in or doing business in the city benefiting from such services; to enforce the
13 payment of such charges, taxes, or fees; and to provide for the manner and method of
14 collecting such service charges;

15 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
16 practice, conduct, or use of property which is detrimental to health, sanitation,
17 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
18 enforcement of such standards;

19 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
20 any purpose related to powers and duties of the city and the general welfare of its
21 citizens, on such terms and conditions as the donor or grantor may impose;

22 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide
23 for the enforcement of such standards;

24 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
25 may work out such sentences in any public works or on the streets, roads, drains, and
26 squares or other public property in the city; to provide for commitment of such persons
27 to any jail; or to provide for commitment of such persons to any county work camp or
28 county jail by agreement with the appropriate county officials;

29 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
30 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
31 of the city;

32 (16) Municipal agencies and delegation of power. To create, alter, or abolish
33 departments, boards, offices, commissions, and agencies of the city and to confer upon
34 such agencies the necessary and appropriate authority for carrying out all the powers
35 conferred upon or delegated to the same;

1 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
2 city and to issue bonds for the purpose of raising revenue to carry out any project,
3 program, or venture authorized by this charter or the laws of the State of Georgia;

4 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise
5 any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the
6 property limits of the city;

7 (19) Municipal property protection. To provide for the preservation and protection of
8 property and equipment of the city and the administration and use of same by the public;
9 and to prescribe penalties and punishment for violations thereof;

10 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
11 of public utilities, including, but not limited to, a system of waterworks, sewers and
12 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
13 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
14 assessments, regulations, and penalties and to provide for the withdrawal of service for
15 refusal or failure to pay the same; and to authorize the extension of water, sewerage, and
16 electrical distribution systems and all necessary appurtenances by which such utilities are
17 distributed inside and outside the corporate limits of the city and to provide utility
18 services to persons, firms, and corporations inside the corporate limits of the city as
19 provided by ordinance;

20 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
21 private property;

22 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
23 the authority of this charter and the laws of the State of Georgia;

24 (23) Planning and zoning. To provide comprehensive city planning for development by
25 zoning and to provide subdivision regulation and the like as the city council deems
26 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

27 (24) Police and fire protection. To exercise the power of arrest through duly appointed
28 police officers and to establish, operate, or contract for a police and a fire-fighting
29 agency;

30 (25) Public hazards; removal. To provide for the destruction and removal of any building
31 or other structure which is or may become dangerous or detrimental to the public;

32 (26) Public improvements. To provide for the acquisition, construction, building,
33 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
34 cemeteries, markets and market houses, public buildings, libraries, public housing,
35 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
36 recreational, conservation, sport, curative, corrective, detention, penal, and medical
37 institutions, agencies, and facilities; and to provide any other public improvements inside

1 or outside the corporate limits of the city; to regulate the use of public improvements;
2 and, for such purposes, property may be acquired by condemnation under Title 22 of the
3 O.C.G.A. or such other applicable laws as are now or may hereafter be enacted;

4 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
5 and public disturbances;

6 (28) Public transportation. To organize and operate or contract for such public
7 transportation systems as are deemed beneficial;

8 (29) Public utilities and services. To grant franchises or make contracts for public
9 utilities and public services and to prescribe the rates, fares, regulations, and standards
10 and conditions of service applicable to the service to be provided by the franchise grantee
11 or contractor, insofar as not in conflict with valid regulations of the Georgia Public
12 Service Commission;

13 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
14 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
15 and all other structures or obstructions upon or adjacent to the rights of way of streets and
16 roads or within view thereof, within or abutting the corporate limits of the city; and to
17 prescribe penalties and punishment for violation of such ordinances;

18 (31) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
19 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
20 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
21 walkways within the corporate limits of the city; and to negotiate and execute leases over,
22 through, under, or across any city property or the right of way of any street, road, alley,
23 and walkway or portion thereof within the corporate limits of the city for bridges,
24 passageways, or any other purpose or use between buildings on opposite sides of the
25 street and for other bridges, overpasses, and underpasses for private use at such location
26 and to charge a rental therefor in such manner as may be provided by ordinance; and to
27 authorize and control the construction of bridges, overpasses, and underpasses within the
28 corporate limits of the city; and to grant franchises and rights of way throughout the
29 streets and roads and over the bridges and viaducts for the use of public utilities and for
30 private use; and to require real estate owners to repair and maintain in a safe condition
31 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

32 (32) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
33 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
34 and sewerage system and to levy on those to whom sewers and sewerage systems are
35 made available a sewer service fee, charge, or sewer tax for the availability or use of the
36 sewers; to provide for the manner and method of collecting such service charges and for

1 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
2 or fees to those connected with the system;

3 (33) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
4 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
5 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
6 paper, and other recyclable materials and to provide for the sale of such items;

7 (34) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
8 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
9 and the use and sale of firearms; to regulate the transportation, storage, and use of
10 combustible, explosive, and inflammable materials, the use of lighting and heating
11 equipment, and any other business or situation which may be dangerous to persons or
12 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
13 performances, exhibitions, and shows of any kind, by taxation or otherwise; and to
14 license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores,
15 and massage parlors;

16 (35) Special assessments. To levy and provide for the collection of special assessments
17 to cover the costs for any public improvements;

18 (36) Taxes: ad valorem. To levy and provide for assessment, valuation, revaluation, and
19 collection of taxes on all property subject to taxation;

20 (37) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
21 future by law;

22 (38) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
23 number of such vehicles; to require the operators thereof to be licensed; to require public
24 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
25 regulate the parking of such vehicles;

26 (39) Urban redevelopment. To organize and operate an urban redevelopment program;
27 and

28 (40) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
29 and immunities necessary or desirable to promote or protect the safety, health, peace,
30 security, good order, comfort, convenience, or general welfare of the city and its
31 inhabitants; and to exercise all implied powers necessary to execute all powers granted
32 in this charter as fully and completely as if such powers were fully stated in this charter;
33 and to exercise all powers now or in the future authorized to be exercised by other
34 municipal governments under other laws of the State of Georgia; and no listing of
35 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
36 general words and phrases granting powers, but shall be held to be in addition to such

1 powers unless expressly prohibited to municipalities under the Constitution or applicable
2 laws of the State of Georgia.

3 SECTION 3.13.

4 Exercise of powers.

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

9 ARTICLE IV

10 GOVERNMENT STRUCTURE

11 SECTION 4.10.

12 City council creation; number; election.

13 The legislative authority of the government of this city, except as otherwise specifically
14 provided in this charter, shall be vested in a city council to be composed of a mayor and
15 four councilmembers. The city council established in this charter shall in all respects be
16 a successor to and continuation of the city governing authority under prior law. The mayor
17 and councilmembers shall be elected in the manner provided by this charter.

18 SECTION 4.11.

19 City councilmembers; terms and qualifications for office.

20 The city councilmembers shall serve for terms of four years and until their respective
21 successors are elected and qualified. No person shall be eligible to serve as mayor or
22 councilmember unless that person shall have been a resident of the city immediately prior
23 to the date of the election of mayor or councilmember of the city council for a period of
24 time as provided in Code Section 45-2-1 of the O.C.G.A., as amended; and each shall
25 continue to reside therein during that person's period of service and to be registered and
26 qualified to vote in municipal elections of this city. The mayor and councilmembers who
27 were elected in the 2001 general election and who are currently serving as mayor and
28 councilmembers and any person filling a vacancy in any such office shall continue to serve
29 out their respective terms of office in their respective capacities under this charter and shall
30 in all respects be a continuation of the city governing authority under this charter.

SECTION 4.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

(b) Suspension. Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

SECTION 4.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services, including, but not limited to, attendance at all council meetings and all council work sessions as provided by ordinance.

SECTION 4.14.

Holding other office; voting when personally interested.

(a) Except as authorized by law, no councilmember nor the mayor shall hold any other city office or city employment during the term for which that person was elected.

(b) No councilmember nor the mayor shall vote upon, sign, or veto any ordinance, resolution, contract, or other matter in which that person is personally interested.

SECTION 4.15.

Inquiries and investigations.

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

1 SECTION 4.16.

2 General power and authority of the city council.

3 Except as otherwise provided by this charter, the city council shall be vested with all the
4 powers of government of this city as provided by Article III of this charter.

5 SECTION 4.17.

6 Eminent domain.

7 The city council is empowered to acquire, construct, operate, and maintain public ways,
8 parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
9 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
10 hospitals, and charitable, educational, recreational, sport, curative, corrective, detention,
11 penal, and medical institutions, agencies, and facilities, and any other public improvements
12 inside or outside the city and to regulate the use thereof and, for such purposes, property
13 may be condemned under procedures established under general law applicable now or as
14 provided in the future.

15 SECTION 4.18.

16 Organizational meetings.

17 The city council shall hold an organizational meeting on the first Monday of January of
18 each year. The meeting shall be called to order by the city clerk and the oath of office shall
19 be administered to the newly elected members as follows:

20 'I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
21 (councilmember) of this city and that I will support and defend the charter thereof as well
22 as the Constitution and laws of the State of Georgia and the United States of America.'

23 SECTION 4.19.

24 Meetings.

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

27 (b) Special meetings of the city council may be held on call of the mayor or two
28 councilmembers of the city council. Notice of such special meeting shall be served on all
29 other members of the city council personally, or by telephone personally, at least 48 hours
30 in advance of the meeting. Such notice to members of the council shall not be required if

1 the mayor and all councilmembers are present when the special meeting is called. Such
2 notice of any special meeting may be waived by a member of the council in writing before
3 or after such a meeting and attendance at the meeting shall also constitute a waiver of
4 notice on any business transacted in such councilmember's presence. Only the business
5 stated in the call may be transacted at the special meeting.

6 (c) All meetings of the city council shall be public to the extent required by law and notice
7 to the public of special meetings shall be given as required by law.

8 SECTION 4.20.

9 Rules of procedure.

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

13 (b) All committees and committee chairpersons and officers of the city council shall be
14 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
15 the power to appoint new members to any committee at any time.

16 SECTION 4.21.

17 Quorum; voting.

18 (a) The mayor or mayor pro tempore and two councilmembers, or three councilmembers,
19 shall constitute a quorum and shall be authorized to transact business of the city council.
20 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded
21 in the journal, but any member of the city council shall have the right to request a roll-call
22 vote and such vote shall be recorded in the journal. Except as otherwise provided in this
23 charter, the affirmative vote of two councilmembers shall be required for the adoption of
24 any ordinance, resolution, or motion, except that, in the event a vote by councilmembers
25 on the adoption of any ordinance, resolution, or motion results in a tie vote, the mayor shall
26 vote on the adoption of said ordinance, resolution, or motion. Except as otherwise
27 provided in this charter, the mayor shall not vote on the adoption of any ordinance,
28 resolution, or motion.

29 (b) In the event vacancies in office result in less than a quorum of the city council holding
30 office, then the remaining members of the city council in office shall constitute a quorum
31 and shall be authorized to transact business of the city council. A vote of a majority of the
32 remaining members of the council shall be required for the adoption of any ordinance,
33 resolution, or motion.

SECTION 4.22.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be 'The City Council of Nicholson hereby ordains ...' and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember or by the mayor and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 4.23.

Action requiring an ordinance.

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

SECTION 4.24.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or two councilmembers and may 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 two councilmembers or the mayor and one councilmember 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

1 in the manner specified in this section if the emergency continues to exist. An emergency
2 ordinance may also be repealed by adoption of a repealing ordinance in the same manner
3 specified in this section for adoption of emergency ordinances.

4 SECTION 4.25.

5 Codes of technical regulations.

6 (a) The city council may adopt any standard code of technical regulations by reference
7 thereto in an adopting ordinance. The procedure and requirements governing such
8 adopting ordinance shall be as prescribed for ordinances generally except that:

9 (1) The requirements provided under this charter for distribution and filing of copies of
10 the ordinance shall be construed to include copies of any code of technical regulations,
11 as well as the adopting ordinance; and

12 (2) A copy of each adopted code of technical regulations, as well as the adopting
13 ordinance, shall be authenticated and recorded by the city clerk as provided under this
14 charter.

15 (b) Copies of any adopted code of technical regulations shall be made available by the city
16 clerk for distribution or for purchase at a reasonable price.

17 SECTION 4.26.

18 Signing; authenticating; recording; codification; printing.

19 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
20 indexed book kept for that purpose all ordinances adopted by the city council.

21 (b) The city council shall provide for the preparation of a general codification of all the
22 ordinances of the city having the force and effect of law. The general codification shall be
23 adopted by the city council by ordinance and shall be published promptly, together with
24 all amendments thereto and such codes of technical regulations and other rules and
25 regulations as the city council may specify. This compilation shall be known and cited
26 officially as 'The Code of the City of Nicholson, Georgia.' Copies of the code shall be
27 furnished to all officers, departments, and agencies of the city and made available for
28 purchase by the public at a reasonable price as fixed by the city council.

29 (c) The city council shall cause each ordinance and each amendment to this charter to be
30 printed as soon as practicable following its adoption, and the printed ordinances and charter
31 amendments shall be made available for purchase by the public at reasonable prices to be
32 fixed by the city council. Following publication of the first code under this charter and at
33 all times thereafter, the ordinances and charter amendments shall be printed in substantially

1 the same style as the code currently in effect and shall be suitable in form for incorporation
2 therein. The city council shall make such further arrangements as deemed desirable with
3 reproduction and distribution of any current changes in or additions to codes of technical
4 regulations and other rules and regulations included in the code.

5 SECTION 4.27.

6 Election of mayor; forfeiture; compensation.

7 The mayor shall be elected and shall serve for a term of four years and until the mayor's
8 successor is elected and qualified. The mayor shall be a qualified elector of this city and
9 shall have been a resident of the city immediately preceding the mayor's election for a
10 period of time as provided in Code Section 45-2-1 of the O.C.G.A. The mayor shall
11 continue to reside in this city during the period of the mayor's service. The mayor shall
12 forfeit the office of mayor on the same grounds and under the same procedure as for
13 councilmembers. The compensation of the mayor shall be established in the same manner
14 as for councilmembers.

15 SECTION 4.28.

16 Mayor pro tempore.

17 The mayor shall appoint a councilmember to serve as mayor pro tempore. The mayor pro
18 tempore shall assume the duties and powers of the mayor during the mayor's disability or
19 absence. Any such disability or absence shall be declared by a majority vote of the city
20 council.

21 SECTION 4.29.

22 Powers and duties of mayor.

23 The mayor shall:

- 24 (1) Preside at all meetings of the city council;
25 (2) Be the head of the city for the purpose of service of process and for ceremonial
26 purposes and be the official spokesperson for the city and the chief advocate of policy;
27 (3) Have the power to administer oaths and to take affidavits;
28 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
29 ordinances, and other instruments executed by the city which by law are required to be
30 in writing;
31 (5) Vote on matters before the city council as provided in this charter;

1 (6) Prepare and submit to the city council a recommended annual operating budget and
 2 recommended capital budget; and

3 (7) Fulfill such other executive and administrative duties as the city council shall by
 4 ordinance establish.

5 ARTICLE V

6 ADMINISTRATIVE AFFAIRS

7 SECTION 5.10.

8 Administrative and service departments.

9 (a) Except as otherwise provided in this charter, the city council by ordinance shall
 10 prescribe the functions or duties and establish, abolish, or alter all nonelective offices,
 11 positions of employment, departments, and agencies of the city as necessary for the proper
 12 administration of the affairs and government of this city.

13 (b) Except as otherwise provided by this charter or by law, the directors of departments
 14 and other appointed officers of the city shall be appointed solely on the basis of their
 15 respective administrative and professional qualifications.

16 (c) All appointed officers and directors of departments shall receive such compensation
 17 as prescribed by ordinance.

18 (d) There shall be a director of each department or agency who shall be its principal
 19 officer. Each director shall, subject to the direction and supervision of the mayor, be
 20 responsible for the administration and direction of the affairs and operations of that
 21 director's department or agency.

22 (e) All directors shall be under the supervision of the mayor and shall be nominated by the
 23 mayor with confirmation of appointment by the city council. The mayor may suspend or
 24 remove directors under the mayor's supervision. The director involved may appeal to the
 25 city council which, after a hearing, may override the mayor's action by a vote of a majority
 26 of councilmembers.

27 SECTION 5.11.

28 Boards, commissions, and authorities.

29 (a) The city council shall create by ordinance such boards, commissions, and authorities
 30 to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council
 31 deems necessary and shall by ordinance establish the composition, period of existence,
 32 duties, and powers thereof.

1 (b) All members of boards, commissions, and authorities of the city shall be appointed by
2 the mayor, with the approval of the city council, for such terms of office and in such
3 manner as shall be provided by ordinance, except where other appointing authority, terms
4 of office, or manner of appointment is prescribed by this charter or by law.

5 (c) The city council by ordinance may provide for the compensation and reimbursement
6 for actual and necessary expenses of the members of any board, commission, or authority.

7 (d) Except as otherwise provided by charter or by law, no member of any board,
8 commission, or authority shall hold any elective office in the city.

9 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
10 unexpired term in the manner prescribed in this charter for original appointment, except as
11 otherwise provided by this charter or by law.

12 (f) No member of a board, commission, or authority shall assume office until that person
13 has executed and filed with the clerk of the city an oath obligating that person to perform
14 faithfully and impartially the duties of that person's office. Such oath shall be prescribed
15 by ordinance and administered by the mayor.

16 (g) Any member of a board, commission, or authority may be removed from office for
17 cause by the mayor.

18 (h) Except as otherwise provided by this charter or by law, each board, commission, or
19 authority of the city shall elect one of its members as chairperson and one member as vice
20 chairperson and may elect as its secretary one of its own members or may appoint as
21 secretary an employee of the city. Each board, commission, or authority of the city
22 government may establish such bylaws, rules, and regulations, not inconsistent with this
23 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
24 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
25 regulations shall be filed with the clerk of the city.

26 SECTION 5.12.

27 City attorney.

28 The city attorney shall be nominated by the mayor and confirmed and appointed by the city
29 council. The mayor with the advice and counsel of the city attorney shall appoint such
30 assistant city attorneys as may be authorized, and shall provide for the payment of such
31 attorney or attorneys for services rendered to the city. The city attorney shall be
32 responsible for representing and defending the city in all litigation in which the city is a
33 party; may be the prosecuting officer in the municipal court; shall attend the meetings of
34 the city council as directed; shall advise the city council, mayor, and other officers and
35 employees of the city concerning legal aspects of the city's affairs; and shall perform such

1 other duties as may be required of the city attorney by virtue of such person's position as
2 city attorney.

3 SECTION 5.13.

4 Personnel policies.

5 All employees of the city serve at will and may be discharged from employment at any
6 time unless otherwise provided by ordinance.

7 ARTICLE VI

8 JUDICIAL BRANCH

9 SECTION 6.10.

10 Creation; name.

11 The city shall be authorized to create by ordinance a municipal court. If such court is
12 created, it shall known as the Municipal Court of the City of Nicholson, and it shall have
13 the composition, powers, duties, and responsibilities set forth in Sections 6.11
14 through 6.15.

15 SECTION 6.11.

16 Chief judge; associate judge.

17 (a) The municipal court shall be presided over by a chief judge and such part-time,
18 full-time, or stand-by judges as shall be provided by ordinance. The method of selection
19 and terms of such judges shall be provided by ordinance.

20 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
21 unless that person shall have attained the age of 21 years and is a member of the State Bar
22 of Georgia or is serving as a magistrate or state or superior court judge. All judges shall
23 be appointed by the city council.

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

25 (d) Judges may be removed for cause by a vote of a majority of the councilmembers.

26 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
27 judge will honestly and faithfully discharge the duties of the judge's office to the best of
28 the judge's ability and without fear, favor, or partiality. The oath shall be entered in the
29 minutes of the city council journal required in this charter.

SECTION 6.12.

Convening.

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

SECTION 6.13.

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 one year 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 operations 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 such 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, that person's 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.

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

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

8 (i) The municipal court is specifically vested with all the jurisdiction and powers
9 throughout the geographic area of this city granted by law to municipal courts and
10 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
11 violations.

12 SECTION 6.14.

13 Certiorari.

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

18 SECTION 6.15.

19 Rules for court.

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

27 ARTICLE VII

28 ELECTIONS AND REMOVAL

1 SECTION 7.10.

2 Applicability of general law.

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

5 SECTION 7.11.

6 Regular elections; time for holding.

7 On the Tuesday next following the first Monday in November in 2005 and on that day
8 quadrennially thereafter there shall be an election for the mayor and councilmembers.
9 Persons elected to such offices shall take office and begin their terms of office on the first
10 day of January immediately following their election.

11 SECTION 7.12.

12 Nonpartisan elections.

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

15 SECTION 7.13.

16 Election of mayor by majority vote.

17 The mayor shall be elected by a majority vote of the votes cast in the whole city.

18 SECTION 7.14.

19 Election of councilmembers by plurality vote.

20 Councilmembers shall be elected from the city at large. The four persons receiving the
21 most votes cast for the offices of councilmembers shall be elected to fill the positions for
22 councilmembers.

23 SECTION 7.15.

24 Special elections; vacancies.

25 In the event that the office of any member of the city council shall become vacant for any
26 cause whatsoever prior to the expiration of the term of such office, the remaining members

1 of the city council shall appoint a successor for the remainder of the term of office if less
 2 than one year remains in such term; otherwise, they shall appoint a person to serve until a
 3 successor is elected and qualified at a special election which shall be called to fill that
 4 vacancy. Whenever a special election shall be called, such special election shall be held
 5 and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
 6 Election Code,' as now or hereafter amended.

7 SECTION 7.16.

8 Other provisions.

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

12 SECTION 7.17.

13 Removal or suspension of officers.

14 The mayor or any councilmember may be removed or suspended from office in the manner
 15 provided by Code Sections 45-5-1, 45-5-6.1, and 45-11-4 of the O.C.G.A. or by any other
 16 manner as provided by general law.

17 ARTICLE VIII

18 FINANCE

19 SECTION 8.10.

20 Property tax.

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

1 SECTION 8.11.

2 Millage rate; due dates; payment methods.

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

7 SECTION 8.12.

8 Occupation and business taxes.

9 The city council by ordinance shall have the power to levy such occupation or business
10 taxes as are not denied by law. Such taxes may be levied on both individuals and
11 corporations who transact business in this city or who practice or offer to practice any
12 profession or calling in this city to the extent such persons have a constitutionally sufficient
13 nexus to this city to be so taxed. The city council may classify businesses, occupations,
14 professions, or callings for the purpose of such taxation in any way which may be lawful
15 and may compel the payment of such taxes as provided in this charter.

16 SECTION 8.13.

17 Licenses; permits; fees.

18 The city council by ordinance shall have the power to require any individuals or
19 corporations who transact business in this city or who practice or offer to practice any
20 profession or calling in this city to obtain a license or permit for such activity from the city
21 and pay a reasonable fee for such license or permit where such activities are not now
22 regulated by general law in such a way as to preclude city regulation. Such fees may
23 reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected
24 as provided in this charter. The city council by ordinance may establish reasonable
25 requirements for obtaining or keeping such licenses as the public health, safety, and welfare
26 necessitate.

27 SECTION 8.14.

28 Franchises.

29 The city council shall have the power to grant franchises for the use of this city's streets
30 and alleys for the purposes of railroads, street railways, telephone companies, electric

1 companies, cable television, gas companies, transportation companies, and other similar
2 organizations. The city council shall determine the duration terms whether the same shall
3 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,
4 that no franchise shall be granted for a period in excess of 35 years and no franchise shall
5 be granted unless the city receives just and adequate compensation therefor. The city
6 council shall provide for the registration of all franchises with the city clerk in a registration
7 book kept by the city clerk. The city council may provide by ordinance for the registration
8 within a reasonable time of all franchises previously granted.

9 SECTION 8.15.

10 Service charges.

11 The city council by ordinance shall have the power to assess and collect fees, charges, and
12 tolls for sewers, sanitary and health services, or any other services provided or made
13 available within and outside the corporate limits of the city for the total cost to the city of
14 providing or making available such services. If unpaid, such charges shall be collected as
15 provided in this charter.

16 SECTION 8.16.

17 Special assessments.

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

23 SECTION 8.17.

24 Construction; other taxes.

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

1 SECTION 8.18.

2 Collection of delinquent taxes and fees.

3 The city council by ordinance may provide generally for the collection of delinquent taxes,
4 fees, or other revenue due the city under this charter by whatever reasonable means as are
5 not precluded by law. This shall include providing for the dates when the taxes or fees are
6 due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of
7 liens; making delinquent taxes and fees personal debts of the persons required to pay the
8 taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees; and
9 providing for the assignment or transfer of tax executions.

10 SECTION 8.19.

11 General obligation bonds.

12 The city council shall have the power to issue bonds for the purpose of raising revenue to
13 carry out any project, program, or venture authorized under this charter or the laws of the
14 state. Such bonding authority shall be exercised in accordance with the laws governing
15 bond issuance by municipalities in effect at the time such issue is undertaken.

16 SECTION 8.20.

17 Revenue bonds.

18 Revenue bonds may be issued by the city council as state law now or hereafter provides.
19 Such bonds are to be paid out of any revenue produced by the project, program, or venture
20 for which they were issued.

21 SECTION 8.21.

22 Short-term loans.

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

1 SECTION 8.22.

2 Fiscal year.

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

6 SECTION 8.23.

7 Budget ordinance.

8 The city council shall provide an ordinance on the procedures and requirements for the
9 preparation and execution of an annual operating budget, a capital improvement program,
10 and a capital budget, including requirements as to the scope, content, and form of such
11 budgets and programs. The city council shall also comply with the budgeting and auditing
12 provisions of Chapter 81 of Title 36 of the O.C.G.A.

13 SECTION 8.24.

14 Operating budget.

15 On or before a date fixed by the city council but not later than May 31 prior to the
16 beginning of each fiscal year, the mayor shall submit to the city council a proposed
17 operating budget for the ensuing fiscal year. The budget shall be accompanied by a
18 message from the mayor containing a statement of the general fiscal policies of the city,
19 the important features of the budget, explanations of major changes recommended for the
20 next fiscal year, a general summary of the budget, and such other comments and
21 information as the mayor may deem pertinent. The operating budget, the capital
22 improvements budget, the budget message, and all supporting documents shall be filed in
23 the office of the city clerk and shall be open to public inspection.

24 SECTION 8.25.

25 Adoption.

26 (a) The city council may amend the operating budget proposed by the mayor, except that
27 the budget as finally amended and adopted must provide for all expenditures required by
28 state law or by other provisions of this charter and for all debt service requirements for the
29 ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated
30 fund balance, reserves, and revenues.

1 (b) The city council shall by ordinance adopt the final operating budget for the ensuing
 2 fiscal year not later than June 30 of each year. If the city council fails to adopt the budget
 3 by said date, the amounts appropriated for operation for the then current fiscal year shall
 4 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 5 prorated accordingly, until such time as the city council adopts a budget for the ensuing
 6 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
 7 setting out the estimated revenues in detail by sources and making appropriations according
 8 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
 9 ordinance adopted pursuant to this charter.

10 SECTION 8.26.

11 Levy of taxes.

12 Following adoption of the operating budget, the city council shall levy by ordinance such
 13 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
 14 reasonable estimates of revenues from such levy shall at least be sufficient, together with
 15 other anticipated revenues, fund balances, and applicable reserves, to equal the total
 16 amount appropriated for each of the several funds set forth in the annual operating budget
 17 for defraying the expense of the general government of this city.

18 SECTION 8.27.

19 Changes in appropriations.

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

24 SECTION 8.28.

25 Capital improvements.

26 (a) On or before the date fixed by the city council, but not later than May 31 prior to the
 27 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
 28 improvements budget with the mayor's recommendations as to the means of financing the
 29 improvements proposed for the ensuing fiscal year. The city council shall have the power
 30 to accept, with or without amendments, or reject the proposed program and proposed
 31 means of financing. The city council shall not authorize an expenditure for the

1 construction of any building, structure, work, or improvement unless the appropriations for
 2 such project are included in the capital improvements budget, except to meet a public
 3 emergency as provided under this charter.

4 (b) The city council shall adopt by ordinance the final capital improvements budget for the
 5 ensuing fiscal year not later than June 30 of each year. No appropriations provided for in
 6 a prior capital improvements budget shall lapse until the purpose for which the
 7 appropriations were made shall have been accomplished or abandoned; provided, however,
 8 that the mayor may submit amendments to the capital improvements budget at any time
 9 during the fiscal year, accompanied by the mayor's recommendations. Any such
 10 amendments to the capital improvements budget shall become effective only upon adoption
 11 by ordinance.

12 SECTION 8.29.

13 Audits.

14 There shall be an annual independent audit of all city accounts, funds, and financial
 15 transactions by a certified public accountant selected by the city council. The audit shall
 16 be conducted according to generally accepted accounting principles. Any audit of any
 17 funds by the state or federal government may be accepted as satisfying the requirements
 18 of this charter. Copies of all audit reports shall be available at printing costs to the public.

19 SECTION 8.30.

20 Procurement and property management.

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

- 22 (1) It is in writing;
- 23 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
 24 is signed by the city attorney to indicate such drafting or review;
- 25 (3) It is made or authorized by the city council and such approval is entered in the city
 26 council journal of proceedings as required under this charter; and
- 27 (4) It satisfies all other requirements or conditions of state law.

28 SECTION 8.31.

29 Purchasing.

30 The city council shall by ordinance prescribe procedures for a system of centralized
 31 purchasing for the city.

1 SECTION 8.32.

2 Sale of property.

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

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

9 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
10 of the city a small parcel or tract of land is cut off or separated by such work from a larger
11 tract or boundary of land owned by the city, the city council may authorize the mayor to
12 execute and deliver in the name of the city a deed conveying said cut-off or separated
13 parcel or tract of land to an abutting or adjoining property owner or owners in exchange for
14 rights of way of said street, avenue, alley, or public place when such exchange is deemed
15 to be in the best interest of the city. All deeds and conveyances heretofore and hereafter
16 so executed and delivered shall convey all title and interest the city has in such property,
17 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

18 ARTICLE IX

19 GENERAL PROVISIONS

20 SECTION 9.10.

21 Bonds for officials.

22 The officers and employees of this city, both elected and appointed, shall execute such
23 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
24 council shall from time to time require by ordinance or as may be provided by law.

25 SECTION 9.11.

26 Prior ordinances.

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

1 SECTION 9.12.

2 First election under this charter.

3 The first general municipal election shall be the Tuesday next following the first Monday
4 in November, 2005, at which the positions of mayor and all councilmembers shall be filled.

5 SECTION 9.13.

6 Existing personnel and officers.

7 Except as specifically provided otherwise by this charter, all personnel and officers of this
8 city and their rights, privileges, and powers now in force not inconsistent with this charter
9 shall continue in force until amended or repealed by the city council.

10 SECTION 9.14.

11 Pending matters.

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

16 SECTION 9.15.

17 Definitions and construction.

18 (a) Section captions in this charter are informative only and shall not be considered as a
19 part thereof.

20 (b) The word 'shall' is mandatory and the word 'may' is permissive.

21 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
22 versa.23 (d) The term 'councilmember' shall mean any person elected or appointed under the
24 provisions of this charter to fill any of the four council positions and who is currently
25 serving in said capacity.26 (e) The term 'members of the council' shall include the mayor and all councilmembers who
27 are currently serving in said capacities under the provisions of this charter.28 (f) The term 'city council' or 'council' shall include the mayor and councilmembers who
29 are currently serving in said capacities under the provisions of this charter."

1 **SECTION 2.**

2 This Act shall become effective upon its approval by the Governor or upon its becoming law
3 without such approval.

4 **SECTION 3.**

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