

House Bill 1806

By: Representative Anderson of the 116th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Gough; to provide for incorporation, boundaries, and
2 powers of the city; to provide for a governing authority of such city and the powers, duties,
3 authority, election, terms, method of filling vacancies, compensation, qualifications,
4 prohibitions, and removal from office relative to members of such governing authority; to
5 provide for inquiries and investigations; to provide for organization and procedures; to
6 provide for ordinances and codes; to provide for the office of mayor and certain duties and
7 powers relative to the office of mayor; to provide for administrative responsibilities; to
8 provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk,
9 a city treasurer, and other personnel; to provide for rules and regulations; to provide for a
10 municipal court and the judge or judges thereof; to provide for practices and procedures; to
11 provide for taxation and fees; to provide for franchises, service charges, and assessments; to
12 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
13 provide for purchases; to provide for the sale of property; to provide for bonds for officials;
14 to provide for eminent domain; to provide for penalties; to provide for definitions and
15 construction; to provide for other matters relative to the foregoing; to repeal a specific Act;
16 to repeal conflicting laws; and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **ARTICLE I**
19 **INCORPORATION AND POWERS**

20 **SECTION 1.10.**
21 **Incorporation.**

22 The City of Gough in Burke County is incorporated by the enactment of this charter and is
23 constituted and declared a body politic and corporate under the name of the "City of Gough."

1 References in this charter to "the city" or "this city" refer to the City of Gough. The city shall
2 have perpetual existence.

3 **SECTION 1.11.**

4 Corporate boundaries.

5 The boundaries of this city shall be as follows: All that area situate in Burke County,
6 Georgia, as shown and described on a plat recorded at Deed Book 12, Page(s) 640 and titled
7 Plan of the City of Gough, Burke County as laid out by E.A. Penniman, C.E. The boundaries
8 of this city at all times shall be shown on a map, a written description, or any combination
9 thereof, to be retained permanently in the office of the city clerk of the city and to be
10 designated, as the case may be: "Official Map or Description of the Corporate Limits of the
11 City of Gough, Georgia." Photographic, typed, or other copies of such map or description
12 certified by the mayor shall be admitted as evidence in all courts and shall have the same
13 force and effect as the original map or description. The boundaries of this city may be
14 changed by local law or in the manner provided by general state law.

15 **SECTION 1.12.**

16 Municipal powers.

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

21 (b) The powers of this city shall be construed liberally in favor of the city. The specific
22 mention or failure to mention particular powers shall not be construed as limiting in any way
23 the powers of this city. Said powers shall include, but are not limited to, the following:

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

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

32 (3) Appropriations and expenditures. To make appropriations for the support of the
33 government of the city; to authorize the expenditure of money for any purposes

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

3 (4) Building regulations. To regulate and to license the erection and construction of
4 buildings and all other structures not inconsistent with general law; to adopt building,
5 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate
6 all housing and building trades except as otherwise prohibited by general law;

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

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

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

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

21 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
22 enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with
23 general law relating to both fire prevention and detection and to fire fighting; and to
24 prescribe penalties and punishment for violations thereof;

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

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

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

- 1 (13) Health and sanitation. To prescribe standards of health and sanitation within the
2 city and to provide for the enforcement of such standards;
- 3 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
4 may work out such sentences in any public works or on the streets, roads, drains, and
5 squares in the city; to provide for the commitment of such persons to any jail; or to
6 provide for the commitment of such persons to any county work camp or county jail by
7 agreement with the appropriate county officials;
- 8 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
9 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
10 of the city;
- 11 (16) Municipal agencies and delegation of power. To create, alter, or abolish
12 departments, boards, offices, commissions, and agencies of the city and to confer upon
13 such agencies the necessary and appropriate authority for carrying out all the powers
14 conferred upon or delegated to the same;
- 15 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
16 city and to issue bonds for the purpose of raising revenue to carry out any project,
17 program, or venture authorized by this charter or the laws of the State of Georgia;
- 18 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or
19 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
20 outside the property limits of the city;
- 21 (19) Municipal property protection. To provide for the preservation and protection of
22 property and equipment of the city and the administration and use of same by the public;
23 and to prescribe penalties and punishment for violations thereof;
- 24 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
25 of public utilities, including, but not limited to, a system of waterworks, sewers, and
26 drains, sewage disposal, gas works, electric plants, transportation facilities, public
27 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
28 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
29 service for refusal or failure to pay the same; and to authorize the extension of water,
30 sewerage, and electrical distribution systems, and all necessary appurtenances by which
31 said utilities are distributed, inside and outside the corporate limits of the city; and to
32 provide utility services to persons, firms, and corporations inside and outside the
33 corporate limits of the city as provided by ordinance;
- 34 (21) Nuisances. To define a nuisance and provide for its abatement whether on public
35 or private property;
- 36 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
37 the authority of this charter and the laws of the State of Georgia;

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

1 walkways within the corporate limits of the city; and to negotiate and execute leases over,
2 through, under, or across any city property or the right of way of any street, road, alley,
3 and walkway or portion thereof within the corporate limits of the city for bridges,
4 passageways, or any other purpose or use between buildings on opposite sides of the
5 street and for other bridges, overpasses, and underpasses for private use at such location
6 and to charge a rental therefor in such manner as may be provided by ordinance; and to
7 authorize and control the construction of bridges, overpasses, and underpasses within the
8 corporate limits of the city; and to grant franchises and rights of way throughout the
9 streets and roads and over the bridges and viaducts for the use of public utilities and for
10 private use; and to require real estate owners to repair and maintain in a safe condition
11 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

12 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
13 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
14 and sewerage system; to levy on those to whom sewers and sewerage systems are made
15 available a sewer service fee, charge, or tax for the availability or use of the sewers; to
16 provide for the manner and method of collecting such service charge; and to impose and
17 collect a sewer connection fee or fees to those connected with the system;

18 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
19 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
20 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
21 paper, and other recyclable materials and provide for the sale of such items;

22 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
23 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
24 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
25 inflammable materials, the use of lighting and heating equipment, and any other business
26 or situation which may be dangerous to persons or property; to regulate and control the
27 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
28 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional
29 fortunetelling, palmistry, adult bookstores, and massage parlors;

30 (36) Special assessments. To levy and provide for the collection of special assessments
31 to cover the costs of any public improvement;

32 (37) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation,
33 and collection of taxes on all property subject to taxation;

34 (38) Other taxes. To levy and collect such other taxes as may be allowed now or in the
35 future by law;

36 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
37 number of such vehicles; to require the operators thereof to be licensed; to require public

1 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 2 regulate the parking of such vehicles;

3 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 4 and

5 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 6 and immunities necessary or desirable to promote or protect the safety, health, peace,
 7 security, good order, comfort, convenience, or general welfare of the city and its
 8 inhabitants; to exercise all implied powers necessary to carry into execution all powers
 9 granted in this charter as fully and completely as if such powers were fully stated in this
 10 charter; and to exercise all powers now or in the future authorized to be exercised by
 11 other municipal governments under other laws of the State of Georgia; and no listing of
 12 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 13 general words and phrases granting powers, but shall be held to be in addition to such
 14 powers unless expressly prohibited to municipalities under the Constitution or applicable
 15 laws of the State of Georgia.

16 **SECTION 1.13.**

17 Exercise of powers.

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

22 **ARTICLE II**

23 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

24 **SECTION 2.10.**

25 City council creation; composition; number; election.

26 (a) The legislative authority of the government of this city, except as otherwise specifically
 27 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 28 councilmembers.

29 (b) Except for the transition terms provided for in subsection (d) of Section 2.11, the mayor
 30 and councilmembers shall serve for terms of four years and until their respective successors
 31 are elected and qualified. No person shall be eligible to serve as mayor or councilmember
 32 unless that person shall have been a resident of this city for 12 months immediately

1 preceding the election of mayor or councilmembers; each such person shall continue to
 2 reside within the city during said period of service and shall be registered and qualified to
 3 vote in municipal elections of this city. No person's name shall be listed as a candidate on
 4 the ballot for election for either mayor or councilmember unless such person shall file a
 5 written notice with the clerk of said city that such person desires his or her name to be placed
 6 on said ballot as a candidate either for mayor or councilmember. No person shall be eligible
 7 for the office of mayor or councilmember unless such person shall file above said notice
 8 within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
 9 Code."

10 **SECTION 2.11.**

11 Elections.

12 (a) At any election, all persons who are qualified under the Constitution and laws of Georgia
 13 to vote for members of the General Assembly of Georgia and who are bona fide residents of
 14 said city shall be eligible to qualify as voters in the election.

15 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of
 16 Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this
 17 charter, the city council shall, by ordinance, prescribe such rules and regulations it deems
 18 appropriate to fulfill any options and duties under the "Georgia Election Code."

19 (c) For the purpose of electing members of the council, the City of Gough shall consist of
 20 one election district with five numbered posts. Each person seeking election shall designate
 21 the post for which he or she seeks election.

22 (d) On the first Tuesday in November, 2002, and on that day quadrennially thereafter, there
 23 shall be elected a mayor and three councilmembers. Then, on the first Tuesday in November,
 24 2003, and on that day quadrennially thereafter, there shall be elected two councilmembers.
 25 It is the purpose of this section to provide a rotation system for the office of mayor and
 26 councilmembers. The terms of the offices shall begin on the first day of January immediately
 27 following the election of such member.

28 **SECTION 2.12.**

29 Vacancies in office.

30 (a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's
 31 death, resignation, forfeiture of office, or removal from office in any manner authorized
 32 by this charter or the general laws of the State of Georgia.

1 (2) Upon the suspension from office of mayor or councilmember in any manner
2 authorized by the general laws of the State of Georgia, the city council or those remaining
3 shall appoint a successor for the duration of the suspension. If the suspension becomes
4 permanent, then the office shall become vacant and shall be filled as provided in
5 subsection (b) of this section.

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

13 **SECTION 2.13.**

14 Nonpartisan elections.

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

17 **SECTION 2.14.**

18 Election by majority.

19 The candidate receiving a majority of the votes cast for any city office shall be elected.

20 **SECTION 2.15.**

21 Compensation and expenses.

22 The mayor and councilmembers shall receive compensation and expenses for their services
23 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

24 **SECTION 2.16.**

25 Prohibitions.

26 (a) No elected official, appointed officer, or employee of the city or any agency or political
27 entity to which this charter applies shall knowingly:

28 (1) Engage in any business or transaction or have a financial or other personal interest,
29 direct or indirect, which is incompatible with the proper discharge of official duties or

- 1 which would tend to impair the independence of his or her judgment or action in the
2 performance of official duties;
- 3 (2) Engage in or accept private employment or render services for private interests when
4 such employment or service is incompatible with the proper discharge of official duties
5 or would tend to impair the independence of his or her judgment or action in the
6 performance of official duties;
- 7 (3) Disclose confidential information concerning the property, government, or affairs of
8 the governmental body by which engaged without proper legal authorization or use such
9 information to advance the financial or other private interest of himself or herself or
10 others;
- 11 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
12 from any person, firm, or corporation which to his or her knowledge is interested, directly
13 or indirectly, in any manner whatsoever in business dealings with the governmental body
14 by which he or she is engaged; provided, however, that an elected official who is a
15 candidate for public office may accept campaign contributions and services in connection
16 with any such campaign;
- 17 (5) Represent other private interests in any action or proceeding against this city or any
18 portion of its government; or
- 19 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
20 any business or entity in which he or she has a financial interest.
- 21 (b) Any elected official, appointed officer, or employee who has any private financial
22 interest, directly or indirectly, in any contract or matter pending before or within any
23 department of the city shall disclose such private interest to the city council. The mayor or
24 any councilmember who has a private interest in any matter pending before the city council
25 shall disclose such private interest and such disclosure shall be entered on the records of the
26 city council, and he or she shall disqualify himself or herself from participating in any
27 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
28 agency or political entity to which this charter applies who shall have any private financial
29 interest, directly or indirectly, in any contract or matter pending before or within such entity
30 shall disclose such private interest to the governing body of such agency or entity.
- 31 (c) No elected official, appointed officer, or employee of the city or any agency or entity to
32 which this charter applies shall use property owned by such governmental entity for personal
33 benefit, convenience, or profit, except in accordance with policies promulgated by the city
34 council or the governing body of such agency or entity.
- 35 (d) Any violation of this section which occurs with the knowledge, express or implied, of
36 a party to a contract or sale shall render said contract or sale voidable at the option of the city
37 council.

1 (e) Except as authorized by law, no member of the council shall hold any other elective city
 2 office or other city employment during the term for which elected. The provisions of this
 3 subsection shall not apply to any person holding employment on the effective date of this
 4 Act.

5 **SECTION 2.17.**

6 Removal of officers.

7 (a) The mayor, a councilmember, or other appointed officers provided for in this charter
 8 shall be removed from office for any one or more of the following causes:

9 (1) Incompetence, misfeasance, or malfeasance in office;

10 (2) Conviction of a crime involving moral turpitude;

11 (3) Failure at any time to possess any qualifications of office as provided by this charter
 12 or by law;

13 (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;

14 (5) Abandonment of office or neglect to perform the duties thereof; or

15 (6) Failure for any other cause to perform the duties of office as required by this charter
 16 or by state law.

17 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
 18 by one of the following methods:

19 (1) By the majority vote of the councilmembers after an investigative hearing. In the
 20 event an elected officer is sought to be removed by the action of the city council, such
 21 officer shall be entitled to a written notice specifying the ground or grounds for removal
 22 and to a public hearing which shall be held not less than ten days after the service of such
 23 written notice. Any elected officer sought to be removed from office as provided in this
 24 section shall have the right of appeal from the decision of the city council to the Superior
 25 Court of Burke County. Such appeal shall be governed by the same rules as govern
 26 appeals to the superior court from the probate court; or

27 (2) By an order of the Superior Court of Burke County following a hearing on a
 28 complaint seeking such removal brought by any resident of the City of Gough.

29 **ARTICLE III**

30 ORGANIZATION OF GOVERNMENT, GENERAL

31 AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

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

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk and the oath of the office shall be administered to the newly elected members as follows:

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

(b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor during any disability or absence of the mayor. Any such disability or absence shall be declared by a majority vote of the city council. The city council shall by majority vote elect a presiding officer from its number for any period in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or disability shall be declared by majority vote of the city council.

SECTION 3.12.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and the 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 council shall be punished as provided by ordinance.

SECTION 3.13.

Meetings.

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

1 (b) Special meetings of the city council may be held on call of the mayor or mayor pro
 2 tempore members of the city council. Notice of such special meeting shall be served on all
 3 other members personally, or by telephone personally, at least 48 hours in advance of the
 4 meeting. Such notice to councilmembers shall not be required if the mayor and all
 5 councilmembers are present when the special meeting is called. Such notice of any special
 6 meeting may be waived by a councilmember in writing before or after such a meeting and
 7 attendance at the meeting shall also constitute a waiver of notice on any business transacted
 8 in such councilmember's presence. Only the business stated in the call may be transacted
 9 at the special meeting.

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

12 **SECTION 3.14.**

13 Procedures.

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

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

20 **SECTION 3.15.**

21 Voting.

22 (a) Except as otherwise provided in subsection (b) of this section, a majority of the
 23 councilmembers shall constitute a quorum and shall be authorized to transact the business
 24 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
 25 shall be recorded in the journal, but any member of the city council shall have the right to
 26 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
 27 provided in this charter, the affirmative vote of a majority of the votes cast shall be required
 28 for the adoption of any ordinance, resolution, or motion.

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

SECTION 3.16.

Ordinances.

(a) Every proposed ordinance shall 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 Council of the City of Gough hereby ordains..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember 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; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 3.18. Upon introduction of any ordinance, the clerk shall, as soon as possible, distribute a copy to the mayor and to 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 3.17.

Effect of ordinances.

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

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or mayor pro tempore and may promptly adopt an emergency ordinance, but such ordinance shall 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 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

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

4 **SECTION 3.19.**

5 Codes.

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 adopting
8 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
9 of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the
10 ordinance shall be construed to include copies of any code of technical regulations, as well
11 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
12 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
13 Section 3.20 of this charter.

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

16 **SECTION 3.20.**

17 Codification of ordinances.

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

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

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

1 council shall make such further arrangements as deemed desirable with reproduction and
2 distribution of any changes in or additions to codes of technical regulations and other rules
3 and regulations included in the code.

4 **SECTION 3.21.**

5 Chief executive officer; delegation of powers.

6 The mayor shall be the chief executive of this city. The mayor shall possess all of the
7 executive and administrative powers granted to the city under the Constitution and laws of
8 the State of Georgia, and all the executive and administrative powers contained in this
9 charter, except as otherwise specifically provided in this Act. The mayor shall have the
10 authority to delegate any one or more executive or administrative powers to a person or
11 persons employed by the city and qualified in management and administration.

12 **SECTION 3.22.**

13 Powers and duties of mayor.

14 As the chief executive of this city, the mayor shall:

- 15 (1) See that all laws and ordinances of the city are faithfully executed;
- 16 (2) Appoint and remove, for cause, with confirmation of appointment or removal by the
17 council, all officers, department heads, and employees of the city except as otherwise
18 provided in this charter;
- 19 (3) Exercise supervision over all executive and administrative work of the city and
20 provide for the coordination of administrative activities;
- 21 (4) Prepare and submit to the council a recommended annual operating budget and
22 recommended capital budget;
- 23 (5) Submit to the council at least once a year a statement covering the financial
24 conditions of the city and from time to time such other information as the city council
25 may request;
- 26 (6) Call special meetings of the city council as provided for in Section 3.13;
- 27 (7) Participate in the discussion of all matters brought before the city council and vote
28 on such matters only in the case of a tie vote;
- 29 (8) Recommend to the city council such measures relative to the affairs of the city,
30 improvement of the government, and promotion of the welfare of its inhabitants as the
31 mayor may deem expedient;
- 32 (9) Approve or disapprove ordinances as provided in Section 3.23;

1 (10) Require any department or agency of the city to submit written reports whenever
2 the mayor deems it expedient;

3 (11) Sign as a matter of course all written contracts, ordinances, and other instruments
4 executed by the city which by law are required to be in writing; and

5 (12) Perform such other duties as may be required by general state law, this charter, or
6 ordinance.

7 **SECTION 3.23.**

8 Submission of ordinances to the mayor; veto power.

9 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
10 mayor within three days after its adoption.

11 (b) The mayor shall within ten days of receipt of an ordinance return it to the city clerk with
12 or without the mayor's approval, or with the mayor's disapproval. If the ordinance has been
13 approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance
14 is neither approved nor disapproved, it shall become law on the fifteenth day after its
15 adoption; if the ordinance is disapproved, the mayor shall submit to the city council through
16 the city clerk a written statement of the reasons for the veto. The city clerk shall record upon
17 the ordinance the date of its delivery to and receipt from the mayor.

18 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
19 at its next meeting and should the city council then or at its next general meeting adopt the
20 ordinance by an affirmative vote of the entire council, it shall become law.

21 (d) The mayor may disapprove or reduce any item or items of appropriation in any
22 ordinance. The approved part or parts of any ordinance making appropriations shall become
23 law, and the part or parts disapproved shall not become law unless subsequently passed by
24 the city council over the mayor's veto as provided in this section. The reduced part or parts
25 shall be presented to the city council as though disapproved and shall not become law unless
26 overridden by the council as provided in subsection (c) of this section.

27 **ARTICLE IV**

28 **ADMINISTRATIVE AFFAIRS**

29 **SECTION 4.10.**

30 Department heads.

31 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
32 the functions or duties and establish, abolish, or alter all nonelective offices, positions of

1 employment, departments, and agencies of the city as necessary for the proper administration
2 of the affairs and government of this city.

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

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

8 (d) There shall be a director of each department or agency who shall be its principal officer.
9 Each director shall, subject to the direction and supervision of the mayor, be responsible for
10 the administration and direction of the affairs and operations of the director's department or
11 agency.

12 (e) All directors under the supervision of the mayor shall be nominated by the mayor with
13 confirmation of appointment by the city council. The mayor may suspend or remove
14 directors under the mayor's supervision but such suspension or removal shall not be effective
15 for ten calendar days following the mayor's giving written notice of such action and the
16 reason therefor to the director involved and to the city council. The director involved may
17 appeal to the city council which, after a hearing, may override the mayor's action by a
18 majority vote of councilmembers.

19 **SECTION 4.11.**

20 **Boards.**

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

25 (b) All members of boards, commissions, and authorities of the city shall be appointed by
26 the city council for such terms of office and in such manner as shall be provided by
27 ordinance, except where other appointing authority, terms of office, or manner of
28 appointment is prescribed by this charter or by law.

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

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

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

1 (f) No member of a board, commission, or authority shall assume office until he or she has
 2 executed and filed with the clerk of the city an oath obligating himself or herself to perform
 3 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and
 4 administered by the mayor.

5 (g) Any member of a board, commission, or authority may be removed from office for cause
 6 by a majority vote of members of the city council.

7 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 8 authority of the city shall elect one of its members as chairperson and one member as
 9 vice-chairperson, and may elect as its secretary one of its members or may appoint as
 10 secretary an employee of the city. Each board, commission, or authority of the city
 11 government may establish such bylaws, rules, and regulations, not inconsistent with this
 12 charter, an ordinance of the city, or law, as it deems appropriate and necessary for the
 13 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
 14 regulations shall be filed with the clerk of the city.

15 **SECTION 4.12.**

16 City attorney.

17 The mayor and city council shall appoint a city attorney who shall be a member of the State
 18 Bar of Georgia and shall have actively practiced law for at least one year. The city attorney
 19 shall serve at the pleasure of the city council. The city attorney shall be responsible for
 20 representing and defending the city in all litigation in which the city is a party, may be the
 21 prosecuting officer in the municipal court, shall attend the meetings of the council as
 22 directed, shall advise the city council, mayor, and other officers and employees of the city
 23 concerning legal aspects of the city's affairs, and shall perform such other duties as may be
 24 required by virtue of the position of city attorney. The city council shall provide for the
 25 compensation of the city attorney.

26 **SECTION 4.13.**

27 City clerk.

28 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
 29 shall be custodian of the official city seal, maintain city council records required by this
 30 charter, and perform such other duties as may be required by the city council. The city
 31 council shall provide for the compensation of the city clerk.

1 **SECTION 4.14.**

2 Treasurer.

3 The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other
4 moneys belonging to the city subject to the provisions of this charter and the ordinances of
5 the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and
6 sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be
7 responsible for the general duties of a treasurer and fiscal officer. The city council shall
8 provide for the compensation of the treasurer.

9 **SECTION 4.15.**

10 Rules and regulations.

11 The city council shall adopt rules and regulations consistent with this charter concerning:

12 (1) The method of employee selection and probationary periods of employment;

13 (2) The administration of a position classification and pay plan, methods of promotion
14 and applications of service ratings thereto, and transfer of employees within the
15 classification plan;

16 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
17 the order and manner in which layoffs shall be effected;

18 (4) Such dismissal hearings as due process may require; and

19 (5) Such other personnel notices as may be necessary to provide for adequate and
20 systematic handling of personnel affairs.

21 **ARTICLE V**

22 **JUDICIAL BRANCH**

23 **SECTION 5.10.**

24 Municipal court.

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

SECTION 5.11.

Judges.

(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. The method of selection and terms of such judges 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 and shall be a member of the State Bar of Georgia. All judges shall be appointed by the city council.

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

(d) Judges may be removed for cause by a majority vote of members of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.

Convening of court.

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

SECTION 5.13.

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 the authority to punish those in its presence for contempt, provided that such punishment shall not exceed a fine of \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$500.00 or imprisonment for 90 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 the authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the actual cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violation of state law.

1 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 2 the presence of those charged with violations before said court and shall have discretionary
 3 authority to accept cash or personal or real property as surety bond for the appearance of
 4 persons charged with violations. Whenever any person shall give bail for appearance and
 5 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 6 presiding at such time and an execution shall be issued thereon by serving the defendant and
 7 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

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

11 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
 12 court when it appears by probable cause that state law has been violated.

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

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

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

23 **SECTION 5.14.**

24 Certiorari.

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

29 **SECTION 5.15.**

30 Rules.

31 With the approval of the city council, the judge shall have full power and authority to make
 32 reasonable rules and regulations necessary and proper to secure the efficient and successful
 33 administration of the municipal court; provided, however, that the city council may adopt in

1 part or in toto the rules and regulations applicable to superior courts. The rules and
2 regulations made or adopted shall be filed with the city clerk, shall be available for public
3 inspection, and, upon request, shall be furnished to all defendants in municipal court
4 proceedings at least 48 hours prior to said proceedings.

5 **ARTICLE VI**

6 **FINANCE**

7 **SECTION 6.10.**

8 **Property tax.**

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

15 **SECTION 6.11.**

16 **Millage.**

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

21 **SECTION 6.12.**

22 **Occupation taxes and business license fees.**

23 The city council by ordinance shall have the power to levy such occupation or business taxes
24 as are not denied by law. Such taxes may be levied on both individuals and corporations who
25 transact business in this city or who practice or offer to practice any profession or calling
26 within the city to the extent such persons have a constitutionally sufficient nexus to this city
27 to be so taxed. The city council may classify businesses, occupations, professions, or
28 callings for the purpose of such taxation in any way which may be lawful and may compel
29 the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses.

1
2
3 The city council by ordinance shall have the power to require any individual or corporation
4 who transacts business in this city or who practices or offers to practice any profession or
5 calling within the city to obtain a license or permit for such activity from the city and pay a
6 reasonable fee for such license or permit where such activities are not now regulated by
7 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
8 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
9 6.18 of this charter. The city council by ordinance may establish reasonable requirements
10 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

11
12
13 The city council shall have the power to grant franchises for the use of this city's streets and
14 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
15 cable television companies, gas companies, transportation companies, and other similar
16 organizations. The city council shall determine the duration, terms, whether the same shall
17 be exclusive or nonexclusive, and the consideration for such franchises; provided, however,
18 that no franchise shall be granted for a period in excess of 35 years and no franchise shall be
19 granted unless the city receives just and adequate compensation therefor. The city council
20 shall provide for the registration of all franchises with the city clerk in a registration book
21 kept by the clerk. The city council may provide by ordinance for the registration within a
22 reasonable time of all franchises previously granted.

SECTION 6.15.

Sewer fees.

23
24
25 The city council by ordinance shall have the power to assess and collect fees, charges, and
26 tolls for sewers, sanitary and health services, or any other services provided or made
27 available inside or outside the corporate limits of the city for the total cost to the city of
28 providing or making available such services. If unpaid, such charges shall be collected as
29 provided in Section 6.18 of this charter.

SECTION 6.16.

Roads.

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

SECTION 6.17.

Other taxes.

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

SECTION 6.18.

Collection of delinquent taxes.

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. fas., 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 licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

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.

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.

Accounting and budgeting.

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

SECTION 6.23.

Budget ordinance.

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

SECTION 6.24.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general

1 summary of the budget, and such other comments and information as the mayor may deem
2 pertinent. The operating budget, the capital improvements budget, the budget message, and
3 all supporting documents shall be filed in the office of the city clerk and shall be open to
4 public inspection.

5 **SECTION 6.25.**

6 Adoption.

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

12 (b) After the conducting of a budget hearing, the city council shall adopt the final operating
13 budget for the ensuing fiscal year not later than the first day of the fiscal year. If the city
14 council fails to adopt the budget by said date, the amounts appropriated for operation for the
15 then current fiscal year shall be deemed adopted for the ensuing fiscal year on a
16 month-to-month basis, with all items prorated accordingly, until such time as the city council
17 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an
18 appropriations ordinance setting out the estimated revenues in detail by sources and making
19 appropriations according to fund and by organizational unit, purpose, or activity as set out
20 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

21 (c) The amount set out in the adopted operating budget for each organizational unit shall
22 constitute the annual appropriation for such, and no expenditure shall be made or
23 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
24 or allotments thereof to which it is chargeable.

25 **SECTION 6.26.**

26 Levy of taxes.

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

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.17 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than the first day of the fiscal year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.

Audits.

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

SECTION 6.30.

Procurement and property management.

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

(1) It is in writing;

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

(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.14 of this charter.

SECTION 6.31.

Purchasing.

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

SECTION 6.32.

Sale of property.

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

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

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

ARTICLE VII**GENERAL PROVISIONS****SECTION 7.10.**

Bonds for officials.

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

SECTION 7.11.

Charter language on other general matters.

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

SECTION 7.12.

Definitions and construction.

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

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

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

SECTION 7.13.

General repealer.

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