

Senate Bill 310

By: Senator Beatty of the 47th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide a new charter for the City of Carnesville; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a city manager, mayor, and mayor pro tempore and
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal a specific Act; to provide for effective dates; to repeal conflicting
21 laws; and for other purposes.

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

1 ARTICLE I

2 INCORPORATION AND POWERS

3 SECTION 1.10.

4 Name.

5 This city and the inhabitants thereof are constituted and declared a body politic and corporate
6 under the name and style Carnesville, Georgia, and by that name shall have perpetual
7 succession.

8 SECTION 1.11.

9 Corporate boundaries.

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

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

21 SECTION 1.12.

22 Powers and construction.

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

27 (b) The powers of this city shall be construed liberally in favor of the city. The specific
28 mention or failure to mention particular powers shall not be construed as limiting in any way
29 the powers of this city.

SECTION 1.13.

Example of powers.

The powers of the city 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 which flow 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 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits 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;

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

(9) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

1 general law, relating to both fire prevention and detection and to fire fighting; and to
2 prescribe penalties and punishment for violations thereof;

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

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

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

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

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

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

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

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

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

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

4 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
5 of public utilities, including but not limited to a system of waterworks, sewers and drains,
6 sewage disposal, gas works, electric light plants, cable television and other
7 telecommunications, transportation facilities, public airports, and any other public utility;
8 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
9 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

22 (26) Public improvements. To provide for the acquisition, construction, building,
23 operation, and maintenance of public ways, parks and playgrounds, public grounds,
24 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
25 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
26 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
27 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
28 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
29 other public improvements, inside or outside the corporate limits of the city; to regulate
30 the use of public improvements; and, for such purposes, property may be acquired by
31 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
32 or may hereafter be enacted;

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

35 (28) Public transportation. To organize and operate such public transportation systems
36 as are deemed beneficial;

1 (29) Public utilities and services. To grant franchises or make contracts for or impose
2 taxes on public utilities and public service companies and to prescribe the rates, fares,
3 regulations, and standards and conditions of service applicable to the service to be
4 provided by the franchise grantee or contractor, insofar as not in conflict with valid
5 regulations of the Georgia Public Service Commission;

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

11 (31) Retirement. To provide and maintain a retirement plan for officers and employees
12 of the city;

13 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
14 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
15 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
16 walkways within the corporate limits of the city; and to grant franchises and rights of way
17 throughout the streets and roads and over the bridges and viaducts for the use of public
18 utilities; and to require real estate owners to repair and maintain in a safe condition the
19 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

20 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
21 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
22 and sewerage system and to levy on those to whom sewers and sewerage systems are
23 made available a sewer service fee, charge, or sewer tax for the availability or use of the
24 sewers; to provide for the manner and method of collecting such service charges and for
25 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
26 or fees to those connected with the system;

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

31 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
32 the manufacture, sale, or transportation of any intoxicating liquors, and the use of
33 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
34 inflammable materials, the use of lighting and heating equipment, and any other business
35 or situation which may be dangerous to persons or property; to regulate and control the
36 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows

1 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
2 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

3 (36) Special assessments. To levy and provide for the collection of special assessments
4 to cover the costs for any public improvements;

5 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
6 and collection of taxes on all property subject to taxation;

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

9 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
10 number of such vehicles; to require the operators thereof to be licensed; to require public
11 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
12 regulate the parking of such vehicles;

13 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
14 and

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

26 **SECTION 1.14.**

27 Exercise of powers.

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

1 ARTICLE II

2 GOVERNMENT STRUCTURE

3 **SECTION 2.10.**

4 City council creation; number; election.

5 The legislative authority of the government of this city, except as otherwise specifically
6 provided in this charter, shall be vested in a city council to be composed of a mayor and four
7 councilmembers. The mayor and councilmembers shall be elected in the manner provided
8 by this charter.

9 **SECTION 2.11.**

10 City council;
11 terms and qualifications for office.

12 The members of the city council shall serve for terms of four years and until their respective
13 successors are elected and qualified. No person shall be eligible to serve as mayor or
14 councilmember unless they shall be 21 years of age on or before the date of the election and
15 they shall have been a resident of the city for one year immediately prior to the date of the
16 election of mayor or members of the city council. Each official shall continue to reside in
17 the city during his or her period of service and continue to be registered and qualified to vote
18 in municipal elections of this city.

19 **SECTION 2.12.**

20 Vacancy; filling of vacancies; suspensions.

21 (a) Vacancies—The office of mayor or councilmember shall become vacant upon the
22 incumbent's death, resignation, removal of residence from city, missing four consecutive city
23 council meetings without leave from council, forfeiture of office, or removal from office in
24 any manner authorized by this charter or the general laws of the State of Georgia. A vacancy
25 in the office of mayor or councilmember shall be filled for the remainder of the unexpired
26 term, if any, as provided for in this chapter.

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

SECTION 2.13.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance.

SECTION 2.14.

Conflicts of interest; holding other offices.

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

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign. Valuables are defined as gifts worth more than \$50.00;

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

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

(b) Disclosure—Any elected official, appointed officer, or employee who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or

1 within any department of the city shall disclose such private interest to the city council. The
2 mayor or any councilmember who has a private interest in any matter pending before the city
3 council shall disclose such private interest and such disclosure shall be entered on the records
4 of the city council, and they shall disqualify themselves from participating in any decision
5 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
6 or political entity to which this charter applies who shall have any private financial interest,
7 directly or indirectly, in any contract or matter pending before or within such entity shall
8 disclose such private interest to the governing body of such agency or entity.

9 (c) Use of public property—No elected official, appointed officer, or employee of the city
10 or any agency or entity to which this charter applies shall use property owned by such
11 governmental entity for personal benefit, convenience, or profit except in accordance with
12 policies promulgated by the city council or the governing body of such agency or entity.

13 (d) Contracts voidable and rescindable—Any violation of this section which occurs with the
14 knowledge, express or implied, of a party to a contract or sale shall render such contract or
15 sale voidable at the option of the city council.

16 (e) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
17 any councilmember shall hold any other elective or compensated appointive office in the city
18 or otherwise be employed by said government or any agency thereof during the term for
19 which that person was elected. No former councilmember and no former mayor shall hold
20 any compensated appointive office in the city until one year after the expiration of the term
21 for which that person was elected.

22 (f) Political activities of certain officers and employees—No appointed officer and no
23 employee of the city shall continue in such employment upon qualifying as a candidate for
24 nomination or election to any public office.

25 (g) Penalties for violation—

26 (1) Any city officer or employee who knowingly conceals such financial interest or
27 knowingly violates any of the requirements of this section shall be guilty of malfeasance
28 in office or position and shall be deemed to have forfeited his or her office or position.

29 (2) Any officer or employee of the city who shall forfeit his or her office or position as
30 described in paragraph (1) of this subsection shall be ineligible for appointment or
31 election to or employment in a position in the city government for a period of three years
32 thereafter.

SECTION 2.15.

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.

SECTION 2.16.

General power and authority of the city council.

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

SECTION 2.17.

Eminent domain.

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

SECTION 2.18.

Oath of office.

The oath of office shall be administered by a person duly authorized by law to administer oaths 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 the United States of America."

SECTION 2.19

Regular and special meetings.

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

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

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

SECTION 2.20.

Rules of procedure.

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

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

SECTION 2.21.

Quorum; voting.

(a) Three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as

otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance or resolution.

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

SECTION 2.22.

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 "It is hereby ordained by the governing authority of the City of Carnesville 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 2.24 of this charter. 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 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

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

1 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
2 a declaration stating that an emergency exists and describing the emergency in clear and
3 specific terms. An emergency ordinance may be adopted, with or without amendment, or
4 rejected at the meeting at which it is introduced, but the affirmative vote of at least a majority
5 of the councilmembers present shall be required for adoption. It shall become effective upon
6 adoption or at such later time as it may specify. Every emergency ordinance shall
7 automatically stand repealed 30 days following the date upon which it was adopted, but this
8 shall not prevent reenactment of the ordinance in the manner specified in this section if the
9 emergency still exists. An emergency ordinance may also be repealed by adoption of a
10 repealing ordinance in the same manner specified in this section for adoption of emergency
11 ordinances.

12 **SECTION 2.25.**

13 Codes of technical regulations.

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

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

24 **SECTION 2.26.**

25 Signing; authenticating;
26 recording; codification; printing.

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

29 (b) The city council shall provide for the preparation of a general codification of all the
30 ordinances of the city having the force and effect of law. The general codification shall be
31 adopted by the city council by ordinance and shall be published promptly, together with all
32 amendments thereto and such codes of technical regulations and other rules and regulations
33 as the city council may specify. This compilation shall be known and cited officially as

"Code of Ordinances, Carnesville, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.27.

City manager; employment;
qualifications; compensation.

The city council may employ a city manager for an indefinite term and shall fix the city manager's compensation. The city manager shall be employed solely on the basis of the city manager's executive and administrative qualifications.

SECTION 2.28.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be a qualified elector of this city, shall be 21 years of age on or before the date of the election, and shall have been a resident of the city for one year immediately preceding the mayor's election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit the mayor's office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.29.

Chief executive officer.

The mayor shall be the chief executive officer of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

SECTION 2.30.

Powers and duties of mayor.

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

- (1) Vote at city council meetings only in the case of a tie vote by councilmembers;
- (2) See that all laws and ordinances of the city are faithfully executed;
- (3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (4) Prepare and submit to the city council a recommended operating budget and recommended capital budget;
- (5) Provide for an annual audit of all accounts of the city and such other information as the city council may request from time to time;
- (6) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as he or she may deem expedient;
- (7) Call special meetings of the city council as provided in subsection (b) of Section 2.19 of this charter;
- (8) Require any department or agency of the city to submit written reports whenever he or she deems it expedient; and
- (9) Perform such other duties as may be required by law, this charter, or by ordinance.

SECTION 2.31.

Mayor pro tempore; election.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore.

SECTION 2.32.

Mayor pro tempore; selection; duties.

During the absence or disability of the mayor for any cause, the mayor pro tempore, or in the mayor's absence or disability for any reason, any one of the councilmembers chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all councilmembers.

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

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

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

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

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

(e) The power to employ or to discharge any employee of the city is vested in the city council. The city council may promulgate such policies as necessary for the administration and direction of the affairs and operations of the city and its employment practices.

SECTION 3.11.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems

1 necessary and shall by ordinance establish the composition, period of existence, duties, and
2 powers thereof.

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

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

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

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

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

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

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

28 **SECTION 3.12.**

29 City attorney.

30 The city council shall appoint a city attorney, together with such assistant city attorneys as
31 may be authorized, and shall provide for the payment of such attorney or attorneys for
32 services rendered to the city. The city attorney shall be responsible for providing for the
33 representation and defense of the city in all litigation in which the city is a party; may be the
34 prosecuting officer in the municipal court; shall attend the meetings of the city council as
35 directed; shall advise the city council, mayor, and other officers and employees of the city

1 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
2 required by virtue of such person's position as city attorney. The city attorney shall serve
3 at the discretion of the city council.

4 **SECTION 3.13.**

5 City clerk.

6 The city council may appoint a city clerk who shall not be a councilmember. The city clerk
7 shall be custodian of the official city seal and city records; maintain city council records
8 required by this charter; and perform such other duties as may be required by the city
9 council.

10 **SECTION 3.14.**

11 City treasurer.

12 The city council may appoint a financial officer to collect all taxes, licenses, fees, and other
13 monies belonging to the city subject to the provisions of this charter and the ordinances of
14 the city, and to enforce all laws of Georgia relating to the collection of delinquent taxes and
15 sale or foreclosure for nonpayment of taxes. The financial officer shall also be responsible
16 for the general duties of a treasurer and fiscal officer.

17 **SECTION 3.15.**

18 City accountant.

19 The city council shall appoint a city accountant to perform the duties of an accountant. The
20 city accountant shall serve at the discretion of the city council.

21 **SECTION 3.16.**

22 Position classification and pay plans.

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

SECTION 3.17.

Personnel policies.

The city council may provide for and adopt rules and regulations consistent with this charter concerning: (1) the method of employee selection and probationary periods of employment; (2) the administration of the position classification and pay plan, methods of promotion and application of service ratings thereto, and transfer of employees within the classification plan; (3) hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected; (4) such dismissal hearings as due process may require; and (5) such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

SECTION 3.18.

Consolidation of functions.

The council may consolidate any two or more of the positions of city clerk, city treasurer, city manager, city tax collector, or of any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions.

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

(a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.

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

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

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

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$300.00 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 90 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now, or hereafter provided by state law or local ordinance.

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

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before 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.

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

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

(i) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to mayor's, recorder's, and police courts, and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

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

1 ARTICLE V

2 ELECTIONS AND REMOVAL

3 **SECTION 5.10.**

4 Applicability of general law.

5 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
6 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

7 **SECTION 5.11.**

8 Election of the city council and mayor.

9 (a) There shall be a municipal general election biennially on the first Tuesday following the
10 first Monday in November.

11 (b) There shall be elected the mayor and two councilmembers at one election and at every
12 other election thereafter. The remaining city council seats shall be filled at the election
13 alternating with the first election so that a continuing body is created as provided for in the
14 initial election held under this charter pursuant to Section 7.12.

15
16 **SECTION 5.12.**

17 Nonpartisan elections.

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

20 **SECTION 5.13.**

21 Special elections; vacancies.

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

SECTION 5.14.

Other provisions.

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

SECTION 5.15.

Removal of officers.

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

- (1) Incompetence, misfeasance, or a malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any of the qualifications of office as provided by this charter or by law;
- (4) Knowingly violating any express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

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

- (1) By the vote of a majority of councilmembers present after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the Superior Court of Franklin County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the Superior Court of Franklin County following a hearing on a complaint seeking such removal brought by any resident of the City of Carnesville.

1 ARTICLE VI

2 FINANCE

3 **SECTION 6.10.**

4 Property tax.

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

11 **SECTION 6.11.**

12 Millage rate; due dates; payment methods.

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

17 **SECTION 6.12.**

18 Occupation and business taxes.

19 The city council by ordinance shall have the power to levy such occupation or business taxes
20 as are not denied by law. The city council may classify businesses, occupations, or
21 professions for the purpose of such taxation in any way which may be lawful and may
22 compel the payment of such taxes as provided in Section 6.18 of this charter.

23 **SECTION 6.13.**

24 Licenses; permits; fees.

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

SECTION 6.14.

Franchises.

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

SECTION 6.15.

Service charges.

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

SECTION 6.16.

Special assessments.

The city council by ordinance shall have the power to assess and collect the cost 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.

Construction; other taxes.

This city shall be empowered to levy any other tax or fee 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 and fees.

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

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Fiscal year.

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.

Preparation of budgets.

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 plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 6.24.Submission of operating budget
to city council.

On or before a date fixed by the city council but not later than 45 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 summary of the budget, and other pertinent comments and information. The operating budget and the capital improvements budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Action by city council on budget.

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

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than 30 days prior to the beginning of each fiscal year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

SECTION 6.26.

Tax levies.

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

SECTION 6.27.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for

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

3 **SECTION 6.28.**

4 Capital improvements budget.

5 (a) On or before the date fixed by the city council, but not later than 45 days prior to the
6 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
7 improvements plan with a recommended capital budget containing the means of financing
8 the improvements proposed for the ensuing fiscal year. The city council shall have power
9 to accept, with or without amendments, or reject the proposed plan and budget. The city
10 council shall not authorize an expenditure for the construction of any building, structure,
11 work, or improvement unless the appropriations for such project are included in the capital
12 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

13 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
14 year. No appropriation provided for in a prior capital budget shall lapse until the purpose for
15 which the appropriation was made shall have been accomplished or abandoned; provided,
16 however, the mayor may submit amendments to the capital budget at any time during the
17 fiscal year, accompanied by recommendations. Any such amendments to the capital budget
18 shall become effective only upon adoption by ordinance.

19 **SECTION 6.29.**

20 Independent audits.

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

26 **SECTION 6.30.**

27 Contracting procedures.

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

29 (1) It is in writing;

30 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
31 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 2.21 of this charter.

SECTION 6.31.

Sale of city property.

(a) The city council may sell and convey or lease 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 report 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 sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. 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.

Prior ordinances.

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

SECTION 7.12.

First election under this charter.

The first election shall be held on the Tuesday next following the first Monday in 2001, at which time the positions held by the mayor and two councilmembers whose terms expire on December 31, 2001, shall be filled.

SECTION 7.13.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.14.

Pending 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 7.15.

Construction.

(a) Section captions in this charter are informative only and are 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 7.16.

Effective date.

This charter shall become of full force and effect upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.17.

Specific repealer.

An Act incorporating the City of Carnesville in the County of Franklin, approved April 6, 1965 (Ga. L. 1965, p. 3280), as amended, is repealed in its entirety.

SECTION 7.18.

General repealer.

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