

House Bill 853

By: Representative Smith of the 102nd

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE 1**INCORPORATION AND POWERS; NAME****SECTION 1.10.**

Name.

This city and the inhabitants thereof are reincorporated by the enactment of this charter and are constituted and declared a body politic and corporate under the name and style City of Shiloh, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The corporate boundaries of this city shall be as described and set forth in Appendix A attached hereto.

(b) The city council may provide for changes in Appendix A by ordinance to reflect lawful changes in the corporate boundaries.

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

The powers of the city shall include, but not be limited to, the following:

(1) 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;

- 1 (2) Appropriations and expenditures. To make appropriations for the support of the
2 government of the city; to authorize the expenditure of money for any purposes authorized
3 by this charter and for any purpose for which a municipality is authorized by the laws of
4 the State of Georgia; and to provide for the payment of expenses of the city;
- 5 (3) Building regulation. To regulate and to license the erection and construction of
6 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
7 heating and air-conditioning codes; and to regulate all housing and building trades;
- 8 (4) Business regulation and taxation. To levy and to provide for the collection of
9 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
10 by Title 48 of the Official Code of Georgia Annotated or other such applicable laws as are
11 or may hereafter be enacted; to permit and regulate the same; to provide for the manner and
12 method of payment of such regulatory fees and taxes; and to revoke such permits after due
13 process for failure to pay any city taxes or fees;
- 14 (5) Condemnation. To condemn property, inside or outside the corporate limits of the city,
15 for present or future use and for any corporate purpose deemed necessary by the governing
16 authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia
17 Annotated or such other applicable laws as are or may hereafter be enacted;
- 18 (6) Contracts. To enter into contracts and agreements with other governmental entities and
19 with private persons, firms, and corporations;
- 20 (7) Emergencies. To establish procedures for determining and proclaiming that an
21 emergency situation exists within or outside the city and to make and carry out all
22 reasonable provisions deemed necessary to deal with or meet such an emergency for the
23 protection, safety, health, or well-being of the citizens of the city;
- 24 (8) Environmental protection. To protect and preserve the natural resources, environment,
25 and vital areas of the state through the preservation and improvement of air quality, the
26 restoration and maintenance of water resources, the control of erosion and sedimentation,
27 the management of solid and hazardous waste, and other necessary actions for the
28 protection of the environment;
- 29 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
30 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
31 general law, relating to both fire prevention and detection and to fire fighting; and to
32 prescribe penalties and punishment for violations thereof;
- 33 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
34 and disposal and other sanitary service charge, tax, or fee for such services as may be
35 necessary in the operation of the city from all individuals, firms, and corporations residing
36 in or doing business in the city benefiting from such services; to enforce the payment of

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

1 charges, rates, fares, fees, assessments, regulations, and penalties and to provide for the
2 withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

14 (26) Public improvements. To provide for the acquisition, construction, building,
15 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
16 cemeteries, markets and market houses, public buildings, libraries, public housing, airports,
17 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
18 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
19 institutions, agencies, and facilities; and to provide any other public improvements, inside
20 or outside the corporate limits of the city; to regulate the use of public improvements; and,
21 for such purposes, property may be acquired by condemnation under Title 22 of the
22 Official Code of Georgia Annotated or such other applicable laws as are or may hereafter
23 be enacted;

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

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

28 (29) Public utilities and services. To grant franchises or make contracts for or impose
29 taxes on public utilities and public service companies and to prescribe the rates, fares,
30 regulations, and standards and conditions of service applicable to the service to be provided
31 by the franchisee or contractor, insofar as not in conflict with valid regulations of
32 the Public Service Commission;

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

- 1 (31) Retirement. To provide and maintain a retirement plan for officers and employees
2 of the city;
- 3 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
4 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
5 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
6 walkways within the corporate limits of the city; and to grant franchises and rights of way
7 throughout the streets and roads and over the bridges and viaducts for the use of public
8 utilities; and to require real estate owners to repair and maintain in a safe condition the
9 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 10 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
11 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
12 and sewerage system and to levy on those to whom sewers and sewerage systems are made
13 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
14 to provide for the manner and method of collecting such service charges and for enforcing
15 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
16 those connected with the system;
- 17 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
18 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
19 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
20 and other recyclable materials and to provide for the sale of such items;
- 21 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
22 the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to
23 regulate the transportation, storage, and use of combustible, explosive, and inflammable
24 materials, the use of lighting and heating equipment, and any other business or situation
25 which may be dangerous to persons or property; to regulate and control the conduct of
26 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
27 by taxation or otherwise; and to license, tax, regulate, or prohibit professional
28 fortunetelling, palmistry, adult bookstores, and massage parlors;
- 29 (36) Special assessments. To levy and provide for the collection of special assessments
30 to cover the costs for any public improvements;
- 31 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
32 and collection of taxes on all property subject to taxation;
- 33 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
34 future by law;
- 35 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
36 number of such vehicles; to require the operators thereof to be licensed; to require public

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

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

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

SECTION 1.14.

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.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2. 10.

City council creation; number; election.

26 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 four
28 councilmembers. The city council established shall in all respects be a successor to and
29 continuation of the governing authority under prior law. The mayor and councilmembers
30 shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City council terms and qualifications for office.

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election of mayor or members of the council. Each such official shall continue to reside in the city during that person's period of service and to be registered and qualified to vote in municipal elections of this city.

SECTION 2.12.

Vacancy; filling of vacancies.

(a) Vacancies – The office of mayor or councilmember shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

(b) Absence – The office of the mayor or councilmember shall be deemed to become vacant when the mayor or any councilmember shall have been absent for three consecutive regular meetings or six regular meetings in one calendar year, and the council shall then pass a resolution at a regular monthly meeting declaring said vacancy.

(c) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remains in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and in accordance with the Official Code of Georgia Annotated or other such laws as are or may hereafter be enacted.

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.

Holding other office; voting when financially interested.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

- 1 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
- 2 city office or city employment during the term for which that person was elected.
- 3 (c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
- 4 ordinance, resolution, contract, or other matter in which that person is financially interested.

SECTION 2.15.

Conflicts of interest; holding other offices.

7 (a) Elected and appointed officers of the city are trustees and servants of the residents of the
8 city and shall act in a fiduciary capacity for the benefit of such residents.

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

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

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

19 (3) Disclose confidential information, including information obtained at meetings which
20 are closed pursuant to Chapter 14 of Title 50 of the Official Code of Georgia Annotated,
21 concerning the property, government, or affairs of the governmental body by which the
22 official is engaged without proper legal authorization or use such information to advance
23 the financial or other private interest of the official or others;

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

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

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

34 (c) Disclosure – Any elected official, appointed officer, or employee who shall have any
35 financial interest, directly or indirectly, in any contract or matter pending before or within

1 any department of the city shall disclose such interest to the city council. The mayor or any
2 councilmember who has a financial interest in any matter pending before the city council
3 shall disclose such interest and such disclosure shall be entered on the records of the city
4 council, and that official shall disqualify himself or herself 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 financial interest, directly
7 or indirectly, in any contract or matter pending before or within such entity shall disclose
8 such interest to the governing body of such agency or entity.

9 (d) 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 (e) 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 said contract or
15 sale voidable at the option of the city council.

16 (f) 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 official was elected. No former mayor and no former councilmember shall hold
20 any compensated appointive office in the city until one year after the expiration of the term
21 for which that official was elected.

22 (g) Political activities of certain officers and employees – No appointed officer of the city
23 shall continue in such employment upon qualifying as a candidate for nomination or election
24 to any public office. No employee of the city shall continue in such employment upon
25 election to any public office in this city or any other public office which is inconsistent,
26 incompatible, or in conflict with the duties of the city employee. Such determination shall
27 be made by the mayor and council either immediately upon election or at any time such
28 conflict may arise.

29 (h) Penalties for Violation –

30 (1) Any city officer or employee who knowingly conceals such financial interest or
31 knowingly violates any of the requirements of this section shall be guilty of malfeasance
32 in office or position and shall be deemed to have forfeited that person's office or position.
33 (2) Any officer or employee of the city who shall forfeit an office or position as described
34 in paragraph (1) of this subsection shall be ineligible for appointment or election to or
35 employment in a position in the city government for a period of three years thereafter.

SECTION 2.16.

Inquiries and investigations.

Following the adoption of an authorizing resolution, 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 city council shall be punished as provided by ordinance.

SECTION 2.17.

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.

SECTION 2.18.

Eminent domain.

The city council is 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, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detenional, 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 2.19.

Organizational meetings.

The city council shall hold an organizational meeting on the first Tuesday in January following an election the preceding November. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

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

4 **SECTION 2.20.**

5 Regular and special meetings.

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

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

17 (c) All meetings of the city council shall be public to the extent required by law and notice
18 to the public of special meetings shall be made fully as is reasonably possible as provided by
19 Code Section 50-14-1 of the Official Code of Georgia Annotated or other such applicable
20 laws as are or may hereafter be enacted.

21 **SECTION 2.21.**

22 Rules of procedure.

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

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

SECTION 2.22.

Quorum; voting.

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 the charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as not voting.

SECTION 2.23.

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 governmental authority of the City of Shiloh" 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 in Section 2.25 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 2.24.

Action requiring an ordinance.

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

SECTION 2.25.

Emergencies.

(a) 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 promptly adopt an

1 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
2 franchise; regulate the rate charged by any public utility for its services; or authorize the
3 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
4 shall be introduced in the form prescribed for ordinances generally, except that it shall be
5 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
6 a declaration stating that an emergency exists and describing the emergency in clear and
7 specific terms. An emergency ordinance may be adopted, with or without amendment, or
8 rejected at the meeting at which it is introduced, but the affirmative vote of at least two
9 councilmembers shall be required for adoption. It shall become effective upon adoption or
10 at such later time as it may specify. Every emergency ordinance shall automatically stand
11 repealed 30 days following the date upon which it was adopted, but this shall not prevent
12 reenactment of the ordinance in the manner specified in this section if the emergency still
13 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
14 in the same manner specified in this section for adoption of emergency ordinances.

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

SECTION 2.26.

Codes of technical regulations.

21 (a) The city council may adopt any standard code of technical regulations by reference
22 thereto in an adopting ordinance. The procedure and requirements governing such adopting
23 ordinance shall be a prescribed for ordinances generally except that: (1) the requirements of
24 subsection (b) of Section 2.23 of this charter for distribution and filing of copies of the
25 ordinance shall be construed to include copies of any code of technical regulations, as well
26 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
27 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
28 Section 2.27 of this charter.

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

SECTION 2.27.

2 Signing; authenticating; recording; codification; printing.

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

5 (b) The city council shall provide for the preparation of a general codification of all the
6 ordinances of the city having the force and effect of law. The general codification shall be
7 adopted by the city council by ordinance and shall be published promptly, together with all
8 amendments thereto and such codes of technical regulations and other rules and regulations
9 as the city may specify. This compilation shall be known and cited officially as "The Code
10 of the City of Shiloh, Georgia." Copies of the code shall be furnished to all officers,
11 departments, and agencies of the city and made available for purchase by the public at a
12 reasonable price as fixed by the city council.

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

SECTION 2.28.

23 Election of mayor; forfeiture; compensation.

24 The mayor shall be elected and serve for a term of four years and until a successor is elected
25 and qualified. The mayor shall be a qualified elector of this city and shall have been a
26 resident of the city for 12 months prior to the election. The mayor shall continue to reside
27 in this city during the period of service. The mayor shall forfeit the office on the same
28 grounds and under the same procedure as for councilmembers. The compensation of the
29 mayor shall be established in the same manner as for councilmembers.

SECTION 2.29.

2 Mayor pro tem.

3 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
4 The mayor pro tem. shall assume the duties and powers of the mayor during the mayor's
5 physical or mental disability or absence. Any such disability or absence shall be declared by
6 a majority vote of the city council. The mayor pro tem. shall sign all contracts and
7 ordinances in which the mayor has a disqualifying financial interest as provided in Sections
8 2.14 and 2.15 of this charter. The term of office for the mayor pro tem. shall be one year.

SECTION 2.30.

10 Powers and duties of mayor.

11 The mayor shall:
12 (1) Preside at all meetings of the city council;
13 (2) Be the head of the city for the purpose of service of process and for ceremonial
14 purposes and be the official spokesperson for the city and the chief advocate of policy;
15 (3) Have the power to administer oaths and to take affidavits;
16 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
17 ordinances, and other instruments executed by the city which by law are required to be in
18 writing;
19 (5) Vote on matters before the city council only in the event of a tie vote among the
20 councilmembers;
21 (6) Prepare and submit to the city council a recommended annual operating budget and
22 recommended capital budget;
23 (7) Fulfill such other executive and administrative duties as the city council shall by
24 ordinance establish; and
25 (8) Not be counted toward a quorum at city council meetings.

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

29 Administrative and service departments.

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

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

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

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

10 (e) All appointed officers and directors under the supervision of the mayor shall be
11 nominated by the mayor with confirmation of appointment by the city council. All appointed
12 officers, directors, and chiefs shall be employees at will and subject to suspension at any time
13 by the mayor and removal by the city council unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

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

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

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

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

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

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

- 1 (g) All board members serve at will and may be removed at any time by a vote of three
- 2 members of the city council, unless otherwise provided by law.
- 3 (h) Except as otherwise provided by this charter or by law, each board, commission, or
- 4 authority of the city shall elect one of its members as chair and one member as vice chair and
- 5 may elect as its secretary one of its own members or may appoint as secretary an employee
- 6 of the city. Each board, commission, or authority of the city government may establish such
- 7 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
- 8 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
- 9 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the
- 10 city.

ADMINISTRATIVE OFFICERS

SECTION 3.12.

City attorney.

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

SECTION 3.13.

City clerk.

24 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
25 shall be custodian of the official city seal and city records; maintain city council records
26 required by this charter; and perform such other duties as may be required by the city
27 council.

1 **PERSONNEL ADMINISTRATION**2 **SECTION 3.14.**

3 Position classification and pay plans.

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

10 **SECTION 3.15.**

11 Personnel policies.

12 All employees serve at will and may be removed from office at any time unless otherwise
13 provided by ordinance. All employees shall be informed by the mayor that they serve at will
14 at the time of their first employment.

15 ARTICLE IV

16 MUNICIPAL COURT

17 **SECTION 4.10.**

18 Creation; name.

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

20 **SECTION 4.11.**

21 Chief judge; associate judge.

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

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

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

29 (d) Judges serve for one-year terms ending December 31 of each year and may be
30 reappointed without limitation.

1 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
2 will honestly and faithfully discharge the duties of the office to the best of that person's
3 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
4 the city council journal required in Section 2.21 of this charter.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

12 (b) The municipal court shall have authority to punish those in its presence for contempt,
13 provided that such punishment shall not exceed \$1,000.00 or 180 days in jail.

14 (c) The municipal court may fix punishment for offenses within its jurisdiction not
15 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
16 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
17 or hereafter provided by law.

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

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

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

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

ARTICLE V

ELECTIONS AND REMOVAL

SECTION 5.11.

Election of the city council and mayor.

30 (a) There shall be a municipal general election every four years beginning on the Tuesday
31 next following the first Monday in November, 2003.

1 (b) There shall be elected the mayor and four councilmembers at one election and at every
2 other election thereafter. The council positions shall be designated as Mayor, Council Post
3 1, Council Post 2, Council Post 3, and Council Post 4.

4 (c) The city council shall appoint a city superintendent of elections pursuant to Chapter 2 of
5 Title 21 of the Official Code of Georgia Annotated, known as the "Georgia Election Code,"
6 or such other applicable laws as are or may hereafter be enacted.

7 **SECTION 5.12.**

8 Nonpartisan elections.

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

11 **SECTION 5.13.**

12 Plurality elections.

13 The person receiving a plurality of the votes cast for any city office shall be elected.

14 **SECTION 5.14.**

15 Special elections; vacancies.

16 In the event that the office of mayor or councilmember shall become vacant as provided in
17 Section 2.12 of this charter, the city council or those remaining shall order a special election
18 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
19 occurs within 12 months of the expiration of the term of that office, the city council or those
20 remaining shall appoint a successor for the remainder of the term. In all other respects, the
21 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
22 Official Code of Georgia Annotated, known as the "Georgia Election Code," as now or
23 hereafter amended, or such other applicable laws as are or may hereafter be enacted.

24 **SECTION 5.15.**

25 Other provisions.

26 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
27 such rules and regulations it deems appropriate to fulfill any options and duties under
28 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, known as the "Georgia
29 Election Code," or such other applicable laws as are or may hereafter be enacted.

SECTION 5.16.

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 causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

(1) Following a hearing at which an impartial panel shall render a decision. 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. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this paragraph shall have the right of appeal from the decision of the city council to the Superior Court of Harris 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 Harris County following a hearing on a complaint seeking such removal brought by any resident of the City of Shiloh.

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

Property tax.

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

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by

1 ordinance, may provide for the payment of these taxes by installments or in one lump sum,
2 as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

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

SECTION 6.13.

Regulatory fees; permits.

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

SECTION 6.14.

Franchises.

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

29 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
30 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
31 street railways, telephone companies, electric companies, electric membership corporations.

1 cable televisions and other telecommunications companies, gas companies, transportation
2 companies, and other similar organizations.

SECTION 6.15.

Service charges.

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

SECTION 6.16.

Special assessments.

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

SECTION 6.17.

Construction; other taxes and fees.

19 This city shall be empowered to levy any other tax or fee allowed now or hereafter by law,
20 and the specific mention of any right, power, or authority in this article shall not be construed
21 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.

24 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
25 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
26 whatever reasonable means as are not precluded by law. This shall include providing for the
27 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
28 fi.fa.́s; creation and priority of liens; making delinquent taxes and fees personal debts of the

- 1 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
- 2 city taxes or fees; and providing for the assignment or transfer tax executions.

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

19 Lease-purchase contracts.

20 The city may enter into multiyear lease, purchase or lease-purchase contracts for the
21 acquisition of goods, materials, real and personal property, services, and supplies, provided
22 the contract terminates without further obligation on the part of the municipality at the close
23 of the calendar year in which it was executed and at the close of each succeeding calendar
24 year for which it may be renewed. Contracts must be executed in accordance with the
25 requirements of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other
26 such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Preparation of budgets.

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

SECTION 6.25.

13 Submission of operating budget to city council.

14 On or before a date fixed by the city council but not later than 60 days prior to the beginning
15 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
16 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
17 containing a statement of the general fiscal policies of the city, the important features of the
18 budget, explanations of major changes recommended for the next fiscal year, a general
19 summary of the budget, and other pertinent comments and information. The operating
20 budget and the capital budget provided for in Section 6.29 of this charter, the budget
21 message, and all supporting documents shall be filed in the office of the city clerk and shall
22 be open to public inspection.

SECTION 6.26.

24 Action by city council on budget.

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

1 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
2 fiscal year not later than December 31 of each year. If the city council fails to adopt the
3 budget by this date, the amounts appropriated for operation for the current fiscal year shall
4 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
5 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
6 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
7 the estimated revenues in detail by sources and making appropriations according to fund and
8 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
9 adopted pursuant of Section 6.24 of this charter.

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

SECTION 6.27.

Tax levies.

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

SECTION 6.28.

Changes in appropriations.

24 The city council, by ordinance, may make changes in the appropriations contained in the
25 current operating budget at any regular meeting or any special or emergency meeting called
26 for such purpose, but any additional appropriations may be made only from an existing
27 unexpended surplus.

SECTION 6.29.

Capital budget.

30 (a) On or before the date fixed by the city council but no later than 60 days prior to the
31 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

1 improvements plan with a recommended capital budget containing the means of financing
2 the improvements proposed for the ensuing fiscal year. The city council shall have power
3 to accept, with or without amendments, or reject the proposed plan and proposed budget.
4 The city council shall not authorize an expenditure for the construction of any building,
5 structure, work, or improvement unless the appropriations for such project are included in
6 the capital budget, except to meet a public emergency as provided in Section 2.25 of this
7 charter.

8 (b) The city council shall adopt, by ordinance, the final capital budget for the ensuing fiscal
9 year not later than December 31 of each year. No appropriation provided for in a prior
10 capital budget shall lapse until the purpose for which the appropriation was made shall have
11 been accomplished or abandoned; provided, however, the mayor may submit amendments
12 to the capital budget at any time during the fiscal year, accompanied by recommendations.
13 Any such amendments to the capital budget shall become effective only upon adoption by
14 ordinance.

15 **SECTION 6.30.**

16 Independent audit.

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

23 **PROCUREMENT AND PROPERTY MANAGEMENT**

24 **SECTION 6.31.**

25 Contracting procedures.

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

- 27 (1) It is in writing;
28 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
29 course, is signed by the city attorney to indicate such drafting or review; and
30 (3) It is made or authorized by the city council and such approval is entered in the city
31 council journal of proceedings pursuant to Section 2.21 of this charter.

SECTION 6.32.

Centralized purchasing.

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

SECTION 6.33.

Sale and lease 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 enjoyment of 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.

Existing ordinances, resolutions, rules, and regulations.

Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this charter shall continue in force, unless repealed or amended, for one year from the effective date of this charter. During such one-year period, the city council shall review all such provisions and shall readopt, repeal, or amend each, so that a codification as provided by subsection (b) of Section 2.26 of this charter is accomplished.

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and appointed officers of city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 180 days before or during which 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 7.13.

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 7.14.

Construction.

(a) Section captions in this charter are informative only and are not to 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.

1 **SECTION 7.15.**

2 Effective date.

3 This charter shall become effective on July 1, 2001.

4 **SECTION 7.16.**

5 Specific repealer.

6 An Act incorporating the City of Shiloh in the County of Harris, approved February 14, 1961

7 (Ga. L. 1961, p. 2045), is repealed in its entirety and all amendatory acts thereto are likewise

8 repealed in their entirety.

9 **SECTION 7.17.**

10 General repealer.

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

1 Appendix A
2 The boundaries or corporate limits of said city shall be and are defined as follows:

3 Tract I:
4 ALL that territory and the inhabitants thereof embraced and contained within Land Lot
5 numbered 113 of the Second Land District of Harris County, Georgia and Land Lots 294,
6 283, 258, 247 and 222 of the Twenty-Second Land District of Harris County, Georgia.

7 Tract II:
8 ALL that tract or parcel of land lying and being in the 22nd Land District of Harris County,
9 Georgia, and being a part of Land Lot No. 284 according to a plat of survey dated the 10th
10 day of July, 1986, by R. V. Haralson, Official County Surveyor for Harris County, a Political
11 Subdivision of the State of Georgia. The aforesaid plat is recorded in Plat Book 13 at page
12 167, in the Office of the Clerk of Superior Court of Harris County, Georgia. The aforesaid
13 plat is hereby made a part of this deed by reference thereto for a more complete description
14 of the above described property. Said tract contains 125.29 acres, more or less.

15 Tract III:
16 ALL that tract or parcel of land lying and being in Land Lots 248 and 257 of the 22nd Land
17 District of Harris County, Georgia containing 18.07 acres and being the identical land shown
18 on a Plat of Survey captioned "Plat of the Property of Linda B. McDaniel, 22nd Land
19 District, Harris County, Georgia, Located in Land Lots 248 and 257", dated June 11, 1991,
20 prepared by Hugh P. Riley, Registered Land Surveyor and recorded in Plat Book 17 at Page
21 119 of the records of the Clerk of Superior Court of Harris County, Georgia, reference to
22 which is hereby made for a more complete and accurate description, said property lying and
23 being in the Town of Shiloh.

24 Tract IV:
25 BEING that tract of property in the 22nd Land District of Harris County, Georgia, lying
26 just West of the Old Shiloh Primitive Baptist Church known as the Old Chapman Place, also
27 being all that tract or parcel of land, situate, lying and being in Land Lot 248 of the 22nd
28 Land District of Harris County, Georgia, consisting of 25.2 acres of land, more or less, and
29 more particularly described as follows:

30 BEGINNING at a point on the North line of said Land Lot 248, said point being fixed 654
31 feet East from the original Northwest corner of said Land Lot Number 248, and extending
32 thence Easterly along the North line of Land Lot Number 248 a distance of 824 feet; thence
33 South 968 feet to a point on the North right of way line of the public highway known as

1 Georgia Highway Number 116; thence Westerly and Southwesterly along said North right
2 of way line of Georgia Highway Number 116 a distance of 1008 feet; thence North 1540 feet
3 to the point of beginning affixed on the North line of said Land Lot Number 248. This tract
4 of land being the sum total of the three tract of land conveyed to Clyde Chapman by the
5 following deeds:

6 Deed from Ray Chapman, et al, to Clyde Chapman dated in March, 1961 and recorded in
7 Harris County, Georgia, in Deed Book 34 at page 269;

8 Deed from Ray Chapman to Clyde Chapman dated in March, 1961 and recorded in Harris
9 County, Georgia, in Deed Book 33 at page 519;

10 Deed from Talmadge Chapman to Clyde Chapman dated March, 1961, and recorded in
11 Harris County, Georgia, in Deed Book 33 at page 519.

12 See Plat recorded Plat Book 1, page 355.

13 The description set forth in said three deeds and plat are hereby incorporated herein for a
14 more perfect and complete description of the tract hereby conveyed.

15 Tract V:

16 BEGINNING at a point at the Northwest corner of said Land Lot 248 and go thence along
17 the North land lot of said lot a distance of 432 feet to an iron pin located on the North land
18 lot line of said lot which is beginning point herein, thence running South a distance of 1615
19 feet to an iron pin located on the North right of way of Georgia Highway No. 116, thence
20 running East along North right of way line a distance of 240 feet to an iron pin, thence
21 running North a distance of 1540 feet to an iron pin located on the North Land Lot 248,
22 thence running West along said Land Lot line a distance of 226 feet to the point of beginning
23 herein. All according to a Plat of Survey prepared by Ernest Porch dated 2/19/61 and
24 recorded in Plat Book 1 at page 355 of the deed records of said county.

25 BEING the identical tract of land conveyed to Julian Chapman by deed recorded March 24,
26 1961 in Harris County, Georgia, in Deed Book 34, at page 274.

27 This conveyance is made subject to all valid and enforceable restrictive covenants, zoning
28 ordinances and easements of record or in actual existence upon said property.

29 Tract VI:

30 ALL that tract or parcel of land situate, lying and being in the 22nd Land District, Land Lot
31 248, being the property of Friendship Primitive Baptist Church, and being more particularly
32 described as follows:

33 BEGIN at the intersection of the southwest corner of the McDaniel Tract as depicted in a
34 plat recorded Plat Book 17, page 119, Harris County records, said southwest corner being
35 on the northern right of way of Georgia Highway 116; thence proceed North 23 degrees 01

1 minutes 46 seconds West a distance of 198.60 feet; thence proceed South 74 degrees 09
2 minutes 28 seconds West a distance of 342.05 feet; thence proceed South 01 degree 22
3 minutes 08 seconds East to the northern right of way of Georgia Highway 116; thence
4 proceed in an easterly and northeasterly direction along the north right of way of Highway
5 116 to the point of beginning. Said tract contains 1.6 acres, more or less.

6 Tract VII:

7 ALL that tract or parcel of land lying and being Sector One, Shiloh Hills Subdivision, in
8 Land Lot 257 of the 22nd Land District of Shiloh, Harris County, Georgia as shown on a plat
9 of survey entitled, "Plat of Sector One, Shiloh Hills, Land Lot 257, 22nd Land District,
10 Shiloh, Harris County, Georgia", dated April 17th, 1972, prepared by Hugh Riley and
11 Associates, Registered Land Surveyors as recorded in Plat Book 4 at page 283, Office of the
12 Clerk, Superior Court of Harris County, Georgia, reference to which is hereby made for a
13 more complete and accurate description.