

House Bill 891

By: Representative Stokes of the 92nd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Oxford; to provide for incorporation, boundaries,
2 and powers of the city; to provide for a governing authority of such city and the powers,
3 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 mayor, mayor pro tempore, and city council 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, a city treasurer, a city accountant, and other personnel and matters
11 relating thereto; to provide for rules and regulations; to provide for a municipal court and the
12 judge or judges thereof and other matters relative to those judges; to provide for the court's
13 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
14 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,
15 service charges, and assessments; to provide for bonded and other indebtedness; to provide
16 for auditing, accounting, budgeting, and appropriations; to provide for city contracts and
17 purchasing; to provide for the conveyance of property and interests therein; to provide for
18 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing
19 personnel; to provide for penalties; to provide for definitions and construction; to provide for
20 other matters relative to the foregoing; to provide for severability; to repeal specific Acts;
21 to provide for an effective date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 all times shall be shown on a map, a written description, or any combination thereof to be
 2 retained permanently in the office of the city clerk of the city and to be designated as the
 3 "Official Comprehensive Zoning Map (or Description), City of Oxford, Georgia."
 4 Photographic, typed, or other copies of such map or description certified by the city clerk
 5 shall be admitted as evidence in all courts and shall have the same force and effect as with
 6 the original map or description. The mayor and council may provide for the redrawing of
 7 any such map by resolution to reflect lawful changes in the corporate boundaries. A redrawn
 8 map shall supersede for all purposes the entire map or maps which it is designated to replace.

9 **SECTION 1.12.**

10 Municipal powers and construction.

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

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

18 **SECTION 1.13.**

19 Examples of powers.

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

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

24 (2) Alcoholic beverages. Liquors are not to be kept for sale. The keeping for sale,
 25 selling, or offering for sale of any spirituous, vinous, malt, or fermented wines or liquors
 26 within the corporate limits of said city is hereby prohibited forever. The mayor and
 27 council of the City of Oxford shall have no power or authority to license the sale thereof
 28 and it shall be their duty to enforce this prohibition by the enactment of necessary
 29 ordinances with suitable penalties for violation;

30 (3) Animal regulations. To regulate and license or to prohibit the keeping or running at
 31 large of animals and fowl and to provide for the impoundment of same if in violation of
 32 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

1 destruction of animals and fowl when not redeemed as provided by ordinance; and to
2 provide punishment for violation of ordinances enacted under this charter;

3 (4) Appropriations and expenditures. To make appropriations for the support of the
4 government of the city; to authorize the expenditure of money for any purposes
5 authorized by this charter and for any purpose for which a municipality is authorized by
6 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

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

14 (7) Cemeteries. The mayor and council shall have jurisdiction over all cemeteries
15 belonging to or located in said city and may provide by ordinance for a public cemetery.
16 They may appoint such employees to superintend the care thereof as they deem proper.
17 They may enact ordinances to prevent trespass therein and to prevent any person from
18 defacing any work therein. They may regulate the charges for grave digging, hearse fees,
19 and any and every thing pertaining to the care and operation of such cemeteries;

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

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

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

30 (11) Environmental protection. To protect and preserve the natural resources,
31 environment, and vital areas of the city through the preservation and improvement of air
32 quality, the restoration and maintenance of water resources, the control of erosion and
33 sedimentation, the management of solid and hazardous waste, and other necessary
34 actions for the protection of the environment;

35 (12) Fire regulations. To fix and establish fire limits and from time to time to extend,
36 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 (13) 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 said city or doing business therein and benefitting from such services; to
7 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
8 method of collecting such service charges;

9 (14) 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 (15) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
14 any purpose related to the 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 (16) Health and sanitation. To prescribe standards of health and sanitation and to
17 provide for the enforcement of such standards;

18 (17) 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 squares in the city; to provide for commitment of such persons to any jail; or to provide
21 for commitment of such persons to any county work camp or county jail by agreement
22 with the appropriate county officials;

23 (18) 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 (19) 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 (20) 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 (21) Municipal property ownership. To acquire, dispose of, 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 (22) 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 (23) 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
6 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
7 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
8 assessments, regulations, and penalties; to provide for the withdrawal of service for
9 refusal or failure to pay the same; to authorize the extension of water, sewerage, and
10 electrical distribution systems and all necessary appurtenances by which said utilities are
11 distributed, inside and outside the corporate limits of the city; and to provide utility
12 services to persons, firms, and corporations inside and outside the corporate limits of the
13 city as provided by ordinance;

14 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
15 or private property;

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

18 (26) Planning and zoning. To provide comprehensive city planning for development by
19 zoning; and to provide subdivision regulation and the like as the mayor and council deem
20 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

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

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

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

- 1 (30) Public peace. To provide for the prevention and punishment of intoxication, riots,
2 and public disturbances;
- 3 (31) Public transportation. To organize and operate such public transportation systems
4 as are deemed beneficial;
- 5 (32) Public utilities and services. To grant franchises or make contracts for public
6 utilities and public services and to prescribe the rates, fares, regulations, standards, and
7 conditions of service applicable to the service to be provided by the franchise grantee or
8 contractor, insofar as not in conflict with valid regulations of the Public Service
9 Commission;
- 10 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
11 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
12 and all other structures or obstructions upon or adjacent to the rights of way of streets and
13 roads or within view thereof, within or abutting the corporate limits of the city; and to
14 prescribe penalties and punishment for violation of such ordinances;
- 15 (34) Retirement. To provide and maintain a retirement plan for officers and employees
16 of the city;
- 17 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
18 of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light
19 the roads, alleys, and walkways within the corporate limits of the city; to negotiate and
20 execute leases over, through, under, or across any city property or the right of way of any
21 street, road, alley, and walkway or portion thereof within the corporate limits of the city,
22 for bridges, passageways, or any other purpose or use between buildings on opposite
23 sides of the street and for other bridges, overpasses, and underpasses for private use at
24 such location and to charge a rental therefor in such manner as may be provided by
25 ordinance; to authorize and control the construction of bridges, overpasses, and
26 underpasses within the corporate limits of the city; to grant franchises and rights of way
27 throughout the streets and roads and over the bridges and viaducts for the use of public
28 utilities and for private use; and to require real estate owners to repair and maintain in a
29 safe condition the sidewalks adjoining their lots or lands and to impose penalties for
30 failure to do so;
- 31 (36) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
32 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
33 and sewerage system and to levy on those to whom sewers and sewerage systems are
34 made available a sewer service fee, charge, or sewer tax for the availability or use of the
35 sewers; to provide for the manner and method of collecting such service charges and for
36 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
37 or fees to those connected with the system;

- 1 (37) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
2 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
3 others and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
4 and other recyclable materials;
- 5 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
6 the manufacture, sale, or transportation of intoxicating liquors and drugs, and the use of
7 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
8 flammable materials, the use of lighting and heating equipment, and any other business
9 or situation which may be dangerous to persons or property; to regulate and control the
10 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
11 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
12 professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 13 (39) Special assessments. To levy and provide for the collection of special assessments
14 to cover the costs for any public improvements;
- 15 (40) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
16 and collection of taxes on all property subject to taxation;
- 17 (41) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
18 future by law;
- 19 (42) Trees. The mayor and council shall have full power and authority to adopt and
20 enforce ordinances for the protection and preservation of trees on the streets, public
21 places, cemeteries, and parks in said city and to prevent the cutting, impairing, or
22 mutilations thereof by telephone, telegraph, or electric light linemen or employees or any
23 other person unless the same is done under and with the express and formal consent of
24 the mayor and council or some officer appointed by them to direct the same, and then
25 only when absolutely necessary for the public service or safety;
- 26 (43) Urban redevelopment. To organize and operate an urban redevelopment program;
- 27 (44) Vehicles for Hire. To regulate and license vehicles operated for hire in the city; to
28 limit the number of such vehicles; to require the operators thereof to be licensed; to
29 require public liability insurance on such vehicles in the amounts to be prescribed by
30 ordinance; and to regulate the parking of such vehicles; and
- 31 (45) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
32 and immunities necessary or desirable to promote or protect the safety, health, peace,
33 security, good order, comfort, convenience, or general welfare of the city and its
34 inhabitants; to exercise all implied powers necessary to carry into execution all powers
35 granted in this charter as fully and completely as if such powers were fully stated herein;
36 to exercise all powers now or in the future authorized to be exercised by other municipal
37 governments under other laws of the State of Georgia; and no listing of particular powers

1 in this charter shall be held to be exclusive of others, nor restrictive of general words and
2 phrases granting powers, but shall be held to be in addition to such powers unless
3 expressly prohibited to municipalities under the Constitution or applicable laws of the
4 State of Georgia.

5 **SECTION 1.14.**

6 Exercise of powers.

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

11 **ARTICLE II.**

12 **GOVERNMENT STRUCTURE**

13 **SECTION 2.10.**

14 City council creation; number; election.

15 The legislative authority of the government of this city, except as otherwise specifically
16 provided in this charter, shall be vested in a city council to be composed of a mayor and six
17 councilmembers. The mayor and councilmembers shall be elected in the manner provided
18 by this charter.

19 **SECTION 2.11.**

20 City council terms and qualifications for office.

21 The members of the city council shall serve for terms of four years and until their respective
22 successors are elected and sworn in. No person shall be eligible to serve as mayor or
23 councilmember unless he or she shall have been a resident of the city for 12 months prior to
24 the date of qualification for the election of mayor or councilmember, as the case may be.
25 Each such official shall continue to reside in the city during his or her period of service and
26 continue to be registered and qualified to vote in municipal elections of this city.

SECTION 2.12.

Vacancy; suspensions; filling of vacancies.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by the mayor and council. A failure to take the oath of office within 15 days after the first day of January, unless for providential cause, shall operate to vacate the office of the mayor or councilmember.

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

(c) Filling vacancy. In the event of a vacancy in the office of mayor or councilmember prior to the expiration of a regular term of office, the remaining councilmembers and mayor, if any, shall fill the vacant office for the unexpired term, provided that the person or persons selected shall meet the requirements of Section 2.11 of 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) Officers as trustees. 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.

(b) 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 his or her official

1 duties or which would tend to impair the independence of his or her judgment or action
2 in the performance of his or her official duties;

3 (2) Engage in or accept private employment or render services for private interests when
4 such employment or service is incompatible with the proper discharge of his or her
5 official duties or would tend to impair the independence of his or her judgment or action
6 in the performance of his or her official duties;

7 (3) Disclose confidential information concerning the property, government, or affairs of
8 the governmental body by which he or she is engaged without proper legal authorization
9 or use such information to advance the financial or other private interest of himself or
10 herself or others;

11 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
12 from any person, firm, or corporation which to his or her knowledge is interested, directly
13 or indirectly, in any manner whatsoever, in business dealings with the governmental body
14 by which he or she is engaged; provided, however, that an elected official who is a
15 candidate for public office may accept campaign contributions and services in connection
16 with any such campaign;

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

19 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
20 any business or entity in which he or she has a financial interest.

21 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
22 private financial interest, directly or indirectly, in any contract or matter pending before or
23 within any department of the city shall disclose such private interest to the city council. The
24 mayor or any councilmember who has a private interest in the matter pending before mayor
25 and council shall disclose such private interest and such disclosure shall be entered on the
26 records of the city council and he or she shall disqualify himself or herself from participating
27 in any decision or vote relating thereto. Any elected official, appointed officer, or employee
28 of any agency or political entity to which this charter applies who shall have any private
29 financial interest, directly or indirectly, in any contract or matter pending before or within
30 such entity shall disclose such private interest to the governing body of such agency or entity.

31 (d) Use of public property. No elected official, appointed officer, or employee of the city
32 or any agency or entity to which this charter applies shall use property owned by such
33 governmental entity for personal benefit, convenience, or profit except in accordance with
34 policies promulgated by mayor and council or the governing body of such agency or entity.

35 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
36 knowledge, express or implied, of a party to a contract or sale shall render said contract or
37 sale voidable at the option of the mayor and council.

1 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
2 any councilmember shall hold any other elective or appointive office in city government
3 during the term for which he or she was elected.

4 (g) Political activities of certain officers and employees. No appointed officer and no
5 employee of the city shall continue in such employment upon qualifying as a candidate for
6 nomination or election to any public office.

7 (h) Penalties for violation.

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

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

15 **SECTION 2.15.**

16 Inquiries and investigations.

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

22 **SECTION 2.16.**

23 General power and authority of the mayor and council.

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

26 **SECTION 2.17.**

27 Eminent domain.

28 The mayor and council are empowered to acquire, construct, operate, and maintain public
29 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
30 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
31 hospitals, and charitable, educational, recreational, sport, curative, correctional, detentional,

1 penal, and medical institutions, agencies, and facilities and any other public improvements,
2 inside or outside the city, and to regulate the use thereof and, for such purposes, property
3 may be condemned under procedures established under general law applicable now or as
4 provided in the future.

5 **SECTION 2.18.**

6 Organizational meetings.

7 The mayor and council shall hold an organizational meeting on the first Monday of each
8 year, unless such date falls on a holiday, then on the second Monday. The meeting shall be
9 called to order by a legal officer of the court and the oath of office shall be administered to
10 the mayor and councilmembers as follows:

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

14 **SECTION 2.19.**

15 Regular and special meetings.

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

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

27 (c) All meetings of the mayor and council shall be public to the extent required by law and
28 notice to the public of special meetings shall be made as fully as is reasonably possible prior
29 to such meetings.

SECTION 2.20.

Rules of procedure.

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

(b) All committees, boards, and commissions of citizens shall be appointed by the mayor and council and shall serve at their pleasure. The mayor and council shall have the power to appoint new members to any committee at any time and each committee may appoint its own chairperson, if said chairperson has not been specially appointed by the mayor and council.

SECTION 2.21.

Quorum; voting.

Five councilmembers, one of whom may be the mayor, 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 or raising of right hand 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 four councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 2.22.

Ordinance form; procedure.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The Council of the City of Oxford 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 mayor and council in accordance with the rules which they shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided 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 mayor and council may designate.

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the mayor and council may convene on call of the mayor or four councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing such emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 2.25.

Code of technical regulations.

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

- (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

1 (2) A copy of each adopted code of technical regulations, as well as the adopting
2 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26 of
3 this charter.

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

6 **SECTION 2.26.**

7 Signing; authenticating; recording; codification; printing.

8 (a) The clerk shall authenticate by his or her signature and record in full in a properly
9 indexed book kept for that purpose all ordinances and resolutions adopted by the council.

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

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

28 **SECTION 2.27.**

29 Election of mayor; forfeiture; compensation.

30 The mayor shall be elected and shall serve for a term of four years and until his or her
31 successor is elected and qualified. The mayor shall be a qualified elector of the city and shall
32 have been a resident of the city for 12 months prior to his or her qualification for his or her
33 election. The mayor shall continue to reside in this city during the period of his or her

1 service. He or she shall forfeit his or her office on the same grounds and under the same
 2 procedure as for councilmembers. The compensation of the mayor shall be established in the
 3 same manner as for councilmembers.

4 **SECTION 2.28.**

5 Chief executive officer.

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

9 **SECTION 2.29.**

10 Powers and duties of mayor.

11 As the chief executive of this city, 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
 18 in writing;
- 19 (5) Vote on matters before the mayor and council and be counted toward a quorum as
 20 any other councilmember;
- 21 (6) Have prepared and submitted to the council a recommended annual operating budget
 22 and recommended capital budget;
- 23 (7) Assign councilmembers to their committees of responsibilities each year at the first
 24 scheduled council meeting; and
- 25 (8) Fulfill such other executive and administrative duties as the mayor and council shall
 26 establish by ordinance.

27 **SECTION 2.30.**

28 Mayor pro tempore; selection; duties.

29 By a majority vote, the mayor and council shall elect a councilmember to serve as mayor pro
 30 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
 31 assume the duties and powers of the mayor upon the mayor's disability or absence. The

1 mayor and council by a majority vote shall elect a new presiding officer from among the
 2 councilmembers for any period in which the mayor pro tempore is disabled, absent, or acting
 3 as mayor. Any such absence or disability shall be declared by majority vote of all
 4 councilmembers.

5 **ARTICLE III.**

6 **ADMINISTRATIVE AFFAIRS.**

7 **A. Organization and General Provisions.**

8 **SECTION 3.10.**

9 **Department heads.**

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

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

18 (c) All appointed officers shall receive such compensation as prescribed by ordinance or
 19 resolution.

20 (d) The city clerk shall be the principal administrative officer of the City of Oxford, subject
 21 to the direction and supervision of the mayor, and shall be responsible for the administration
 22 and direction of the affairs and operations of the city.

23 (e) The mayor may suspend or remove any and all appointed city officials, but such
 24 suspension or removal shall not be final for 21 calendar days following the mayor's giving
 25 written notice of such action and the reasons therefor to the appointed city official involved
 26 and to the city council. The appointed city official involved may appeal within 21 days to the
 27 council which, after a hearing, may override the mayor's action by a vote of four
 28 councilmembers.

29 **SECTION 3.11.**

30 **Boards, commissions.**

31 (a) The mayor and council shall create by ordinance or resolution such boards, commissions,
 32 and authorities to fulfill any functions the mayor and council deem necessary and shall by

1 ordinance or resolution establish the composition, period of existence, duties, and powers
2 thereof.

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

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

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

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

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

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

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

29 B. Administrative Officers.

30 **SECTION 3.12.**

31 City attorney.

32 The mayor and council shall appoint a city attorney at the first scheduled meeting of the
33 calendar year for a term of one year, together with such assistant city attorneys as may be
34 authorized, and shall provide for the payment of such attorney or attorneys for services
35 rendered to the city. The city attorney shall be responsible for representing and defending the

1 city in all litigation in which the city is a party; may be solicitor in the municipal court; shall
2 attend the meetings of the council as directed; shall advise the city council, mayor, and other
3 officers and employees of the city concerning legal aspects of the city's affairs; and shall
4 perform such other duties as may be required of him or her by virtue of his or her position
5 as city attorney.

6 **SECTION 3.13.**

7 City clerk.

8 The mayor and council shall appoint a city clerk at the first scheduled meeting of the
9 calendar year for a term of one year who shall not be a councilmember. The city clerk shall
10 be custodian of the official city seal; maintain city council records required by this charter;
11 and perform such other duties as may be required by the city council.

12 **SECTION 3.14.**

13 City treasurer.

14 1. The mayor and council may appoint a city treasurer at the first scheduled meeting of the
15 calendar year for a term of one year to collect all taxes, licenses, fees, and other moneys
16 belonging to the city subject to the provisions of this charter and the ordinances of the
17 city and to enforce all laws of Georgia relating to the collection of delinquent taxes and
18 sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be
19 responsible for the general duties of a treasurer and fiscal officer.

20 **SECTION 3.15.**

21 Chief of police.

22 The mayor and council shall appoint a chief of police at the first scheduled meeting of the
23 calendar year for a term of one year to perform the duties as the administrative officer of the
24 police department and have all the powers of an arresting officer within the City of Oxford;
25 he or she shall further have all the powers usual and incident to such office; he or she shall
26 have the power to serve all papers, summons, and citations and execute all writs and
27 executions directed by the municipality and the State of Georgia; he or she shall perform all
28 duties prescribed by state law and by this charter, and he or she shall carry out such other
29 duties as the mayor and council may lawfully direct. The municipality through the mayor and
30 council shall have the power to hire additional police officers to assist the chief of police in
31 his or her duties and to act in his or her stead.

SECTION 3.16.

Municipal judge.

The mayor and council shall appoint a municipal judge at the first scheduled meeting of the calendar year for a term of one year whose duty it shall be to try all cases of violation of the city ordinances and perform such functions and acts as may be laid upon him or her by the provisions of this charter or shall be from time to time placed upon him or her by the ordinances or resolutions adopted by the mayor and council of the City of Oxford.

C. Personnel Administration.

SECTION 3.17.

Position classification and pay plans.

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

SECTION 3.18.

Personnel policies.

The mayor and council shall 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, 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.

1 ARTICLE IV.

2 JUDICIAL BRANCH.

3 **SECTION 4.10.**

4 Municipal court.

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

6 **SECTION 4.11.**

7 Judges.

8 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
9 or stand-by judges as shall be provided by ordinance. The method of selection and terms of
10 such judges shall be provided by ordinance.11 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
12 he or she shall have attained the age of 25 years and shall have a high school diploma or its
13 equivalent. The chief judge shall be nominated and appointed by the mayor and council and
14 shall serve at the pleasure of the mayor and council. All other judges shall be nominated by
15 the chief judge and appointed by the mayor and city council.

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

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

18 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
19 will honestly and faithfully discharge the duties of his or her office to the best of his or her
20 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
21 the city council journal required in Section 2.20 of this charter.22 **SECTION 4.12.**

23 Convening of court.

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

25 **SECTION 4.13.**

26 Jurisdiction; powers.

27 (a) The municipal court shall try and punish violations of its charter, all city ordinances, and
28 such other violations as provided by law.29 (b) The municipal court shall have authority to punish those in its presence for contempt,
30 provided that such punishment shall not exceed \$200.00 or ten days in jail.

- 1 (c) The municipal court may fix punishment for offenses within its jurisdiction not
2 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
3 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
4 or hereafter provided by law.
- 5 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
6 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and
7 catering of prisoners bound over to superior courts for violations of state law.
- 8 (e) The municipal court shall have authority to establish bail and recognizances to ensure
9 the presence of those charged with violations before said court and shall have discretionary
10 authority to accept cash or personal or real property as surety for the appearance of persons
11 charged with violations. Whenever any person shall give bail for his or her appearance and
12 shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
13 presiding at such time and an execution issued thereon by serving the defendant and his or
14 her sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event
15 that cash or property is accepted in lieu of bond for security for the appearance of a defendant
16 at trial and if such defendant fails to appear at the time and place fixed for trial, the cash so
17 deposited shall be on order of the judge declared forfeited to the city or the property so
18 deposited shall have a lien against it for the value forfeited, which lien shall be enforceable
19 in the same manner and to the same extent as a lien for city property taxes.
- 20 (f) The municipal court shall have the same authority as superior courts to compel the
21 production of evidence in the possession of any party; to enforce obedience to its orders,
22 judgments, and sentences; and to administer such oaths as are necessary.
- 23 (g) The municipal court may compel the presence of all parties necessary to a proper
24 disposal of each case by the issuance of summonses, subpoenas, and warrants which may be
25 served as executed by any officer as authorized by this charter or by law.
- 26 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
27 persons charged with offenses against any ordinance of the city and each judge of the
28 municipal court shall have the same authority as a magistrate of the state to issue warrants
29 for offenses against state laws committed within the city.
- 30 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout
31 the geographic area of this city granted by law to municipal courts and particularly by such
32 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 violations cases and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Newton 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 mayor and 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 mayor and council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to said proceedings.

ARTICLE V.**ELECTIONS AND REMOVAL.**

A. General Law.

SECTION 5.10.

Applicability of general law.

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

B. Election Of Officers.

SECTION 5.11.

Election of mayor and councilmembers.

(a) There shall be a municipal general election on the Tuesday following the first Monday in November, 2001, and biennially thereafter.

(b) There shall be elected three councilmembers at the first election under this new charter and at every other election thereafter. The remaining city council seats and the office of mayor shall be filled at the election alternating with the first election so that a continuing

1 body is created as provided for in the initial election held pursuant to Section 5.14 of this
2 charter.

3 **SECTION 5.12.**

4 Nonpartisan elections.

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

7 **SECTION 5.13.**

8 Election by majority.

9 The mayor and councilmembers shall be elected by a majority of the votes cast for each
10 position.

11 **SECTION 5.14.**

12 First election under this charter.

13 The first municipal election after the adoption of this charter shall be held in November,
14 2001, at which councilmember positions for Posts 4, 5, and 6 shall be filled. All persons
15 giving notice of candidacy for a city council seat shall designate the post being sought. Posts
16 4, 5, and 6 shall be filled at this first election for an initial term of four years and until their
17 respective successors are elected and sworn in such that a continuing body is created. Each
18 councilmember elected shall serve a full term as provided in Section 2.11 of this charter. The
19 second municipal election after the adoption of this charter shall be held in November, 2003,
20 at which councilmember positions for Posts 1, 2, and 3 and the office of mayor shall be
21 filled. All persons giving notice of candidacy for a city council seat shall designate the post
22 being sought. Posts 1, 2, and 3 shall be filled at this second municipal election for an initial
23 term of four years and until their respective successors are elected and sworn in such that a
24 continuing body is created. Each councilmember elected shall serve a full term as provided
25 in Section 2.11 of this charter. All posts shall be elected at large. The office of mayor shall
26 be filled at this election of November, 2003, for an initial term of four years and until his or
27 her successor is elected and sworn in such that continuing position of mayor is created. The
28 mayor elected shall serve a full term as provided in Section 2.27 of this charter. The position
29 of the mayor shall be filled every four years hereafter.

1 C. Other Provisions.

2 **SECTION 5.15.**

3 Other provisions.

4 Except as otherwise provided by this charter, the mayor and council shall by resolution
5 prescribe such rules and regulations as they deem appropriate to fulfill any options and duties
6 under Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

7 **SECTION 5.16.**

8 Removal of officers.

9 (a) The mayor, councilmembers, or appointed officers provided for in this charter shall be
10 removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A.,
11 or such other applicable laws as are or may hereafter be enacted.

12 (b) Removal of a mayor, councilmember, or appointed officer pursuant to subsection (a) of
13 this section shall be accomplished by one of the following methods:

14 (1) Following a hearing at which an impartial panel shall render a decision. In the event
15 an elected officer is sought to be removed by the action of the city council, such officer
16 shall be entitled to a written notice specifying the ground or grounds for removal and to
17 a public hearing which shall be held not less than ten days after the service of such
18 written notice. The mayor and council shall provide by ordinance for the manner in
19 which such hearing shall be held. Any elected official sought to be removed from office
20 as herein provided shall have the right of appeal from the decision of the mayor and
21 council to the Superior Court of Newton County. Such appeal shall be governed by the
22 same rules as govern appeals to the superior court from the probate court; or

23 (2) By an order of the Superior Court of Newton County following a hearing on a
24 complaint seeking such removal brought by any resident of the City of Oxford.

25 **ARTICLE VI.**

26 **FINANCE.**

27 **A. Taxation and Various Fees**

28 **SECTION 6.10.**

29 Property tax.

30 The mayor and council may assess, levy, and collect an ad valorem tax on all real and
31 personal property within the corporate limits of the city that is subject to such taxation by the
32 state and county. This tax is for the purpose of raising revenues to defray the costs of

1 operating the city government, of providing governmental services, for the repayment of
2 principal and interest on general obligations, and for any other public purpose as determined
3 by the mayor and council in their discretion.

4 **SECTION 6.11.**

5 Millage rate; due date; payment methods.

6 The mayor and council by resolution shall establish a millage rate for the city property tax,
7 a due date, and the time period within which these taxes must be paid. The mayor and
8 council by resolution may provide for the payment of these taxes by voluntary payment of
9 taxes prior to the time when due.

10 **SECTION 6.12.**

11 Occupation taxes and business taxes.

12 The mayor and council by resolution shall have the power to levy such occupation or
13 business taxes as are not denied by law. Such taxes may be levied on both individuals and
14 corporations who transact business in this city or who practice or offer to practice any
15 profession or calling therein to the extent such persons have a constitutionally sufficient
16 nexus to this city to be so taxed. The mayor and council may classify businesses,
17 occupations, professions, or callings for the purpose of such taxation in any way which may
18 be lawful and may compel the payment of such taxes as provided in Section 6.18 of this
19 charter.

20 **SECTION 6.13.**

21 Regulatory licenses, fees, permits.

22 The mayor and council by resolution shall have the power to require any individuals or
23 corporations who transact business in this city or who practice or offer to practice any
24 profession or calling therein to obtain a license or permit for such activity from the city and
25 pay a reasonable fee for such license or permit where such activities are not now regulated
26 by general law in such a way as to preclude city regulation. Such fees may reflect the total
27 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
28 Section 6.18 of this charter. The mayor and council by resolution may establish reasonable
29 requirements for obtaining or keeping such licenses as the public health, safety, and welfare
30 necessitate.

SECTION 6.14.

Franchises.

1
2
3 The mayor and council shall have the power to grant franchises for the use of this city's
4 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
5 companies, cable television, gas companies, transportation companies, and other similar
6 organizations. The mayor and council shall determine the duration, terms, whether the same
7 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
8 however, no franchise shall be granted unless the city receives just and adequate
9 compensation therefor. The mayor and council shall provide for the registration of all
10 franchises with the city clerk in a registration book kept by the clerk. The mayor and council
11 may provide by resolution for the registration within a reasonable time of all franchises
12 previously granted.

SECTION 6.15.

Services charges.

13
14
15 The mayor and council by resolution shall have the power to assess and collect fees, charges,
16 and tolls for sewers, sanitary and health services, fire services, or any other services provided
17 or made available within and outside the corporate limits of the city for the total cost to the
18 city of providing or making available such services. If unpaid, such fees, charges, and tolls
19 shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

Special assessments.

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

SECTION 6.17.

Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

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

B. Borrowing.**SECTION 6.19.**

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Lease-purchase contracts.

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

C. Accounting and Budgeting.

SECTION 6.23.

Fiscal year.

The mayor and council shall set the fiscal year by resolution. 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 6.24.

Preparation of budget.

The mayor and council shall provide a resolution on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvements program, and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 6.25.

Submission of budget to city council.

On or before a date fixed by the mayor and council, but not later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the 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 such other comments and information as he or she may deem pertinent. The operating budget and the capital improvements budget provided for in Section 6.29 of this charter, 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 6.26.

Action by city council on budget.

(a) The mayor and council 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 and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The mayor and council, by resolution, shall adopt the final operating budget for the ensuing fiscal year not later than December 31 of each year. If the mayor and council fail to adopt the budget by this date, the amounts appropriated for operation for the 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 mayor and council adopt a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations resolution 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 resolution adopted pursuant to Section 6.24 of this charter.

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

SECTION 6.27.

Tax levies.

Following adoption of the operating budget, the mayor and council shall levy by resolution such taxes as are necessary. The taxes and tax rates set by such resolution 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 6.28.

Changes in appropriations.

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

SECTION 6.29.

Capital improvements budget.

(a) On or before the date fixed by the mayor and council, but no later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the council a proposed capital improvements budget with his or her recommendations as to the means of financing the improvements proposed for the ensuing fiscal year. The mayor and council shall have power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The mayor and council shall not authorize an expenditure for the constructing of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 2.24 of this charter.

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

SECTION 6.30.

Independent audit.

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

D. Procurement and Property Management.**SECTION 6.31.**

Contracting procedures.

No contract with the city shall be binding on the city unless it is made pursuant to procedures established by the mayor and council and:

(1) It is in writing;

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

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

SECTION 6.32.

Centralized purchasing.

The mayor and council shall by resolution prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale and lease of city property.

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

(b) The mayor and council may quitclaim any rights the city 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.

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

10 **ARTICLE VII.**

11 **GENERAL PROVISIONS.**

12 **SECTION 7.10.**

13 Bonds for officials.

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

17 **SECTION 7.11.**

18 Prior ordinances.

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

22 **SECTION 7.12.**

23 Existing personnel and officers.

24 Except as specifically provided otherwise by this charter, all personnel and officers of the
25 city and their rights, privileges, and powers shall continue beyond the time this charter takes
26 effect for a period of 90 days before or during which the existing city council shall pass a
27 transition resolution detailing the changes in personnel and appointed officers required or
28 desired and arranging such titles, rights, privileges, and powers as may be required or desired
29 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.

Definitions and 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.

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

An Act providing a new charter for the Town of Oxford, approved August 12, 1914, (Ga. L. 1914, p. 1108), and all amendatory Acts thereto are repealed in their entirety.

SECTION 7.17.

Effective date.

This charter shall become effective on July 1, 2001.

1

SECTION 7.18.

2

Repealer.

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