

Senate Bill 260

By: Senator Unterman of the 45th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To provide a new charter for the City of Buford; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, and compensation relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city manager, a city attorney, a city clerk, a finance officer, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.
Incorporation.**

The City of Buford in Gwinnett County and Hall County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of Buford." References in this charter to "the city" or "this city" refer to the City of Buford, Georgia. The city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

The boundaries of this city shall be those existing on the effective date of this charter including all former annexations by legislative Act and ordinance, with such alterations as may be made from time to time by local law or in any other manner provided by general state law. That certain map depicting the corporate limits of the City of Buford, Georgia, duly adopted and approved by the city commission on March 10, 2003, is hereby incorporated by reference. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city clerk, to be designated, as the case may be as the "(Official Map or Description) of the Corporate Limits of the City of Buford, Georgia." Photographic, typed, or other copies of such map or description, certified by the city clerk, shall be admitted as evidence in all courts and shall have the same force and effect as the original map or description.

SECTION 1.12.

Municipal powers.

(a) The 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. The city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of the 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 the city. Such powers shall include, but are not limited to, the following, and the power to provide punishment for violation of ordinances enacted under this subsection:

- (1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;
- (2) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for their impoundment if in violation of any ordinance or lawful order, and to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance;

- (3) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of this city. Such appropriations and expenditures shall not exceed the annual income and other money of the city after paying the interest on bonds and providing a sinking fund for the final payment of the principal of such bonds;
- (4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures as provided by law and this charter, and to regulate all housing and building trades except as otherwise prohibited by general law;
- (5) Business regulation and taxation. To regulate, license, levy, and provide for the collection of regulatory fees, occupation taxes, and license fees and taxes on privileges, occupations, trades, and professions as provided by this charter or by general state law;
- (6) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other laws as are or may hereafter be enacted;
- (7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;
- (8) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the inhabitants of the city;
- (9) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict such limits; to prescribe fire safety regulations, not inconsistent with general law, relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) Garbage collection and disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items; to levy, fix, assess, and collect a garbage, rubbish, and refuse collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefitting from such services; to enforce the payment of such

charges, taxes, or fees; and to provide for the manner and method of collecting such service charges, taxes, or fees;

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

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

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

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

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city in accordance with general state law;

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

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia. The city commission shall set aside annually a sum sufficient as a sinking fund to retire the bonded indebtedness of the city as it becomes due;

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

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of such property and equipment by the public;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, or otherwise

dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, telecommunications systems, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, electrical distribution systems, and other utility services, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance. The city commission may fix a higher rate for public utility services furnished by the city to any person, firm, or corporation residing or located outside the corporate limits of the city. All fire hydrants connected to the city water mains and used by any person, firm, or corporation outside the corporate limits of the city shall be paid for at a rate to be prescribed by the city commission;

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

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia. Such penalties shall not exceed the maximum as provided by state law or as provided in the respective ordinance, if applicable;

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

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

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

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for

such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

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

(29) Public utilities and services. To make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and the standards and conditions of service applicable to the service to be provided by the contractor, insofar as not in conflict with valid regulations of the state Public Service Commission;

(30) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, inside or abutting the corporate limits of the city;

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

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

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

- (34) Special areas of public regulation. To regulate or prohibit junk dealers; pawnshops; the manufacture, sale, or transportation of alcoholic beverages; and the use and sale of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials; the use of lighting and heating equipment; and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores and movie houses, and massage parlors;
- (35) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement;
- (36) Taxation of property. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;
- (37) Taxes generally. To levy and collect such other taxes as may be allowed now or in the future by law;
- (38) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the 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;
- (39) Urban redevelopment. To organize and operate an urban redevelopment program; and
- (40) Other powers. To exercise and enjoy all other powers, functions, rights, 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; to exercise all implied powers necessary 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. 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 1.13.

Work ordered by city.

When, in accordance with the provisions of this charter, except as may otherwise be specifically provided herein, any change, alteration, or work of any kind is ordered done by the city commission or any of its authorized agents or agencies, and the person, firm, or corporation ordered to do such work fails or refuses to do so within the time fixed, upon such default the city may make such changes, alterations, or work, and the commission or its duly authorized authority shall have the power and authority to assess the total cost thereof against such person, firm, or corporation in default. The city clerk shall issue execution forthwith against such person, firm, or corporation therefor. Such execution may be enforced in the same manner as tax fi. fas. and shall be a lien against the property of such person, firm, or corporation next in dignity to taxes.

SECTION 1.14.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS AND REMOVAL

SECTION 2.10.

City commission; creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city commission to be composed of three members, known as city commissioners. The members shall be elected at large by the qualified voters of the city and shall exercise their powers in such manner as prescribed by this charter and the Constitution and applicable general laws of the State of Georgia, or if not prescribed, in such manner as prescribed by the duly established ordinances of the City of Buford.

(b) The members of the city commission shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as a member of the city commission unless he or she has been a resident of the city for at least

six months next preceding his or her election. Each such city commissioner shall continue to reside within the city during his or her period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election to the office of city commissioner unless such person shall file a written notice with the city clerk, within the time required by law, that he or she desires his or her name to be placed on the ballot.

(c) No person shall be eligible to serve as a member of the city commission who shall have been convicted of a crime involving moral turpitude, unless such person has received a full pardon and has all rights of citizenship restored.

SECTION 2.11.

Elections.

(a) For the purpose of electing members of the city commission, the City of Buford shall consist of one election district with three numbered city commissioner posts.

(b) The positions on the city commission shall be designated as commission member, post no. 1; commission member, post no. 2; and commission member, post no. 3. A candidate for any position as commission member shall at the time of qualifying designate by post number the position that such candidate is seeking. As of the date of adoption, the following posts are filled by the following individuals: Post 1, Phillip Beard, to expire in 2003; Post 2, L. Chris Burge, to expire in 2005; Post 3, Michael Y. Smith, to expire in 2005.

(c) A candidate for city commissioner may qualify for any one of the posts for which commission members are to be elected. The election of city commissioners shall be conducted in the manner prescribed in this charter or by law for regular elections.

(d) No candidate shall be elected for the office of city commissioner unless such candidate receives a majority of the votes cast in the election. If no candidate receives a majority of the votes cast, a runoff election shall be held between the two candidates receiving the highest number of votes. The runoff election shall be held as provided by law.

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

(f) All elections shall be held and conducted in accordance with the Georgia Election Code. Except as otherwise provided by this charter, the city commission shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.

(g) The commission members who are in office on the effective date of this Act shall serve until the expiration of the term of office to which they were elected and until their successors are elected and qualified.

(h) Successors to the commission members whose terms of office are to expire shall be elected at the regular municipal election in November, immediately prior to such expiration of terms, and shall take office on January 1 immediately following such election for terms of office of four years each and until their respective successors are elected and qualified.

SECTION 2.12.

Vacancies in office.

(a) The office of city commissioner 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.

(b) Upon the suspension from office of a commission member in any manner authorized by the general laws of the State of Georgia, the city commission or the members thereof 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 as provided in subsection (c) of this section.

(c) If the office of a commission member shall become vacant, the city commission or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the city commission or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with the Georgia Election Code.

SECTION 2.13.

Nonpartisan elections.

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

SECTION 2.14.

Election by majority.

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

SECTION 2.15.

Compensation and expenses.

The commission members shall receive compensation and expenses for their services as provided by ordinance and in accordance with general state law.

SECTION 2.16.

Prohibitions.

(a) 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 duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;
- (2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;
- (3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;
- (4) Accept any valuable gift, whether in the form of service, loan, object, or promise, from any person, firm, or corporation that to his or her knowledge is interested, directly or indirectly, in any manner in business dealings with the governmental body by which he or she is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;
- (5) Represent private interests other than his or her own in any action or proceeding against this city or any portion of its government; or
- (6) Vote or otherwise participate in the negotiation or in the making of any contract with

any business or entity in which he or she has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department or other agency of the city shall disclose such private interest to the city commission. Any commission member who has a private interest in any matter pending before the city commission shall disclose such private interest, and such disclosure shall be entered on the records of the city commission. Such city commissioner shall disqualify himself or herself from participating in any decision or vote relating to such private interest. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

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

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city commission.

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

SECTION 2.17.

Removal of officers.

(a) An elected or appointed officer provided for in this charter shall be removed from office for any one or more of the following causes, or as may now or hereafter be provided by law:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any qualifications of office as provided by this charter or by law;
- (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or

- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.
- (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:
- (1) By the vote of the city commission after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city commission, such officer shall be entitled to a written notice specifying the grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have such rights as are provided by law;
 - (2) By an order of the Superior Court of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Buford; or
 - (3) By a recall election as provided by general state law.

ARTICLE III
ORGANIZATION OF GOVERNMENT, GENERAL
AUTHORITY AND ORDINANCES

SECTION 3.10.

General power and authority.

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

SECTION 3.11.

Organization.

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

"I do solemnly (swear or affirm) that I will faithfully perform the duties of city commissioner of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America, so help me God."

(b) The commission members shall elect one of their number as chairperson and shall elect another of their number as vice chairperson. The chairperson, or in his or her absence, the

vice chairperson, shall preside at all meetings of the city commission.

SECTION 3.12.

Inquiries and investigations.

The city commission 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 commission shall be punished as provided by ordinance.

SECTION 3.13.

Meetings.

- (a) The city commission shall hold regular meetings at such times and places as shall be prescribed.
- (b) Special meetings of the city commission may be called and held pursuant to state law.
- (c) All meetings of the city commission shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.

Procedures.

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

SECTION 3.15.

Voting.

Two commission members shall constitute a quorum and shall be authorized to transact the business of the city commission. Voting on the adoption of ordinances and resolutions shall be by voice vote and the vote shall be recorded in the journal, but any member of the city commission 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 two

commission members shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinances and resolutions.

(a) Every proposed ordinance or resolution shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause of every ordinance shall be "The Commission of the City of Buford hereby ordains:".

(b) Upon introduction of any ordinance, the city clerk shall, as soon as possible, distribute a copy to each commission member and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city commission may designate. Ordinances shall be considered effective on the date of adoption unless provided otherwise therein.

SECTION 3.17.

Effect of ordinances.

Acts of the city commission that have the force and effect of law shall be enacted by ordinance.

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city commission may convene on the call of two commission members and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rates charged by any public utility for its services; or authorize the borrowing of money, except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or

rejected at the meeting at which it is introduced, but the affirmative vote of at least two commission members 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 continues to exist. 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 3.19.

Codes.

(a) As may be consistent with law, the city commission may adopt building, housing, property maintenance, plumbing, electrical, gas, mechanical, or fire codes or any other standard codes 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 3.16 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

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to section 3.20 of this charter.

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

SECTION 3.20.

Ordinance book; codification of ordinances; availability of laws.

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

(b) The city shall provide for the preparation of a codification of ordinances of the city as required by law.

(c) The city commission shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be

fixed by the city commission. The ordinances shall be printed in substantially the same style as the codification then in effect and shall be suitable in form for incorporation within the codification. The city commission shall make such further arrangements as deemed desirable for reproduction and distribution of any changes in or additions to codes of technical regulations and other rules and regulations included or adopted by reference in the codification.

SECTION 3.21.

City manager; appointment; qualifications; compensation.

By a majority vote, the city commission shall appoint a city manager for an indefinite term or a term prescribed by the city commission and shall fix his or her compensation. The manager shall be appointed solely on the basis of his or her executive and administrative qualifications, with special reference to actual experience in or knowledge of accepted practice in respect to the duties of his or her office. The appointee need not be a resident of the city. No member of the city commission shall receive such appointment while in office, nor within one year after the expiration of such member's term.

SECTION 3.22.

Acting city manager.

By letter filed with the city clerk, the city manager shall designate, subject to the approval of the city commission, a qualified city administrative officer to exercise the powers and perform the duties of the city manager during his or her temporary absence or disability. During such absence or disability, the city commission may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his or her disability shall cease.

SECTION 3.23.

Powers and duties of the city manager.

The city manager shall be the chief administrative officer of the city. He or she shall be responsible to the city commission for the administration of all city affairs placed in his or her charge by or under this charter. He or she shall have the following powers and duties:

- (1) He or she shall appoint and, when he or she deems it necessary for the good of the city,

suspend or remove all city employees and administrative officers, except as otherwise provided by law, this charter, or personnel ordinances adopted pursuant to this charter. His or her appointments of the heads of city departments shall be subject to approval by a vote of a majority of the city commission;

(2) He or she shall direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) He or she shall attend all city commission meetings and shall have the right to take part in the discussion, but he or she may not vote. The city manager shall be entitled to notice of all regular and special meetings of the city commission;

(4) He or she shall see that all laws, provisions of this charter, and acts of the city commission subject to enforcement by him or her, or by officers subject to his or her direction and supervision, are faithfully executed;

(5) He or she shall prepare and submit the annual operating budget and capital budget to the city commission, together with a message describing the important features, and be responsible for its administration after adoption;

(6) He or she shall submit to the city commission and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;

(7) He or she shall make such other reports as the city commission may require concerning the operations of city departments, offices, and agencies subject to his or her direction and supervision;

(8) Except as may otherwise be provided by law or this charter, he or she shall establish powers and duties of, and shall recommend to the city commission a standard schedule of pay for, each appointive office and position in the city service, including minimum, intermediate and maximum rates of pay;

(9) He or she shall recommend to the city commission, from time to time, adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the inhabitants of the city or for the improvement of administrative services;

(10) He or she may consolidate or combine offices, positions, departments, or units under his or her jurisdiction with the approval of the city commission; the city manager may be the head of one or more departments;

(11) He or she shall see that all laws and ordinances are duly enforced;

(12) He or she shall investigate the affairs of the city or any department or division thereof. He or she shall investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to service maintained by the

public utilities in the city and shall see that all franchises, permits, and privileges granted by the city are faithfully observed;

(13) He or she shall keep the city commission fully advised as to the financial condition and future needs of the city and shall make such recommendations to the city commission concerning the affairs of the city as he or she deems desirable; and

(14) He or she shall perform other such duties as are specified in this charter or as may be required by the city commission.

SECTION 3.24.

Commission interference with administration.

Neither the city commission nor any of its members shall direct or request any person's appointment to or removal from office by the city manager or any of the manager's subordinates, nor in any manner take part in the appointment or removal of officers and employees in the administrative services of the city. Except for the purpose of inquiries and investigations under Section 3.12, the city commission or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city commission nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.25.

Emergencies.

In case of an accident, disaster, or other circumstance creating a public emergency, the city manager may award contracts and make purchases for the purpose of meeting such emergency, but he or she shall file promptly with the city commission a certificate showing such emergency and the necessity for such action, together with an itemized account of all expenditures.

SECTION 3.26.

Bond.

The city manager shall furnish a surety bond to be approved by the city commission. Such bond shall be conditioned on the faithful performance of all of the manager's duties. The premium of the bond shall be paid by the city.

SECTION 3.27.

Compensation.

The city manager shall receive such compensation as prescribed by the city commission.

SECTION. 3.28.

Newspaper advertising.

The city commission may designate a newspaper having a general circulation in the city as the official legal organ or gazette for the city, in which all notices, other business, marshal's sales, and proceedings of the city commission shall be published. All notices or other advertisements published in such newspaper shall be legal and binding upon all persons concerned as if such advertisements were published in the newspaper in which the sheriff's advertisements in and for Gwinnett County and Hall County appear, except those cases in which the laws or Constitution of this state require publications in the newspaper in which sheriff's advertisements appear.

ARTICLE IV**ADMINISTRATIVE AFFAIRS****SECTION 4.10.**

Department heads.

- (a) Except as otherwise provided in this charter, the city commission by ordinance shall prescribe the functions or duties of and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of the city.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as shall be prescribed by ordinance.
- (d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of his or her department or agency.

(e) All directors under the supervision of the city manager shall be appointed by the city manager, with confirmation of appointment by the city commission.

SECTION 4.11.

Boards.

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

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

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

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

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

(f) All members of a board, commission, or authority shall serve at will, and any such member may be removed from office by a majority vote of the city commission.

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

SECTION 4.12.

City attorney.

The city commission shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least five years. The city attorney shall serve at the pleasure of the city commission. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the city commission as directed, shall advise the city commission and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required of him or her by virtue of his or her position as city attorney. The city commission shall provide for the compensation of the city attorney.

SECTION 4.13.

City clerk.

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

SECTION 4.14.

Finance officer.

The city commission shall appoint a finance officer to collect all taxes, licenses, fees, and other moneys for the city, subject to the provisions of this charter and the ordinances of the city, and to enforce all laws relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The finance officer shall also be responsible for the general duties of a treasurer and fiscal officer. The city commission shall provide for the compensation of the finance officer.

SECTION 4.15.

City marshal.

The city commission shall appoint a city marshal and such deputy marshals as necessary to levy and collect all fi. fas. for taxes, assessments, and fines due to the City of Buford, to conduct sheriff's sales and tax foreclosures, and to enforce such ordinances of the city and assist in the prosecution thereof, along with other duties prescribed by the commission or city manager.

SECTION 4.16.

Rules and regulations.

The city commission 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 a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel matters.

SECTION 4.17.

Official bonds.

To the extent required by resolution of the city commission, the officers and agents employed by the city shall give bond, payable to the City of Buford, Georgia, in some reputable surety company authorized to do business in the State of Georgia for such amounts as the city commission may designate, to be approved by the city manager, conditioned for the faithful performance of the duties of their office. The premiums on such bonds shall be paid by the city.

ARTICLE V

JUDICIAL BRANCH

SECTION 5.10.

Municipal court.

There shall be a municipal court of the city.

SECTION 5.11.

Judges.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or standby judges as shall be provided by the city commission. The method of selection and terms of such judges shall be as provided by the city commission.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall have attained the age of 21 years and shall be a member of the State Bar of Georgia. All judges shall be appointed by the city commission.
- (c) The compensation of the judge or judges shall be fixed by the city commission.
- (d) The judge or judges may be removed for cause by a majority vote of the city commission.
- (e) Before assuming office, each judge shall take an oath, administered by the chairperson of the city commission, that he or she will honestly and faithfully discharge the duties of his or her office to the best of his or her ability and without fear, favor, or partiality. The oath shall be entered upon the journal of the city commission.
- (f) Whenever no judge of the city can be in attendance in the municipal court for any reason, a person having the qualifications of a judge of the municipal court shall be appointed as provided by the city commission to preside in the court, and his or her acts therein shall be as binding as those of a regular judge of the court.

SECTION 5.12.

Convening of court.

The municipal court shall be convened at regular intervals or when necessary.

SECTION 5.13.

Powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as may be provided by law.
- (b) The municipal court shall have the authority to punish those in its presence for contempt, provided that such punishment shall not exceed the maximum penalty provided by state law.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not

exceeding the maximum fine and imprisonment as provided by state law.

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

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

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

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

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

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

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

SECTION 5.14.

Certiorari.

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

of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 5.15.

Rules.

With the approval of the city commission, the judge or judges shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city commission 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, shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

The city commission may assess, levy, and collect an ad valorem tax on all taxable real and personal property within the corporate limits of the city. This tax is for the purpose of raising revenues to defray the costs of operating 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.

- (a) The city commission 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.
- (b) The millage rate levied pursuant to this article shall not exceed 22 1/2 mills, except that such limitation shall not apply with respect to any ad valorem tax levied for the purpose of payment of any general obligation debt of the city.
- (c) The city commission by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation taxes and regulatory fees.

The city commission by ordinance shall have the power to levy and to provide for the collection of such occupation taxes and regulatory fees as are not denied by law on privileges, occupations, trades, professions, and any other lawful subjects thereof and may regulate the same. Such taxes and fees may be levied on individuals, firms, corporations, and other entities that transact business in the city or that practice or offer to practice any profession or calling within the city to the extent that they have, in accordance with law, a sufficient nexus to the city. The city commission shall provide for the manner and method of payment of such taxes and fees. The city commission may classify businesses, occupations, professions, or callings for the purpose of such taxes and fees in any way which may be lawful, and may compel the payment of such taxes and fees as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses and permits.

The city commission, by ordinance, shall have the power to require any individual, firm, corporation, or other entity that transacts business in the city or that practices or offers to practice any profession or calling within the city to obtain a license or permit for such activity from the city and to pay a reasonable fee for such license or permit where such activities are not exclusively regulated by general law. The city may also regulate such activities and shall provide for the manner and method of payment of such fees. Fees under this section, if unpaid, shall be collected as provided in section 6.18 of this charter. The city commission, by ordinance, may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate. The city commission may revoke any such license or permit after due process for failure to pay any city taxes or fees or for other cause determined by the city commission.

SECTION 6.14.

Franchises.

The city commission shall have the power to grant franchises and rights-of-way for the use of the city's streets, roads, alleys, bridges, and viaducts for the purposes of railroads, street

railways, electric companies, gas companies, transportation companies, telecommunications companies, other public utilities and organizations, and for private use. The city commission shall determine the duration and terms of franchises, whether they shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a longer period than may be specified by the Constitution and general laws of this state and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city commission shall provide for the registration of all franchises with the city clerk in a registration book kept by him or her. The city commission may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

SECTION 6.15.

Service fees.

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

SECTION 6.16.

Roads.

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

SECTION 6.17.

Other taxes.

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

SECTION 6.18.

Collection of delinquent taxes.

The city commission by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. Such means shall include, but shall not be limited to, 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, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

The city commission 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 that an issue is undertaken.

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Loans.

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

SECTION 6.22.

Accounting and budgeting.

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

SECTION 6.23.

Budget ordinance.

The city commission shall by ordinance provide the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement program, and a capital budget, including requirements as to the scope, content, and form of such budgets and program.

SECTION 6.24.

Operating budget.

The city manager shall submit to the city commission a proposed operating budget for each ensuing fiscal year. The budget shall be accompanied by a message from the city manager 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, the capital improvements program, the capital budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Adoption of budget.

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

(b) After the conducting of a budget hearing, the city commission shall adopt the final operating budget for the ensuing fiscal year not later than the beginning of each fiscal year. If the city commission fails to adopt the budget by such date, the amounts appropriated for

operation for the preceding fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city commission adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

SECTION 6.26.

Levy of taxes.

Following adoption of the operating budget, the city commission shall levy by a majority vote of the city commission such taxes as are necessary. The taxes and tax rates 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 expense of the general government of the city.

SECTION 6.27.

Changes in budget.

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

SECTION 6.28.

Capital improvements.

No appropriations provided for in a prior capital improvements program and capital budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; however, the city manager may submit amendments to the

capital improvements program and the capital budget at any time during the fiscal year, accompanied by his or her recommendations. Any such amendments to the capital improvements program and the capital budget shall become effective only upon adoption by majority vote of the city commission.

SECTION 6.29.

Audits.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city commission. 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 section. Copies of all audit reports shall be available at printing costs to the public.

SECTION 6.30.

Procurement and property management.

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

- (1) It is in writing;
- (2) It is drawn by, or submitted to and reviewed by, the city attorney and, as a matter of course, is signed by him or her to indicate such drafting or review; and
- (3) It is made or approved by the city commission and such approval is entered in the city commission journal pursuant to Section 3.14 of this charter.

SECTION 6.31.

Purchasing.

The city commission shall prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.32.

Sale of property.

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

(b) The city commission may quitclaim any rights it may have in property not needed for public purposes upon request by the city manager and adoption of a resolution 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 other 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 commission may authorize the city manager to execute and deliver in the name of the city a deed conveying such cutoff or separated parcel or tract of land to an abutting or adjoining property owner or owners in exchange for rights-of-way of such street, avenue, alley, or other public place when such exchange is deemed to be in the best interest of the city. All deeds and conveyances heretofore or hereafter so executed and delivered shall convey all title and interest that the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.33.

Deposits.

The city shall select some chartered bank or banks or other chartered depository financial institution or institutions as a city depository or depositories, in which shall be deposited all city funds that are not otherwise lawfully invested.

ARTICLE VII

SCHOOLS

SECTION 7.10.

School system continued.

(a) The public school system and the board of education in operation in the city on the effective date of this charter are hereby continued under this charter. Such board shall consist of four regular members and one ex officio member. The chairperson of the city commission shall be the ex officio member and he or she shall serve as the chairperson of the board of education.

(b) The board of education, so continued, shall continue to have the powers, duties, rights, obligations, and liabilities of the board of education of the city that exists on the effective date of this charter and shall be subject to all constitutional and statutory provisions relating

to boards of education, subject to provisions of this charter that are not in conflict therewith.

SECTION 7.11.

Board of education; qualifications, election, vacancies.

(a) The registered voters of the city shall elect the four regular members of the board of education. At the regular city election held in 2003, the registered voters shall elect two members of such board to fill the vacancies occurring on December 31, 2003, by the expiration of the terms of two of the regular members. The members elected in such election shall take office for a term of four years on January 1 following their election and shall serve until their successors are elected and qualified. At the regular city election held in 2005, the registered voters shall elect two members of such board to fill the vacancies occurring on December 31, 2005, by the expiration of the terms of the other two regular members. The members elected in such election shall take office for a term of four years on January 1 following their election and shall serve until their successors are elected and qualified. Thereafter, successors shall be elected at the city election that is conducted in the year in which their respective terms of office shall expire and they shall take office on January 1 following their election and shall serve for a term of four years and until their successors are elected and qualified.

(b) In the event of a vacancy on the board of one of the regular members for any reason other than the expiration of a term of office, such vacancy shall be filled for the unexpired term by a special election; provided, however, unless such vacancy occurs within six months of the expiration of the term of that office such vacancy shall be filled by the ensuing regular general election.

(c) The qualifications for the regular members of the board shall be the same as prescribed in this charter for the members of the city commission, and the members of the board shall be elected under the same rules and regulations as those governing the election of the members of the city commission.

SECTION 7.12.

Oath of office; quorum.

(a) Before entering upon the duties of his or her office, each member of the board of education shall take and subscribe the following oath: "I, _____, do solemnly (swear or affirm) that I will faithfully discharge the duties devolving upon me as a member of the

board of education of the City of Buford to the best of my skill and ability and in accordance with what shall to me appear for the best interest of the community and the cause of education, without fear, favor, affection, reward, or the hope thereof (so help me God)."

(b) A majority of the members of the board of education shall constitute a quorum for the transaction of business.

SECTION 7.13.

Organization; compensation.

(a) The chairperson of the board of education, at the first meeting after the election of new members as provided in this charter, shall cause the board to be organized for the ensuing year as provided in this section. The board shall elect from its number a vice chairperson pro tempore to act in the absence or disqualification of the chairperson.

(b) The board shall receive such compensation and expenses for their services as provided by ordinance and in accordance with general state law.

SECTION 7.14.

Secretary.

The secretary of the board of education shall keep a record of all the official acts and doings of the board, which record shall at all times be kept open to public inspection in accordance with law. The secretary shall give bond in sufficient amount, with good security, to be judged of by the board, payable to the "Board of Education of the City of Buford" for the faithful discharge of his or her duties and the safekeeping and proper disbursement of all money that may come into his or her care by reason of his or her trust as secretary. He or she shall receive all public school money from the proper authorities, receive and receipt for all incidental fees, and receive all other money that he or she may be entitled to receive. He or she shall keep a record of all money so received and paid out by him or her and take proper vouchers for all disbursements but shall pay out no funds except by order of the board entered upon the minutes. He or she shall receive such compensation for his or her services as may be fixed by the board which the board may contract for and pay out of the public school funds.

SECTION 7.15.

General powers and duties of board of education.

- (a) The board of education shall appoint a superintendent of schools and teachers and other officers and employees for the public schools of Buford, fix their salaries, contract with them as such, and pay such salaries out of the money coming into the hand of the board. The board shall suspend or expel any student from attendance when a majority of the members of the board deems it to be in the best interest of the schools.
- (b) The board shall borrow money for the support and maintenance of the schools, when necessary, and shall repay such money with legal interest from the funds coming into the hands of the board.
- (c) The board shall at all times supervise, regulate, and make efficient the city school system; fix the length of the school term and the opening and closing times thereof; prescribe the curriculum, textbooks, and books of reference to be used therein; and do any and all other acts, not inconsistent with the laws of this state, as may promote the system under the charge of the board.

SECTION 7.16.

Reports.

The board of education shall annually make to the city commission a written report of all money received and disbursed by the board and shall accompany such report with a full itemized statement accompanied by vouchers for all money disbursed. Such report shall be published by the city commission and shall be paid for out of the city treasury at the legal rate.

SECTION 7.17.

Establishment of schools.

The board of education shall establish such elementary and secondary schools as may be necessary for the education of the students attending such schools free of tuition charges for all students of school age who reside in the city.

SECTION 7.18.

Nonresident students.

Nonresident students may be admitted to the schools upon such terms consistent with law as may be prescribed by the board of education. The county school superintendent of Gwinnett

County or of any other county in the state may contract with the board of education whereby the city school system, for compensation consistent with law, will accept students residing outside the corporate limits of the city. Irrespective of any such contract, students who do not reside in the city may attend a public school of the city when permitted by law to do so. Such students shall pay tuition or fees, or both, to the city in amounts fixed by the board that do not exceed the maximum amounts allowed by law.

SECTION 7.19.

Census; state school fund.

The board of education of the city shall prepare and take an annual census of all the children residing in the city who are, under the law, entitled to participate in the state public school fund and shall furnish a report of the result of such census to the state department of education on or before September 1 of each year. From such report, the state department of education shall apportion to the city its pro rata share of the state school fund based upon the result of such annual census and shall pay over such pro rata share of the state school fund to the secretary and treasurer of the board of education of the city.

SECTION 7.20.

Ad valorem tax.

The city commission shall levy an ad valorem tax as follows: The board of education, on or before July 1 of each year, shall make an estimate of the amount necessary to be raised that year for the support of the public schools in the city and shall place such estimate before the city commission. When the city commission approves such estimate, the commission shall, when making the annual tax levy for the current expenses of the city, levy a school tax along with the other city taxes upon all taxable property within the corporate limits of the city. The city commission may collect such school tax, or may have the tax collected by city officers, along with the other ad valorem taxes of the city in the same manner as other city taxes are levied and collected. The city commission shall have no authority to levy and collect more than the maximum taxes for school purposes allowed by the Constitution and general laws of the state.

SECTION 7.21.

Removal of board members.

The board of education and the individual members thereof shall be amenable to the city commission and may be removed from office in a hearing before the city commission for neglect of duty, for malfeasance in office, or for using their official position to advance their political or private interests. Any vacancy on the board of education shall be filled pursuant to Section 7.11(b) of this charter.

SECTION 7.22.

Officers and employees.

The board of education shall, in compliance with law, appoint and fix the salaries of the superintendent of schools, teachers, and other officers and employees who may be necessary for the efficient operation of the school system for each year. In making selections for those positions, the board shall endeavor at all times to secure the best qualified, most efficient, and most highly esteemed persons available.

SECTION 7.23.

State funds.

The state school superintendent shall pay over to the board of education of the city, for the use of the city schools, under such rules and regulations as the state board of education may prescribe, the proportion of the state school fund to which the city is entitled, to be expended in the maintenance of the public schools of the city as authorized and directed by the Constitution and laws of the state.

SECTION 7.24.

Reports.

The board of education shall make reports to the city commission, at such times as the board may be called upon to do so, of all matters pertaining to the public schools. The books, papers, bills, and vouchers of the board of education shall, at all times, as required by law, be open to inspection and examination by the city commission or such other agency as the commission may employ for that purpose.

SECTION 7.25.

Ordinances and resolutions.

The city commission may adopt such ordinances and resolutions, not in conflict with this charter, as the commission may deem for the best interest of the public schools and may further define the duties of the board of education.

ARTICLE VIII
GENERAL PROVISIONS

SECTION 8.10.

Bonds for officials.

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

SECTION 8.11.

Ordinances, resolutions, rules, and regulations.

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

SECTION 8.12.

Charter language on other general matters.

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

SECTION 8.13.

Definitions and construction.

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

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

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

SECTION 8.14.

Specific repealer.

An Act incorporating the City of Buford, approved December 23, 1937 (Ga. L. 1937-38, Ex. Sess., p. 953), as amended, and the several Acts amendatory thereof are repealed. This repeal shall have no effect on the Act providing for a homestead exemption, approved March 22, 1996 (Ga. L. 1996, p. 4291), which Act shall remain in effect.

SECTION 8.15.

Effective date.

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

SECTION 8.16.

General repealer.

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