

House Bill 912 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 133rd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Morgan; 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 and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules
11 and regulations; to provide for a municipal court and the judge or judges thereof and other
12 matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and
13 procedures; to provide for the right of certiorari; to provide for elections; to provide for
14 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
15 provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting,
16 and appropriations; to provide for city contracts and purchasing; to provide for the
17 conveyance of property and interests therein; to provide for bonds for officials; to provide
18 for prior ordinances and rules, pending matters, and existing personnel; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

(a) The corporate boundaries of this city shall be those existing on the earliest effective date in 2003 of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. 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 and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Morgan, 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 with the original map or description.

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

SECTION 1.12.

Powers and construction.

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

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

- (1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl, and to provide for the impoundment of same if in violation of

1 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
2 destruction of animals and fowl when not redeemed as provided by ordinance; and to
3 provide punishment for violation of ordinances enacted under this charter;

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

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

11 (4) Business regulation and taxation. To levy and to provide for the collection of
12 regulatory fees and taxes on privileges, occupations, trades and professions as authorized
13 by Title 48 of the O.C.G.A. or other such applicable laws as are or may hereafter be
14 enacted; to permit and regulate the same; to provide for the manner and method of
15 payment of such regulatory fees and taxes; and to revoke such permits after due process
16 for failure to pay any city taxes or fees;

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

21 (6) Contracts. To enter into contracts and agreements with other governmental entities
22 and with private persons, firms, and corporations;

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

27 (8) Environmental protection. To protect and preserve the natural resources,
28 environment, and vital areas of the state through the preservation and improvement of air
29 quality, the restoration and maintenance of water resources, the control of erosion and
30 sedimentation, the management of solid and hazardous waste, and other necessary actions
31 for the protection of the environment;

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

36 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
37 and disposal and other sanitary service charge, tax, or fee for such services as may be

1 necessary in the operation of the city from all individuals, firms, and corporations
2 residing in or doing business in the city benefiting from such services; to enforce the
3 payment of such charges, taxes, or fees; and to provide for the manner and method of
4 collecting such service charges;

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

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

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

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

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

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

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

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

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

35 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
36 of public utilities, including but not limited to a system of waterworks, sewers and drains,
37 sewage disposal, gas works, electric light plants, cable television and other

1 telecommunications, transportation facilities, public airports, and any other public utility;
2 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
3 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 **SECTION 1.13.**

21 Exercise of powers.

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

26 **ARTICLE II**

27 **GOVERNMENT STRUCTURE**

28 **SECTION 2.10.**

29 City council creation; number; election.

30 The legislative authority of the government of this city, except as otherwise specifically
31 provided in this charter, shall be vested in a city council to be composed of a mayor and four
32 councilmembers. The city council established shall in all respects be a successor to and

1 continuation of the city governing authority under prior law. The mayor and councilmembers
2 shall be elected in the manner provided by this charter.

3 **SECTION 2.11.**

4 City councilmembers; terms and qualifications for office.

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

11 **SECTION 2.12.**

12 Vacancy; filling of vacancies; suspension.

13 (a) Vacancies – The office of mayor or councilmember shall become vacant upon the
14 occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other
15 applicable laws as are or may hereafter be enacted.

16 (b) Filling of vacancies – A vacancy in the office of mayor or councilmember shall be filled
17 for the remainder of the unexpired term, if any, by appointment if less than 12 months
18 remains in the unexpired term, otherwise by an election as provided for in Section 5.14 of
19 this charter and Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter
20 be enacted.

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

26 **SECTION 2.13.**

27 Compensation and expenses.

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

SECTION 2.14.

Conflicts of interest; holding other offices.

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

(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 that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

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

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

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

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

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

(c) Disclosure – Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency

1 or political entity to which this charter applies who shall have any financial interest, directly
 2 or indirectly, in any contract or matter pending before or within such entity shall disclose
 3 such interest to the governing body of such agency or entity.

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

8 (e) Contracts voidable and rescindable – Any violation of this section which occurs with the
 9 knowledge, express or implied, of a party to a contract or sale shall render said contract or
 10 sale voidable at the option of the city council.

11 (f) Ineligibility of elected official – Except where authorized by law, neither the mayor nor
 12 any councilmember shall hold any other elective or compensated appointive office in the city
 13 or otherwise be employed by said government or any agency thereof during the term for
 14 which that official was elected. No former mayor and no former councilmember shall hold
 15 any compensated appointive office in the city until one year after the expiration of the term
 16 for which that person was elected.

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

24 (h) Penalties for violation –

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

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

32 **SECTION 2.15.**

33 Inquiries and investigations.

34 Following the adoption of an authorizing resolution, the city council may make inquires and
 35 investigations into the affairs of the city and conduct of any department, office, or agency

1 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
2 require the production of evidence. Any person who fails or refuses to obey a lawful order
3 issued in the exercise of these powers by the city council shall be punished as may be
4 provided by ordinance.

5 **SECTION 2.16.**

6 General power and authority of the city council.

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

9 **SECTION 2.17.**

10 Organizational meetings.

11 The city council shall hold an organizational meeting on the second Monday in January
12 following the municipal election. The meeting shall be called to order by the city clerk and
13 the oath of office shall be administered to the newly elected members as follows:

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

17 **SECTION 2.18.**

18 Meetings.

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

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

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

5 **SECTION 2.19.**

6 Rules of procedure.

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

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

13 **SECTION 2.20.**

14 Quorum: voting.

15 Three members of the city council shall constitute a quorum and shall be authorized to
 16 transact business of the city council. Voting on the adoption of ordinances shall be by voice
 17 vote and the vote shall be recorded in the journal, but any member of the city council shall
 18 have the right to request a roll-call vote and such vote shall be recorded in the journal. Except
 19 as otherwise provided in this charter, the affirmative vote of three members of the city
 20 council shall be required for the adoption of any ordinance, resolution, or motion. An
 21 abstention shall be counted as an affirmative vote.

22 **SECTION 2.21.**

23 Ordinance form; procedures.

24 (a) Every proposed ordinance should be introduced in writing and in the form required for
 25 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 26 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 27 Morgan" and every ordinance shall so begin.

28 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 29 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 30 by the city council in accordance with the rules which it shall establish; provided, however,
 31 an ordinance shall not be adopted the same day it is introduced, except for emergency

1 ordinances provided in Section 2.23 of this charter. Upon introduction of any ordinance, the
 2 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and
 3 shall file a reasonable number of copies in the office of the clerk and at such other public
 4 places as the city council may designate.

5 **SECTION 2.22.**

6 Action requiring an ordinance.

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

8 **SECTION 2.23.**

9 Emergencies.

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

26 (b) Such meetings shall be open to the public to the extent required by law and notice to the
 27 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 28 with Code Section 50-14-1 of the O.C.G.A., or such other applicable laws as are or may
 29 hereafter be enacted.

SECTION 2.24.

Codes of technical regulations.

(a) The city 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 2.21 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 clerk pursuant to Section 2.25 of this charter.

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

SECTION 2.25.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.26.

Election of mayor; forfeiture; compensation.

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

SECTION 2.27.

Mayor pro tempore.

By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor’s physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the city council. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

SECTION 2.28.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;
- (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

- 1 (d) Except as otherwise provided by charter or by law, no member of any board,
2 commission, or authority shall hold any elective office in the city.
- 3 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
4 unexpired term in the manner prescribed herein for original appointment, except as otherwise
5 provided by this charter or by law.
- 6 (f) No member of a board, commission, or authority shall assume office until that person has
7 executed and filed with the clerk of the city an oath obligating that person to perform
8 faithfully and impartially the duties of that person's office, such oath to be prescribed by
9 ordinance and administered by the mayor.
- 10 (g) All members of boards, commissions, or authorities of the city serve at will and may be
11 removed at any time by the city council unless otherwise provided by law.
- 12 (h) Except as otherwise provided by this charter or by law, each board, commission or
13 authority of the city shall elect one of its members as chair and one member as vice-chair,
14 and may elect as its secretary one of its own members or may appoint as secretary an
15 employee of the city. Each board, commission or authority of the city government may
16 establish such bylaws, rules and regulations, not inconsistent with this charter, ordinances
17 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
18 the conduct of its affairs. Copies of such bylaws, rules and regulations shall be filed with the
19 clerk of the city.

20 **SECTION 3.12.**

21 City attorney.

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

SECTION 3.13.

City clerk.

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

SECTION 3.14.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

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

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

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

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

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the judge's office to the best of that person's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.19 of this charter.

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 60 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by law.

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

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

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

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

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

8 **SECTION 4.14.**

9 Certiorari.

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

14 **SECTION 4.15.**

15 Rules for court.

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

23 **ARTICLE V**

24 **ELECTIONS AND REMOVAL**

25 **SECTION 5.10.**

26 Applicability of general law.

27 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 28 21 of the O.C.G.A., the "Georgia Election Code" as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

On the Tuesday next following the first Monday in November, 2005, and quadrennially thereafter, there shall be an election for the mayor and the councilmembers. The terms of office shall begin on the date of the organizational meeting provided in Section 2.17 of this charter.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by plurality vote.

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

SECTION 5.14.

Special elections; vacancies.

(a) In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council 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 12 months of the expiration of the term of that office, the city council 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 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

(b) Vacancies must be filled in accordance with the procedural requirements of subsection (b) of Code Section 45-5-1 of the O.C.G.A. and special elections held in accordance with Chapter 2 of Title 21 of the O.C.G.A.

1 **SECTION 5.15.**

2 Other provisions.

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

6 **SECTION 5.16.**

7 Removal of officers.

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

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

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

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

24 **ARTICLE VI**

25 **FINANCE**

26 **SECTION 6.10.**

27 Property tax.

28 The city council may assess, levy, and collect an ad valorem tax on all real and personal
29 property within the corporate limits of the city that is subject to such taxation by the state and
30 county. This tax is for the purpose of raising revenues to defray the costs of operating the city
31 government, of providing governmental services, for the repayment of principal and interest

1 on general obligations, and for any other public purpose as determined by the city council
2 in its discretion.

3 **SECTION 6.11.**

4 Millage rate; due dates; payment methods.

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

9 **SECTION 6.12.**

10 Occupation and business taxes.

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

15 **SECTION 6.13.**

16 Regulatory fees; permits.

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

22 **SECTION 6.14.**

23 Franchises.

24 (a) The city council shall have the power to grant franchises for the use of this city's streets
25 and alleys for the purposes of railroads, street railways, telephone companies, electric
26 companies, electric membership corporations, cable television and other telecommunications
27 companies, gas companies, transportation companies and other similar organizations. The
28 city council shall determine the duration, terms, whether the same shall be exclusive or
29 nonexclusive, and the consideration for such franchises; provided, however, no franchise

1 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
2 the city receives just and adequate compensation therefor. The city council shall provide for
3 the registration of all franchises with the city clerk in a registration book kept by the city
4 clerk. The city council may provide by ordinance for the registration within a reasonable time
5 of all franchises previously granted.

6 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
7 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
8 street railways, telephone companies, electric companies, electric membership corporations,
9 cable television and other telecommunications companies, gas companies, transportation
10 companies, and other similar organizations.

11 **SECTION 6.15.**

12 Service charges.

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

18 **SECTION 6.16.**

19 Special assessments.

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

25 **SECTION 6.17.**

26 Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

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

SECTION 6.19.

General obligation bonds.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

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

1 the contract terminates without further obligation on the part of the municipality at the close
2 of the calendar year in which it was executed and at the close of each succeeding calendar
3 year for which it may be renewed. Contracts must be executed in accordance with the
4 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
5 or may hereafter be enacted.

6 **SECTION 6.23.**

7 Fiscal year.

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

11 **SECTION 6.24.**

12 Preparation of budgets.

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

17 **SECTION 6.25.**

18 Submission of operating budget to city council.

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

SECTION 6.26.

Action by city council on budget.

(a) The city 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 city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the 20th day of December of each year. If the city council fails 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 city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

SECTION 6.27.

Tax levies.

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

SECTION 6.28.

Changes in appropriations.

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

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

3 **SECTION 6.29.**

4 Capital budget.

5 (a) On or before the date fixed by the city council but no later than 60 days prior to the
6 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
7 improvements plan with a recommended capital budget containing the means of financing
8 the improvements proposed for the ensuing fiscal year. The city council shall have power to
9 accept, with or without amendments, or reject the proposed plan and proposed budget. The
10 city council shall not authorize an expenditure for the construction of any building, structure,
11 work, or improvement, unless the appropriations for such project are included in the capital
12 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

13 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
14 year not later than the December 20 of each year. No appropriation provided for in a prior
15 capital budget shall lapse until the purpose for which the appropriation was made shall have
16 been accomplished or abandoned; provided, however, the mayor may submit amendments
17 to the capital budget at any time during the fiscal year, accompanied by recommendations.
18 Any such amendments to the capital budget shall become effective only upon adoption by
19 ordinance or resolution.

20 **SECTION 6.30.**

21 Independent audit.

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

27 **SECTION 6.31.**

28 Contracting procedures.

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

30 (1) It is in writing;

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

3 (3) It is made or authorized by the city council and such approval is entered in the city
4 council journal of proceedings pursuant to Section 2.19 of this charter.

5 **SECTION 6.32.**

6 Centralized purchasing.

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

9 **SECTION 6.33.**

10 Sale and lease of city property.

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

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

17 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
18 of the city a small parcel or tract of land is cut off or separated by such work from a larger
19 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
20 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
21 property owner or owners where such sale and conveyance facilitates the enjoyment of the
22 highest and best use of the abutting owner's property. Included in the sales contract shall be
23 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
24 property owner shall be notified of the availability of the property and given the opportunity
25 to purchase said property under such terms and conditions as set out by ordinance. All deeds
26 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
27 interest the city has in such property, notwithstanding the fact that no public sale after
28 advertisement was or is hereafter made.

1 ARTICLE VII

2 GENERAL PROVISIONS

3 **SECTION 7.10.**

4 Bonds for officials.

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

8 **SECTION 7.11.**

9 Prior ordinances.

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

13 **SECTION 7.12.**

14 Existing personnel and officers.

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

21 **SECTION 7.13.**

22 Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

(d) Except as specifically provided otherwise by this charter, the term:

(1) "City council" means the members of the city council and the mayor.

(2) "Councilmember" means a member of the city council other than the mayor.

SECTION 7.15.

Specific repealer.

An Act incorporating the City of Morgan in the County of Calhoun, approved February 14, 1939 (Ga. L. 1939, p. 1205), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

SECTION 7.16.

General repealer.

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