

House Bill 1604

By: Representative Borders of the 142nd

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Remerton; 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, rules and regulations, pending matters, and existing personnel; to
19 provide for penalties; to provide for definitions and construction; to provide for other matters
20 relative to the foregoing; to repeal a specific Act; to provide an effective date; to repeal
21 conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 collection of regulatory
12 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
13 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
14 permit and regulate the same; to provide for the manner and method of payment of such
15 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
16 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 now 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 provide
13 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 or
31 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 ensure a safe, healthy, and esthetically 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 building
15 or other structure which is or may become dangerous or detrimental to the public;

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

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

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

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

36 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
37 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

1 and all other structures or obstructions upon or adjacent to the rights of way of streets and
2 roads or within view thereof, within or abutting the corporate limits of the city; and to
3 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

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

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

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

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

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

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

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

18 **SECTION 1.13.**

19 Exercise of powers.

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

24 **ARTICLE II**

25 **GOVERNMENT STRUCTURE**

26 **SECTION 2.10.**

27 City council; creation; number; election.

28 The legislative authority of the government of this city, except as otherwise specifically
 29 provided in this charter, shall be vested in a city council to be composed of a mayor and five
 30 councilmembers. The city council established in this charter shall in all respects be a
 31 successor to and continuation of the city governing authority under prior law. The mayor and
 32 councilmembers shall be elected in the manner provided by this charter.

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

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

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

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

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

31 (h) Penalties for violation –

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

35 (2) Any officer or employee of the city who shall forfeit that person's office or position
36 as described in paragraph (1) of this subsection shall be ineligible for appointment or

1 election to or employment in a position in the city government for a period of three years
2 thereafter.

3 **SECTION 2.15.**

4 Inquiries and investigations.

5 Following the adoption of an authorizing resolution, the city council may make inquiries and
6 investigations into the affairs of the city and conduct of any department, office, or agency
7 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
8 require the production of evidence. Any person who fails or refuses to obey a lawful order
9 issued in the exercise of these powers by the city council shall be punished as may be
10 provided by ordinance.

11 **SECTION 2.16.**

12 General power and authority of the city council.

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

15 **SECTION 2.17.**

16 Organizational meetings.

17 The city council shall hold an organizational meeting on the first Tuesday in January
18 following the election of city officials. The meeting shall be called to order by the city
19 attorney and the oath of office shall be administered by the city attorney to the newly elected
20 members as follows:

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

24 **SECTION 2.18.**

25 Meetings.

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

28 (b) Special meetings of the city council may be held on call of the mayor or three members
29 of the city council. Notice of such special meeting shall be served on all other members

1 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
2 notice to councilmembers shall not be required if the mayor and all councilmembers are
3 present when the special meeting is called. Such notice of any special meeting may be
4 waived by a councilmember in writing before or after such a meeting and attendance at the
5 meeting shall also constitute a waiver of notice on any business transacted in such
6 councilmember's presence. Only the business stated in the call may be transacted at the
7 special meeting.

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

12 **SECTION 2.19.**

13 Rules of procedure.

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

17 (b) All committees and committee chairpersons and officers of the city council shall be
18 appointed by the city council and shall serve at the pleasure of the city council, all
19 determined by majority vote of the city council.

20 **SECTION 2.20.**

21 Quorum; voting.

22 Three councilmembers shall constitute a quorum and shall be authorized to transact business
23 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
24 shall be recorded in the journal, but any councilmember shall have the right to request a
25 roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
26 in this charter, the affirmative vote of three councilmembers shall be required for the
27 adoption of any ordinance, resolution, or motion.

28 **SECTION 2.21.**

29 Ordinance form; procedures.

30 (a) Every proposed ordinance should be introduced in writing and in the form required for
31 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

1 enacting clause shall be "It is hereby ordained by the governing authority of the City of
2 Remerton..." and every ordinance shall so begin.

3 (b) An ordinance may be introduced by any councilmember and be read at a regular, special,
4 or work meeting of the city council where an agenda applies. Ordinances shall be considered
5 and adopted or rejected by the city council in accordance with the rules which it shall
6 establish; provided, however, an ordinance shall not be adopted the same day it is introduced,
7 except for emergency ordinances provided for in Section 2.23 of this charter. Upon
8 introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the
9 mayor and to each councilmember and shall file a reasonable number of copies in the office
10 of the clerk and at such other public places as the city council may designate.

11 **SECTION 2.22.**

12 Actions requiring an ordinance.

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

15 **SECTION 2.23.**

16 Emergencies.

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

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

5 **SECTION 2.24.**

6 Codes of technical regulations.

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

10 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 11 filing of copies of the ordinance shall be construed to include copies of any code of
 12 technical regulations, as well as the adopting ordinance; and

13 (2) A copy of each adopted code of technical regulations, as well as the adopting
 14 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of
 15 this charter.

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

18 **SECTION 2.25.**

19 Signing; authenticating;
 20 recording; codification; printing.

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

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

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

1 council. Following publication of the first code under this charter and at all times thereafter,
 2 the ordinances and charter amendments shall be printed in substantially the same style as the
 3 code currently in effect and shall be suitable in form for incorporation therein. The city
 4 council shall make such further arrangements as deemed desirable with reproduction and
 5 distribution of any current changes in or additions to codes of technical regulations and other
 6 rules and regulations included in the code.

7 **SECTION 2.26.**

8 Election of mayor; forfeiture; compensation.

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

16 **SECTION 2.27.**

17 Chief executive officer; delegation of powers.

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

22 **SECTION 2.28.**

23 Powers and duties of mayor.

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

- 25 (1) See that all laws and ordinances of the city are faithfully executed;
- 26 (2) Exercise supervision over all executive and administrative work of the city and
 27 provide for the coordination of administrative activities;
- 28 (3) Recommend to the councilmembers such measures relative to the affairs of the city,
 29 improvement of the government, and promotion of the welfare of its inhabitants as the
 30 mayor may deem expedient;

- 1 (4) Call special meetings of the councilmembers as provided for in subsection (b) of
 2 Section 2.18 of this charter;
- 3 (5) Provide for an annual audit of all accounts of the city;
- 4 (6) Perform such other duties as may be required by law, this charter, or ordinance;
- 5 (7) Participate in the discussion of all matters brought before the councilmembers; and
- 6 (8) Sign as a matter of course all written contracts, ordinances, and other instruments
 7 executed by the city which by law are required to be in writing.

8 **SECTION 2.29.**

9 Mayor pro tempore; selection; duties.

10 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
 11 tempore. The mayor pro tempore shall preside at all meetings of the councilmembers and
 12 shall assume the duties and powers of the mayor upon the mayor's physical or mental
 13 disability or absence. The councilmembers by a majority vote shall elect a new presiding
 14 officer from among its members for any period in which the mayor pro tempore is disabled,
 15 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
 16 of all councilmembers.

17 **ARTICLE III**

18 **ADMINISTRATIVE AFFAIRS**

19 **SECTION 3.10.**

20 Administrative and service departments.

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

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

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

30 (d) There shall be a director of each department or agency who shall be its principal officer.
 31 Each director shall, subject to the direction and supervision of the mayor, be responsible for
 32 the administration and direction of the affairs and operations of that director's department or
 33 agency.

SECTION 3.11.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems 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 council 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 council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

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

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

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

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by the city council unless otherwise provided by law.

(h) 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 own 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, 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 clerk of the city.

SECTION 3.12.

City attorney.

The city council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the judge of the municipal court or may be the prosecuting officer in the municipal court, but may not be both; shall attend the meetings of the city council as directed; shall advise the councilmembers, mayor, 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 by virtue of such 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.

Position classification and pay plans.

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

SECTION 3.15.

Personnel policies.

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

1 ARTICLE IV

2 JUDICIAL BRANCH

3 SECTION 4.10.

4 Creation; name.

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

6 SECTION 4.11.

7 Chief judge; associate judge.

8 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
9 or stand-by judges as shall be provided by ordinance.10 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
11 that person shall have attained the age of 21 years and shall be a member of the State Bar of
12 Georgia and shall possess all qualifications required by law. All judges shall be appointed
13 by the city council and shall serve until a successor is appointed and qualified.

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

15 (d) Judges serve at will and may be removed from office at any time by the city council
16 unless otherwise provided by ordinance.17 (e) Before assuming office, each judge shall take an oath, given by the city clerk, that such
18 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
19 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
20 minutes of the city council journal required in Section 2.19 of this charter.

21 SECTION 4.12.

22 Convening.

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

24 SECTION 4.13.

25 Jurisdiction; powers.

26 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
27 and such other violations as provided by law.28 (b) The municipal court shall have authority to punish those in its presence for contempt,
29 provided that such punishment shall not exceed \$300.00 or ten days in jail.

1 (c) The municipal court may fix punishment for offenses within its jurisdiction not
2 exceeding a fine of \$1,000.00 or imprisonment for six months or both, or may fix punishment
3 by fine, imprisonment, or alternative sentencing, in the maximum amount as is now or
4 hereafter provided by law.

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

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

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

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

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

30 **SECTION 4.14.**

31 **Certiorari.**

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

SECTION 4.15.

Rules for court.

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

ARTICLE V**ELECTIONS AND REMOVAL****SECTION 5.10.**

Applicability of general law.

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

SECTION 5.11.

Regular elections; time for holding.

In the year 2007, and every fourth year thereafter, on the Tuesday next following the first Monday in November there shall be an election for the mayor and the councilmembers.

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 majority vote.

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

1 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
2 collected as provided in Section 6.18 of this charter.

3 **SECTION 6.17.**

4 Construction; other taxes.

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

8 **SECTION 6.18.**

9 Collection of delinquent taxes and fees.

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

17 **SECTION 6.19.**

18 General obligation bonds.

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

23 **SECTION 6.20.**

24 Revenue bonds.

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

SECTION 6.21.

Short-term loans.

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

SECTION 6.22.

Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year.

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

SECTION 6.24.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans. The city council shall also comply with the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.25.

Operating budget.

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

SECTION 6.26.

Action by city council on budget.

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

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than May 15 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 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.

Levy of taxes.

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

SECTION 6.29.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the councilmembers shall consider a capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year.

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

SECTION 6.30.

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 council. The audit shall be

1 conducted according to generally accepted auditing principles. Any audit of any funds by
 2 the state or federal governments may be accepted as satisfying the requirements of this
 3 charter. Copies of annual audit reports shall be available at printing costs to the public.

4 **SECTION 6.31.**

5 **Contracts.**

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

- 7 (1) It is in writing;
- 8 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 9 course, is signed by the city attorney to indicate such drafting or review; and
- 10 (3) It is made or authorized by the city council and such approval is entered in the city
 11 council journal of proceedings pursuant to Section 2.19 of this charter.

12 **SECTION 6.32.**

13 **Purchasing.**

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

16 **SECTION 6.33.**

17 **Sale and lease of property.**

- 18 (a) The city council may sell and convey or lease any real or personal property owned or
 19 held by the city for governmental or other purposes as now or hereafter provided by law.
- 20 (b) The city council may quitclaim any rights it may have in property not needed for public
 21 purposes upon report by the mayor and adoption of a resolution, both finding that the
 22 property is not needed for public or other purposes and that the interest of the city has no
 23 readily ascertainable monetary value.
- 24 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 25 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 26 tract or boundary of land owned by the city, the city council may sell and convey said cut-off
 27 or separated parcel or tract of land to an abutting or adjoining property owner or owners
 28 where such sale and conveyance facilitates the highest and best use of the abutting owner's
 29 property. Included in the sales contract shall be a provision for the rights of way of said
 30 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
 31 availability of the property and given the opportunity to purchase said property under such

1 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
2 hereafter so executed and delivered shall convey all title and interest the city has in such
3 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
4 made.

5 **ARTICLE VII**
6 **GENERAL PROVISIONS**

7 **SECTION 7.10.**

8 Bonds for officials.

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

12 **SECTION 7.11.**

13 Prior ordinances.

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

17 **SECTION 7.12.**

18 Existing personnel and officers.

19 Except as specifically provided otherwise by this charter, all personnel and officers of this
20 city and their rights, privileges, and powers shall continue beyond the time this charter takes
21 effect for a period of 90 days before or during which time the existing city council shall pass
22 a transition ordinance detailing the changes in personnel and appointed officers required or
23 desired and arranging such titles, rights, privileges, and powers as may be required or desired
24 to allow a reasonable transition.

25 **SECTION 7.13.**

26 Pending matters.

27 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
28 contracts, and legal or administrative proceedings shall continue and any such ongoing work

1 or cases shall be completed by such city agencies, personnel, or offices as may be provided
2 by the city council.

3 **SECTION 7.14.**

4 Construction and definitions.

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

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

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

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

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

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

13 **SECTION 7.15.**

14 Specific repealer.

15 An Act incorporating the Town of Remerton, Georgia, approved April 19, 2000 (Ga. L.
16 2000, p. 4220), is repealed in its entirety.

17 **SECTION 7.16.**

18 Effective date.

19 This Act shall become effective upon the approval of this Act by the Governor or upon its
20 otherwise becoming law without such approval.

21 **SECTION 7.17.**

22 General repealer.

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