

House Bill 1797

By: Representatives Hill of the 16<sup>th</sup>, Lewis of the 12<sup>th</sup>, Franklin of the 17<sup>th</sup>, Knox of the 14<sup>th</sup>,  
Post 1, Murphy of the 14<sup>th</sup>, Post 2, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing a new charter for the City of Waleska, approved May 4, 1992  
2 (Ga. L. 1992, p. 6774), so as to change certain provisions regarding corporate boundaries;  
3 to change certain provisions regarding municipal powers; to change certain provisions  
4 regarding municipal elections; to change certain provisions regarding council creation; to  
5 change certain provisions regarding vacancies; to change certain provisions regarding  
6 corporation and expenses; to change certain provisions regarding prohibitions, conflicts of  
7 interest, and removal; to change certain provisions regarding general powers and authority;  
8 to change certain provisions regarding organization; to change certain provisions regarding  
9 ordinances; to change certain provisions regarding powers and duties of the mayor; to change  
10 certain provisions regarding the city attorney; to authorize certain contracts for the providing  
11 of municipal court functions and services; to change certain provisions regarding franchises;  
12 to change certain provisions regarding operating budgets; to change certain provisions  
13 regarding budget adoption; to change certain provisions regarding capital improvements  
14 budgets; to change certain provisions regarding sale of property; to repeal conflicting laws;  
15 and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

17 **SECTION 1.**

18 An Act providing a new charter for the City of Waleska, approved May 4, 1992 (Ga. L. 1992,  
19 p. 6774), is amended by striking Section 1.11 and inserting in its place a new Section 1.11  
20 to read as follows:

21 "SECTION 1.11.  
22 Corporate boundaries.

23 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
24 of this charter with such alterations as may be made from time to time by local law or in

1 the manner provided by general state law. The boundaries of this city shall be at all times  
 2 shown on a map, a written description, or any combination thereof, to be retained  
 3 permanently in the office of the city clerk of the city and to be designated, as the case may  
 4 be: ' Official Map or Description of the Corporate Limits of the City of Waleska, Georgia.'  
 5 Photographic, typed, or other copies of such map or description certified by the mayor shall  
 6 be admitted as evidence in all courts and shall have the same force and effect as the original  
 7 map or description.

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

## 11 **SECTION 2.**

12 Said Act is further amended by striking Section 1.12 and inserting in its place a new Section  
 13 1.12 to read as follows:

### 14 "SECTION 1.12.

#### 15 Municipal powers.

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

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

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

27 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at  
 28 large of animals and fowl and to provide for the impoundment of same if in violation of  
 29 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane  
 30 destruction of animals and fowl when not redeemed as provided by ordinance; and to  
 31 provide punishment for violation of ordinances enacted under this charter;

32 (3) Appropriations and expenditures. To make appropriations for the support of the  
 33 government of the city; to authorize the expenditure of money for any purposes

1 authorized by this charter and for any purpose for which a municipality is authorized by  
2 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

6 (5) Business regulation and taxation. To levy and to provide for collection of regulatory  
7 fees and taxes on privileges, occupations, trades, and professions as authorized by Title  
8 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to  
9 permit and regulate the same; to provide for the manner and method of payment of such  
10 regulatory fees and taxes; and to revoke such permits after due process for failure to pay  
11 any city taxes or fees;

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

16 (7) Contracts. To enter into contracts and agreements with other governmental entities  
17 and with private persons, firms, and corporations;

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

22 (9) Eminent domain. The city is hereby empowered to acquire, construct, operate, and  
23 maintain public ways, parks, public grounds, cemeteries, markets, market houses, public  
24 buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas  
25 systems, airports, heliports, commuter rail, hospitals, and charitable, educational,  
26 recreational, sport curative, corrective, detentional, penal, and medical institutions,  
27 agencies, and facilities, and any other public improvements inside or outside the city, and  
28 to regulate the use thereof, and for such purposes, property may be condemned under  
29 procedures established under general law applicable now or as provided in the future;

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

35 (11) Fees. To establish fees and assessments of special districts for the purpose of  
36 business improvement districts;

1 (12) Fire regulations. To fix and establish fire limits and from time to time to extend,  
2 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with  
3 general law, relating to both fire prevention and detection and to fire fighting; and to  
4 prescribe penalties and punishment for violations thereof;

5 (13) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection  
6 and disposal and other sanitary service charge, tax, or fee for such services as may be  
7 necessary in the operation of the city from all individuals, firms, and corporations  
8 residing in or doing business in the city benefiting from such services; to enforce the  
9 payment of such charges, taxes, or fees; and to provide for the manner and method of  
10 collecting such service charges;

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

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

18 (16) Health and sanitation. To prescribe standards of health and sanitation and to provide  
19 for the enforcement of such standards;

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

25 (18) Motor vehicles. To regulate the operation of motor vehicles and exercise control  
26 over all traffic, including parking upon or across the streets, roads, alleys, and walkways  
27 of the city;

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

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

35 (21) Municipal property protection. To provide for the preservation and protection of  
36 property and equipment of the city and the administration and use of same by the public;  
37 and to prescribe penalties and punishment for violations thereof;

1 (22) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose  
2 of public utilities, including but not limited to a system of waterworks, sewers and drains,  
3 sewage disposal, gas works, electric light plants, cable television and other  
4 telecommunications, transportation facilities, public airports, and any other public utility;  
5 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and  
6 to provide for the withdrawal of service for refusal or failure to pay the same;

7 (23) Nuisance. To define a nuisance and provide for its abatement whether on public or  
8 private property;

9 (24) Ordinances, rules and regulations and plans. To make, establish, and adopt such  
10 bylaws, ordinances, policies, and rules and regulations as shall appear necessary for the  
11 security, welfare, convenience, and interest of the city and the inhabitants thereof, and for  
12 preserving the health, peace, order, and good government of the city;

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

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

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

21 (28) Public hazards; removal. To provide for the destruction and removal of any building  
22 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,  
23 cemeteries, markets and market houses, public buildings, libraries, public housing,  
24 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,  
25 recreational, conservation, sport, curative, corrective, detentional, penal, and medical  
26 institutions, agencies, and facilities; to provide any other public improvements; and, for  
27 such purposes, property may be acquired by condemnation under Title 22 of the  
28 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

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

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

1 (32) 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 (33) Retirement. To provide and maintain a retirement plan for officers and employees  
7 of the city;

8 (34) Roadways and commuter rail. To lay out, open, extend, widen, narrow, establish or  
9 change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade  
10 trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the  
11 roads, alleys, and walkways within the corporate limits of the city; to negotiate and  
12 execute leases over, through, under, or across any city property or the right of way of any  
13 street, road, alley, and walkway or portion thereof within the corporate limits of the city  
14 for the bridges, passageways, or any other purpose or use between buildings on opposite  
15 sides of the street and for other bridges, overpasses, and underpasses within the corporate  
16 limits of the city; to grant franchises and rights of way throughout the streets and roads  
17 and over the bridges and viaducts for the use of public utilities and for private use; and  
18 to require real estate owners to repair and maintain in a safe condition the sidewalks  
19 adjoining their lots or lands and to impose penalties for failure to do so;

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

26 (36) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,  
27 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by  
28 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,  
29 paper, and other recyclable materials and to provide for the sale of such items;

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

1 (38) Special assessments. To levy and provide for the collection of special assessments  
2 to cover the costs for any public improvements;

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

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

7 (41) Taxicabs; vehicles for hire. To regulate and license vehicles operated for hire in the  
8 city; to limit the number of such vehicles; to require the operators thereof to be licensed;  
9 to require public liability insurance on such vehicles in the amounts to be prescribed by  
10 ordinance; and to regulate the parking of such vehicles;

11 (42) Urban redevelopment. To organize and operate an urban redevelopment program;  
12 and

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

24 **SECTION 3.**

25 Said Act is further amended by striking Section 2.10 and inserting in its place a new Section  
26 2.10 to read as follows:

27 "SECTION 2.10.

28 City council creation; composition; number.

29 The legislative authority of the government of this city, except as otherwise specifically  
30 provided in this charter, shall be vested in a city council to be composed of a mayor and  
31 six councilmembers."



1 "SECTION 2.12.

2 Vacancies.

3 (a) The office of mayor or councilmember shall become vacant upon the occurrence of any  
4 event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or  
5 such other applicable laws as are or may hereafter be enacted.

6 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder  
7 of the unexpired term, if any, by appointment if less than 12 months remain in the  
8 unexpired term, otherwise by an election in accordance with Titles 21 and 45 of the  
9 O.C.G.A., or other such laws as are or may hereafter be enacted or amended."

10 **SECTION 6.**

11 Said Act is further amended by striking Section 2.15 and inserting in its place a new Section  
12 2.15 to read as follows:

13 "SECTION 2.15.

14 Compensation and expenses.

15 The mayor and councilmembers shall receive compensation and expenses for their services  
16 as provided by ordinance."

17 **SECTION 7.**

18 Said Act is further amended by striking Section 2.16 and 2.17 and inserting in their place a  
19 new Section 2.16 to read as follows:

20 "SECTION 2.16.

21 Conflicts of interest; removal of officers.

22 (a) Elected and appointed officers of the city are trustees and servants of the residents of  
23 the city and shall act in a fiduciary capacity for the benefit of such residents as per the  
24 Ethics Ordinance.

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

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

1 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 2 an elected officer is to be removed by the action of the city council, such officer shall be  
 3 entitled to a written notice specifying the ground or grounds for removal and to a public  
 4 hearing which shall be held not less than ten days after the service of such written notice.  
 5 The city council shall provide by ordinance for the manner in which such hearing shall  
 6 be held. Any elected officer sought to be removed from office as herein provided shall  
 7 have the right of appeal from the decision of the city council to the Superior Court of  
 8 Cherokee County. Such appeal shall be governed by the same rules as govern appeals  
 9 to the superior court from the probate court; or

10 (2) By an order of the Superior Court of Cherokee County following a hearing on a  
 11 complaint seeking such removal brought by any resident of the City of Waleska."

12 **SECTION 8.**

13 Said Act is further amended by striking Section 3.10 and inserting in its place a new  
 14 Section 3.10 to read as follows:

15 "SECTION 3.10.

16 General power and authority.

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

19 **SECTION 9.**

20 Said Act is further amended by striking Section 3.11 and inserting in its place a new  
 21 Section 3.11 to read as follows:

22 "SECTION 3.11.

23 Organization.

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

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

30 (b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro  
 31 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall

1 assume the duties and powers of the mayor during any disability or absence of the mayor.  
2 Any such disability or absence shall be declared by a majority vote of the city council. The  
3 city council shall by majority vote elect a presiding officer from its number for any period  
4 in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or  
5 disability shall be declared by majority vote of the council. The mayor pro tempore  
6 selected councilmember shall sign all contracts and ordinances in which the mayor has a  
7 disqualifying financial interest."

8 **SECTION 10.**

9 Said Act is further amended by striking Section 3.16 and inserting in its place a new  
10 Section 3.16 to read as follows:

11 "SECTION 3.16.

12 Ordinances.

13 (a) Every proposed ordinance should be introduced in writing and in the form required for  
14 final adoption. No ordinance shall contain a subject which is not expressed in its title. The  
15 enacting clause shall be 'The Council of the City of Waleska hereby ordains...' and every  
16 ordinance shall so begin.

17 (b) An ordinance may be introduced by any councilmember and be read at a regular or  
18 special meeting of the city council. Ordinances shall be considered and adopted or rejected  
19 by the city council in accordance with the rules which it shall establish; provided, however,  
20 an ordinance shall not be adopted the same day it is introduced, except for emergency  
21 ordinances provided for in Section 3.18 of this charter. Upon introduction of any  
22 ordinance, the clerk shall, as soon as possible, distribute copies to the mayor and to each  
23 councilmember and shall file a reasonable number of copies in the office of the clerk and  
24 at such other public places as the city council may designate.

25 (c) The difference between an ordinance and a resolution is that a resolution deals with  
26 matters of a special or temporary character and an ordinance prescribes some permanent  
27 rule of government."

28 **SECTION 11.**

29 Said Act is further amended by striking Section 3.22 and inserting in its place a new  
30 Section 3.22 to read as follows:

1 "SECTION 3.22.

2 Powers and duties of mayor.

3 The mayor shall:

4 (1) Preside at all meetings of the city council;

5 (2) Be the head of the city for the purpose of service of process and for ceremonial  
6 purposes, and be the official spokesperson for the city and the chief advocate of policy;

7 (3) Have the power to administer oaths and to take affidavits;

8 (4) Sign as a matter of course on behalf of the city all written and approved contracts,  
9 ordinances, and other instruments executed by the city which by law are required to be  
10 in writing;

11 (5) Vote on matters before the city council and be counted toward a quorum as any other  
12 councilmember;

13 (6) Prepare and submit to the city council a recommended annual operating budget and  
14 recommended capital budget; and

15 (7) Fulfill such other executive and administrative duties as the city council shall by  
16 ordinance establish."

17 **SECTION 12.**

18 Said Act is further amended by striking Section 4.11 and inserting in its place a new Section  
19 4.11 to read as follows:

20 "SECTION 4.11.

21 Boards.

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

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

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

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

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

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

8 (g) Any member of a board, commission, or authority may be removed from office for  
 9 cause by a vote of a majority of the city council.

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

18 **SECTION 13.**

19 Said Act is further amended by striking Section 4.12 and inserting in its place a new Section  
 20 4.12 to read as follows:

21 "SECTION 4.12.

22 City attorney.

23 The city council shall appoint a city attorney, together with such assistant city attorneys as  
 24 may be authorized, who shall be a member of the State Bar of Georgia and shall have  
 25 actively practiced law for at least one year. The city attorney shall serve at the pleasure of  
 26 the city council. The city attorney shall be responsible for providing for the representation  
 27 and defense of the city in all litigation in which the city is a party; may be the prosecuting  
 28 officer in the municipal court; shall attend the meetings of the city council as directed; shall  
 29 advise the city council, mayor, and other officers and employees of the city concerning  
 30 legal aspects of the city's affairs; and shall perform such other duties as may be required  
 31 by virtue of such person's position as city attorney. The city council shall provide for the  
 32 compensation of the city attorney together with such assistant city attorneys as may be  
 33 authorized."

**SECTION 14.**

Said Act is further amended by adding a new section immediately following Section 5.15, to be designated Section 5.16, to read as follows:

**"SECTION 5.16.****Contracts.**

In lieu of appointing a judge or judges of the municipal court, the mayor and councilmembers are authorized to contract with the governing authority of Cherokee County for the providing of municipal court functions and services as authorized by general law."

**SECTION 15.**

Said Act is further amended by striking Section 6.14 and inserting in its place a new Section 6.14 to read as follows:

**"SECTION 6.14.****Franchises.**

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

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



1 organizational unit, purpose, or activity as set out in the budget preparation ordinance  
2 adopted pursuant to Section 6.24 of this charter.

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

7 **SECTION 18.**

8 Said Act is further amended by striking Section 6.28 and inserting in its place a new Section  
9 6.28 to read as follows:

10 "SECTION 6.28

11 Capital improvements.

12 (a) On or before the date fixed by the city council, but not later than 30 days prior to the  
13 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital  
14 improvements budget with a recommended capital budget containing the means of  
15 financing the improvements proposed for the ensuing fiscal year. The city council shall  
16 have power to accept, with or without amendments, or reject the proposed program and  
17 proposed means of financing. The city council shall not authorize an expenditure for the  
18 construction of any building, structure, work, or improvement unless the appropriations for  
19 such project are included in the capital budget, except to meet a public emergency as  
20 provided in Section 2.23 of this charter.

21 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the  
22 final capital budget for the ensuing fiscal year not later than the day of the first meeting in  
23 August of each year. No appropriations provided for in a prior capital improvements  
24 budget shall lapse until the purpose for which the appropriations was made shall have been  
25 accomplished or abandoned; provided, however, the mayor may submit amendments to the  
26 capital improvements budget at any time during the fiscal year, accompanied by  
27 recommendations. Any such amendments to the capital improvements budget shall  
28 become effective only upon adoption by majority vote of the city council."

29 **SECTION 19.**

30 Said Act is further amended by striking Section 6.32 and inserting in its place a new Section  
31 6.32 to read as follows:

1 "SECTION 6.32

2 Sale of property.

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

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

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

21 **SECTION 20.**

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