

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1569:

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Rockmart; 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 city manager, mayor, and mayor pro tempore and
8 certain duties, powers, and other matters relative thereto; to provide for administrative affairs
9 and responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, 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 collections; to provide for bonded and other indebtedness; to provide for auditing,
16 accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to
17 provide for the conveyance of property and interests therein; to provide for bonds for
18 officials; to provide for prior ordinances and rules, pending matters, and existing personnel;
19 to provide for penalties; to provide for definitions, construction, and severability; to provide
20 for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective
21 date; to repeal conflicting laws; and for other purposes.

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.04.

Examples of power.

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

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

(c) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; to regulate all housing and building trades; and to establish minimum standards for and regulate building construction and repair, electrical wiring and equipment, gas installation and equipment, plumbing, and housing for the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

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

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

(f) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations to the extent permitted by this charter and the general laws of this state;

(g) Economic development. To levy taxes, make appropriations, provide incentive plans, conduct industrial recruitment, and take other actions necessary to promote or advertise the city and its advantages and resources so as to bring new capital, commercial, and other manufacturing enterprises into the city and create new employment opportunities for its residents;

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

5 (i) Environmental protection. To protect and preserve the natural resources, environment,
6 and vital areas of the state through the preservation and improvement of air quality, the
7 restoration and maintenance of water resources, the control of erosion and sedimentation, the
8 management of solid and hazardous waste, and other necessary actions for the protection of
9 the environment;

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

14 (k) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
15 disposal fees, and other sanitary service charge, tax, or fee for such services as may be
16 necessary in the operation of the city from all individuals, firms, and corporations residing
17 in or doing business therein benefiting from such services, with said fees, if unpaid, to
18 constitute a lien against any property or persons served and enforceable in the same manner
19 as a lien for unpaid property taxes;

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

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

26 (n) Health and sanitation. To prescribe standards of health and sanitation and to provide for
27 the enforcement of such standards;

28 (o) Hospitals. To levy taxes, collect fees and other revenue, make appropriations, and make
29 payment from the general revenues and funds of the city for the support of public hospitals;

30 (p) Jail sentences. To provide that persons given jail sentences in the city's court may work
31 out such sentences in any public works or on the streets, roads, drains, and other public
32 property in the city; to provide for commitment of such persons to any jail; or to provide for
33 commitment of such persons to any county work camp or county jail by agreement with the
34 appropriate county officials;

35 (q) Libraries. To levy taxes, collect fees and other revenue, make appropriations, and make
36 payment from the general revenues and funds of the city for the support of public libraries;

1 (r) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
2 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
3 city;

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

8 (t) Municipal debts. To appropriate and borrow money for the payment of debts of the city
9 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
10 venture authorized by this charter or the laws of the State of Georgia governing bond issues
11 by municipalities in effect at the time said issue is undertaken;

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

15 (v) Municipal property protection. To provide for the preservation and protection of
16 property and equipment of the city and the administration and use of same by the public; and
17 to prescribe penalties and punishment for violations thereof;

18 (w) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
19 public utilities, including but not limited to a system of waterworks, sewers and drains,
20 sewage disposal, gas works, electric light plants, cable television, fiber optic networks, and
21 other telecommunications, transportation facilities, public airports, and any other public
22 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties
23 and to provide for the withdrawal of service for refusal or failure to pay the same. Any such
24 fees, if unpaid, will constitute a lien against the person or property served and enforceable
25 in the same manner as a lien for unpaid property taxes;

26 (x) Nuisance. To define a nuisance and provide for its abatement, whether on public or
27 private property, in the Municipal Court of Rockmart as outlined both by ordinance and by
28 general state law;

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

31 (z) Personnel. To provide such system of personnel administration, employment matters,
32 or similar rules and regulations as the city manager as chief personnel officer and the mayor
33 and city council should determine;

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

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

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

5 (dd) Public improvements. To provide for the acquisition, construction, building, operation,
6 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
7 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
8 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
9 conservation, athletic, curative, corrective, detentional, penal, and medical institutions,
10 agencies, and facilities; and to provide any other public improvements, inside or outside the
11 corporate limits of the city; to regulate the use of public improvements; and for such
12 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
13 other applicable laws as are or may hereafter be enacted;

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

16 (ff) Public transportation. To organize and operate such public transportation systems as are
17 deemed beneficial;

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

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

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

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

1 (kk) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquisition,
2 construction, equipment, operation, maintenance, and extension of a sewage disposal plant
3 and sewerage system and to levy on those to whom sewers and sewerage systems are made
4 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;
5 to provide for the manner and method of collecting such service charges and for enforcing
6 payment of the same. Any such fees, if unpaid, will constitute a lien against the person or
7 property served and shall be enforceable in the same manner as a lien for unpaid property
8 taxes; and to charge, impose, and collect a sewer connection fee or fees to those connected
9 with the system;

10 (ll) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and
11 refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others;
12 and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other
13 recyclable materials and to provide for the sale of such items should the city acquire facilities
14 or equipment, or both, for this purpose;

15 (mm) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
16 the manufacture, sale, or transportation of alcoholic beverages, and the sale of firearms; to
17 regulate the transportation, storage, and use of combustible, explosive, and flammable
18 materials, the use of lighting and heating equipment, and any other business or situation
19 which may be dangerous to persons or property; to regulate and control the conduct of
20 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
21 by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling,
22 palmistry, adult bookstores, and massage parlors;

23 (nn) Special assessments. To levy and provide for the collection of special assessments to
24 cover the costs for any public improvements;

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

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

29 (qq) Vehicles for hire. To regulate and license vehicles operated for hire in the city; to limit
30 the number of such vehicles; to require the operators thereof to be licensed; to require public
31 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
32 regulate the parking of such vehicles; and

33 (rr) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and
34 immunities necessary or desirable to promote or protect the safety, health, peace, security,
35 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
36 exercise all implied powers necessary or desirable to carry into execution all powers granted
37 in this charter as fully and completely as if such powers were fully stated herein; and to

1 exercise all powers now or in the future authorized to be exercised by other municipal
2 governments under other laws of the State of Georgia. No listing of particular powers in this
3 charter shall be held to be exclusive of others, nor restrictive of general words and phrases
4 granting powers, but shall be held to be in addition to such powers unless expressly
5 prohibited to municipalities under the constitution or applicable laws of the State of Georgia.

6 **SECTION 1.05.**

7 Exercise of powers.

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

12 **SECTION 1.06.**

13 Regulation and control of public streets,
14 alleys, and ways; closing; costs.

15 (a) In the event that the City of Rockmart receives a petition or written request from all
16 adjoining property owners that any street, lane, alley, avenue, road, or sidewalk, or any part
17 of the same, is no longer needed for street purposes, the city shall have express power and
18 authority to close, lease, sell, convey, or otherwise dispose of any such street, lane, alley,
19 avenue, road, or sidewalk or any part of same. However, should the mayor and city council
20 determine that it is not desirable to permanently abandon such street, lane, alley, avenue,
21 road, or sidewalk, or any part thereof, but should desire to preserve it for future use to the
22 city if needed for street or other purposes, the mayor and city council are hereby expressly
23 granted the power and authority to lease or retain an easement to any such street, lane, alley,
24 avenue, road, or sidewalk, or any part of the same, to any person, firm, or corporation, upon
25 such terms and conditions as they may deem proper, with full power and authority to provide
26 any such lease contract for a renewal of the same on a year to year basis, provided that the
27 city shall not require the use of the property for street purposes at the expiration of any
28 original lease contemplated herein.

29 (b) Before any street, lane, alley, avenue, road, or sidewalk, or any part of the same is
30 closed, sold, leased, conveyed, or otherwise disposed of, the mayor and city council shall
31 adopt a resolution at a regular meeting thereof, duly called and held. Said resolution shall
32 generally describe such street, land, alley, avenue, road, or sidewalk, or any part of same,
33 together with the intentions of the mayor and city council as to the disposition thereof,

1 including the terms and conditions of said disposition, and the person, firm, or corporation
 2 to whom the property is to be disposed. Upon passage of such a resolution, the city shall
 3 then publish notice of the proposed closing or other disposition in a newspaper of general
 4 circulation located within the corporate limits of the city once a week for two weeks and hold
 5 a public hearing at the next regularly scheduled monthly city council meeting. If after such
 6 publication, no objection is made to the proposed disposition, the mayor and city council may
 7 proceed by ordinance to make such disposition. If, however, any citizen or property owner
 8 makes any objection to the proposed disposition, the mayor and city council shall conduct
 9 a full and complete hearing and afford all parties the opportunity to present evidence or
 10 otherwise voice their opinions for or against the proposed disposition of the street property.
 11 The city shall retain full and complete discretion as to the final disposition of said property,
 12 even if requested by all adjoining property owners, and shall not have any obligation or duty
 13 to grant said property owners' request.

14 (c) In the event that any person, firm, or corporation of the City of Rockmart files an
 15 application to close any portion of a street, lane, alley, avenue, road, or sidewalk, within the
 16 corporate limits of the city, the applicant shall bear all expenses occasioned by the closing
 17 of said street, lane, alley, avenue, road, or sidewalk, or any part of same, even if the mayor
 18 and city council do not ultimately grant the application. Said costs shall include, but not be
 19 limited to, any and all attorney's fees, survey costs, preparation of deeds or other legal
 20 instruments, recording fees, and any other reasonable costs and expenses incurred therewith.
 21 If multiple property owners submit such an application or petition, they shall bear all such
 22 costs equally. The applicant shall pay all such costs in advance, prior to the execution of any
 23 ordinances, quitclaim deeds, or any other documents required to be executed at the
 24 conclusion of said closing.

25 (d) The mayor and city council may place whatever restrictions, contingencies, or
 26 requirements concerning the closing of such street, lane, alley, avenue, road, or sidewalk, or
 27 any part of same, as it may deem appropriate, including, but not limited to, the right of
 28 retention of easements for sewer, water, and other municipal utilities services.

29 ARTICLE II

30 CITY GOVERNMENT STRUCTURE

31 SECTION 2.01.

32 Establishment of city council; number; election.

33 The legislative authority of the government of the City of Rockmart, except as otherwise
 34 specifically provided in this charter, shall be vested in a city council to be composed of a
 35 mayor and five councilmembers, to be known as the "mayor and city council of the City of

1 Rockmart." The mayor and city council established in this charter shall in all respects be a
2 successor and continuation of the governing authority of the City of Rockmart under prior
3 law and shall be elected in the manner provided by general law and this charter.
4 Furthermore, the mayor and city council shall exercise their powers in such manner as
5 prescribed by this charter and the Constitution and applicable general laws of the State of
6 Georgia as they exist on the date of the adoption of this charter and as they may hereafter be
7 amended. If any such powers are not prescribed in this charter, then the mayor and city
8 council shall exercise them in such a manner as may be prescribed by the duly established
9 ordinances of the City of Rockmart.

10 **SECTION 2.02.**

11 Qualifications and terms for mayor and councilmembers.

12 The mayor and councilmembers shall serve terms of four years and until their respective
13 successors are elected and qualified. To be eligible for the office of mayor or
14 councilmember, a person shall have been a resident of the City of Rockmart for 12 months
15 immediately preceding the date of election of the mayor or councilmember. Persons seeking
16 to qualify for the office of councilmember shall, at the time of qualification, be a resident of
17 the ward for which he or she seeks election. Furthermore, the mayor and councilmembers
18 shall continue to reside in the corporate limits of the city and the ward from which they were
19 elected during their respective periods of service and shall be both registered and qualified
20 to vote in municipal elections in this city. The terms of mayor and councilmember shall
21 commence on January 1 of the year next following the year in which they were elected and
22 shall expire on December 31 of the year in which the elections were held to fill the expiring
23 terms.

24 **SECTION 2.03.**

25 Vacancies in office.

26 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the
27 occurrence of any events specified by the Constitution of the State of Georgia, Title 45 of the
28 O.C.G.A., or such applicable laws as are or may hereafter be enacted.

29 (b) Filling vacancies. A vacancy in the office of mayor or councilmember shall be filled as
30 provided in Section 5.06 of this charter.

1 of the O.C.G.A., the "Ethics in Government Act," or such other applicable laws as are or
2 may hereafter be enacted;

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

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

7 (c) Disclosure – Any elected official, appointed officer, or employee who shall have any
8 financial interest, directly or indirectly, in any contract or matter pending before or within
9 any department of the city shall disclose such interest to the mayor and city council. Such
10 interest and such disclosure shall be entered on the records of the mayor and city council, and
11 that official shall disqualify himself or herself from participating in any decision or vote
12 relating thereto. Any elected official, appointed officer, or employee of any agency or
13 political entity to which this charter applies who shall have any financial interest, directly or
14 indirectly, in any contract or matter pending before or within such entity shall disclose such
15 interest to the governing body of such agency or entity.

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

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

24 (f) Ineligibility of elected officials – Except where authorized by law, neither the mayor nor
25 any councilmember shall hold any other elected or compensated appointed office in the city
26 or otherwise be employed by said government or any agency thereof during the term for
27 which that official was elected. No former mayor or councilmember shall hold any
28 compensated appointed office in the city until one year after the expiration of the term for
29 which that official was elected.

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

37 (h) Penalties for violation:

1 (1) Any city officer or employee who knowingly conceals such financial interest or
 2 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 3 in office or position, shall be deemed to have forfeited that person's office or position,
 4 and shall be subject to removal under Section 3.19 of this charter.

5 (2) Any officer or employee of the city who shall forfeit an office or position as
 6 described in paragraph (1) of this subsection shall be ineligible for appointment or
 7 election to or employment in a position in the city government for a period of three years
 8 thereafter.

9 **SECTION 2.06.**

10 Inquiries and investigations.

11 Following the adoption of an authorizing resolution, the mayor or city council may make
 12 inquiries and investigations into the affairs of the city and the conduct of any department,
 13 office or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take
 14 testimony, and require the production of evidence. Any person who fails or refuses to obey
 15 a lawful order issued in the exercise of these powers by the mayor or city council shall be
 16 punished in the same manner after a violation of any city ordinance.

17 **SECTION 2.07.**

18 General power and authority of the mayor and city council.

19 The mayor and five councilmembers shall compose the Rockmart City Council, and shall be
 20 vested with all corporate, legislative, and other powers of government of the city, except as
 21 otherwise provided by this charter or general state law.

22 **SECTION 2.08.**

23 Eminent domain.

24 The mayor and city council are hereby empowered to acquire, construct, operate, and
 25 maintain public ways, parks, public grounds, industrial, vocational, technical and commercial
 26 parks, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage
 27 treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable,
 28 educational, recreational, athletic, curative, corrective, detentional, penal, and medical
 29 institutions, agencies, and facilities, and any other public improvements inside or outside the
 30 city, and to regulate the use thereof, and for such purposes, property may be condemned
 31 under procedures established under general law applicable now or as provided in the future.

1 present when this special meeting or work sessions are called. Such notice of any special
2 meeting or work session may also be waived by a councilmember in writing before or after
3 such a meeting. Attendance at a special meeting shall also constitute a waiver of notice on
4 any business transacted in a councilmember's presence. Only the business stated in the
5 notice may be transacted at a special meeting, unless all councilmembers unanimously
6 consent to the transacting of additional business. At work sessions, the mayor and city
7 council may discuss, deliberate, plan, or debate current city issues but may not take any vote
8 or formal action and shall not publish or follow a formal agenda.

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

13 **SECTION 3.04.**

14 Rules of procedure.

15 (a) The mayor and city council shall adopt its rules of procedure and order of business
16 consistent with the provisions of this charter and the city clerk shall provide for keeping
17 minutes of its proceedings, which shall be public record. The mayor and city council may
18 also adopt procedures and penalties for compelling the attendance of absent members, as well
19 as punishment for contemptuous behavior conducted in the presence of the mayor and city
20 council.

21 (b) All committees and committee chairs and officers of the city council shall be
22 recommended by the mayor and approved by the city council and shall serve at the pleasure
23 of the mayor and city council. Furthermore, the mayor and city council shall have the power
24 to appoint new members to any committee at any time.

25 **SECTION 3.05.**

26 Quorum; voting.

27 A majority of councilmembers present shall constitute a quorum and shall be authorized to
28 transact business of the city council. Voting on the adoption of any ordinances shall be by
29 voice vote and the vote shall be recorded in the minutes of the city council. Any member of
30 the city council shall have the right to request a roll-call vote and such vote shall also be
31 recorded in the minutes, if requested. Except as otherwise provided in this charter, the
32 affirmative vote of three councilmembers shall be required for the adoption of any ordinance,
33 resolution, or motion.

1 councilmembers, or a majority of councilmembers and promptly adopt an emergency
2 ordinance. However, such an ordinance may not do any of the following:

- 3 (1) Levy taxes;
- 4 (2) Grant, renew, or extend a franchise;
- 5 (3) Regulate the rate charged by any public utility for its services; or
- 6 (4) Authorize the borrowing of money except for temporary loans to be repaid within 30
7 days.

8 (b) An emergency ordinance shall be introduced in the form prescribed for ordinances
9 generally, except that it shall be plainly designated as an emergency ordinance and shall
10 contain, after the enacting clause, a declaration stating that an emergency exists and
11 describing the emergency in clear and specific terms. An emergency ordinance may be
12 adopted, with or without amendment, or rejected at the meeting at which it is introduced, but
13 the affirmative vote of at least three councilmembers shall be required for adoption. An
14 emergency ordinance shall become effective immediately upon adoption or at such later time
15 as it may specify.

16 (c) Every emergency ordinance shall automatically stand repealed 30 days following the
17 date upon which it was adopted, but such ordinances may be extended or reenacted in the
18 manner specified in this section if the emergency still exists. An emergency ordinance may
19 also be repealed by adoption of a repealing ordinance in the same manner specified in this
20 section for adoption of emergency ordinances.

21 (d) Emergency meetings shall be open to the public to the extent required by law and notice
22 to the public of emergency meetings shall be made as fully as reasonably possible in
23 accordance with Code Section 50-14-1 of the O.C.G.A. or such applicable laws as are or may
24 hereafter be enacted.

25 **SECTION 3.09.**

26 Codes of technical regulations.

27 (a) The mayor and city council may adopt any standard code of technical regulations by
28 reference thereto in an adopting ordinance. The procedure and requirements governing such
29 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the
30 requirements of Section 3.07 of this charter for distribution of copies of the ordinance shall
31 be construed to include making available copies of any code of technical regulations, as well
32 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
33 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
34 Section 3.10 of this charter.

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

3 **SECTION 3.10.**

4 Signing; authenticating; recording; codification; printing.

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

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

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

25 **SECTION 3.11.**

26 Election of mayor; forfeiture; compensation.

27 The mayor shall be elected by a majority vote of all citizens of the City of Rockmart and
28 serve for a term of four years until a successor is elected and qualified. The mayor shall be
29 a qualified elector of this city and shall have been a resident of the city for no fewer than 12
30 months immediately preceding the election. The mayor shall continue to reside in this city
31 during the period of service. The mayor shall forfeit the office or may be removed on the
32 same grounds and under the same procedures as for councilmembers. The compensation of
33 the mayor shall be established by ordinance in the same manner as for councilmembers.

1 (b) Either at the meeting at which an ordinance was adopted or no later than five calendar
2 days of receipt of an ordinance, the mayor shall return it to the clerk either with or without
3 the mayor's approval. If the mayor has approved the ordinance, it shall become law
4 immediately upon its return to the clerk. If the mayor neither approves nor disapproves the
5 ordinance, it shall become law at 12:00 Noon on the eleventh calendar day after the city
6 council meeting at which it was adopted. If the mayor expressly disapproves an ordinance,
7 the mayor shall submit to the city council and clerk a written statement of reasons for the
8 veto. The statement of the mayor shall be circulated by the clerk to the city council. In all
9 instances, the clerk shall record upon the ordinance the date it was delivered to and received
10 from the mayor.

11 (c) If the mayor vetoes an ordinance as provided in this section, the clerk shall present said
12 ordinance to the city council at its next regular or special meeting. If the city council then
13 or at its next meeting adopts the ordinance by an affirmative vote of four councilmembers,
14 the ordinance shall become law.

15 (d) The mayor may disapprove, veto, or reduce any item or items of appropriation in any
16 ordinance or budget. The approved part or parts of any budget or ordinance making
17 appropriations shall become law and the part or parts disapproved shall not become law
18 unless subsequently passed by the city council over the mayor's veto as provided in this
19 section. The reduced part or parts shall also be presented to the city council as if disapproved
20 or vetoed by the mayor and shall not become law unless passed by the city council over the
21 mayor's veto as provided in this section.

22 **SECTION 3.14.**

23 Mayor pro tem.

24 (a) At the first regular meeting of the mayor and city council each year, the city council shall
25 by majority vote elect another councilmember to serve as mayor pro tem. for a term of one
26 year. Upon the city council's failure to elect a mayor pro tem. at its first regular meeting in
27 January of each year, the incumbent councilmember who received the highest number of
28 votes when last elected shall be declared mayor pro tem.

29 (b) The mayor pro tem. shall assume the duties and powers of the mayor during the mayor's
30 physical or mental disability or absence. Any such disability or absence shall be declared by
31 a majority vote of the city council. In addition, the mayor pro tem. shall sign all contracts
32 and ordinances in which the mayor has a disqualifying financial interest as defined in Section
33 2.05 of this charter.

SECTION 3.15.

Powers and duties of the city manager.

The mayor and city council shall appoint a city manager who shall be the chief administrative officer of the city. The city manager shall be responsible to the mayor and city council for the administration of all city affairs placed in the city manager's charge by or under this charter. As the chief administrative office, the city manager shall:

- (1) Serve as chief personnel officer for the city and appoint and, when the city manager deems it necessary for the good of the city, reprimand, suspend, remove, or otherwise take disciplinary action against all city employees and department heads the city manager appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. The city manager may authorize any department head who is subject to the city manager's direction and supervision to exercise these powers with respect to subordinates in that persons department, office, or agency;
- (2) Direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
- (3) Attend all city council meetings except for closed meetings held for the purpose of deliberating on the appointment, discipline, or removal of the city manager and have the right to take part in discussion but not vote;
- (4) See that all laws, provisions of this charter, and acts of the mayor and city council, subject to enforcement by the city manager or by officers subject to the city manager's direction and supervision, are faithfully executed;
- (5) Along with the city clerk as finance officer, prepare and submit the annual operating budget and capital budget to the mayor and city council;
- (6) Submit to the mayor and city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) Make such other reports as the mayor and city council may require concerning the operations of city departments, offices, and agencies subject to the city manager's direction and supervision;
- (8) Keep the mayor and city council fully advised as to the financial condition and future needs of the city and make such recommendations to the mayor and city council concerning the affairs of the city as the city manager deems desirable;
- (9) Serve as purchasing agent for the city and approve all purchases and vouchers for same as set forth by ordinance; and
- (10) Perform other such duties as are specified in this charter or as may be required or directed by the mayor and city council.

- 1 (5) Maintain a book or record of registration of franchises granted by the city pursuant
2 to Section 4.13 of this charter; and
3 (6) Perform such other duties as may be required by the mayor and city council.

4 **SECTION 3.19.**

5 Removal of officers.

6 (a) The mayor, any councilmember, city manager, or city clerk may be removed from office
7 for any one or more of the following causes:

- 8 (1) Incompetence, misfeasance, or malfeasance in office;
9 (2) Conviction of a felony or other crime involving moral turpitude;
10 (3) Failure at any time to possess any qualifications of office as provided by this charter
11 or other law;
12 (4) Knowingly violating Section 2.05 of this charter or any other express prohibition of
13 this charter or code of the City of Rockmart;
14 (5) Abandonment of office or neglect to perform the duties thereof; or
15 (6) Failure for any other cause to perform the duties of office as required by this charter,
16 the Rockmart Code of Ordinances, or general state law.

17 (b) For purposes of subparagraph (a)(2) of this section, the term "moral turpitude" is defined
18 as a crime involving an act which implicates the honesty and integrity of the perpetrator and
19 in particular shall include any crime involving theft, deceit, or fraud.

20 (c) In the event an elected or appointed officer is sought to be removed by action of the city
21 council, such officer shall be entitled to written notice specifying the ground or grounds for
22 removal and to a public hearing, which shall be held no less than ten days after service of
23 such written notice. Removal of any elected or appointed officer pursuant to subsection (a)
24 of this section shall be accomplished by the affirmative vote of four councilmembers after
25 an investigative hearing. Any and all hearings held pursuant to this section shall be
26 conducted in accordance with Chapter 14 of Title 50 of the O.C.G.A., the "Georgia Open
27 Meetings Act," to the greatest extent reasonably possible.

28 (d) Any elected or appointed officer sought to be removed from office as provided in this
29 section shall have the right of appeal from the decision of the city council to the Superior
30 Court of Polk County. Such appeal shall be governed by the same rules as governed appeals
31 to the superior court from the probate court of Polk County.

1 and city council deems necessary and shall by ordinance establish the composition, period
2 of existence, duties, and powers thereof.

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

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

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

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

15 (f) All board members serve at will and may be removed at any time by the affirmative vote
16 of four members of the city council unless otherwise provided by law.

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

25 **SECTION 3.23.**

26 Department heads.

27 (a) Except as otherwise provided herein, the mayor and city council shall by ordinance
28 prescribe the functions and duties and establish, abolish, or alter all nonelective offices,
29 positions of employment, departments, and agencies of the city as necessary for the proper
30 administration of the affairs and government thereof.

31 (b) Except as otherwise provided herein or by other law, the department heads and other
32 officers of the city shall be appointed solely on the basis of their administrative and
33 professional qualifications.

34 (c) All appointed officers and department heads shall receive such compensation as is
35 determined by the mayor and city council.

1 (d) There shall be a director or head of each department or agency who shall be its principal
2 officer. Each department head shall be responsible for the administration and direction of
3 the affairs and operations of his or her department or agency, subject to the direction and
4 supervision of the city manager.

5 **ARTICLE IV**
6 **FINANCE AND FISCAL ADMINISTRATION**

7 **SECTION 4.01.**

8 Fiscal year.

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

12 **SECTION 4.02.**

13 Preparation of budgets.

14 The mayor and city council shall adopt an annual operating budget, a capital improvement
15 plan, and a capital budget, including requirements as to the scope, content, and form of such
16 budgets and plans.

17 **SECTION 4.03.**

18 Submission of operating budget to city council.

19 (a) On or before a date fixed by the city council, but not later than 30 days prior to the
20 beginning of each fiscal year, the city manager in coordination with the city clerk shall
21 submit to the mayor and city council a proposed operating budget for the ensuing fiscal year,
22 showing the following:

- 23 (1) The revenue and expenditure during the previous fiscal year;
24 (2) Appropriations and estimated revenue and expenditures for the current fiscal year;
25 (3) Estimated revenue and recommended expenditures for the ensuing fiscal year;
26 (4) A comparative statement of the assets, liabilities, reserves, and surplus at the end of
27 the previous fiscal year, and estimated assets, liabilities, reserves, and surplus, both at the
28 end of the current fiscal year and the ensuing fiscal year; and
29 (5) Such other information and data as may be considered necessary by the mayor and
30 city council.

1 (b) The budget shall be accompanied by a message from the city manager containing a
2 statement of the general fiscal policies of the city, the important features of the budget,
3 explanations of any major changes recommended for the next fiscal year, a general summary
4 of the budget, and any other pertinent comments and information the city manager feel
5 necessary. The operating budget and the capital budget hereinafter provided for, the budget
6 message, and all supporting documents shall be maintained in the office of the city clerk and
7 shall be open to public inspection.

8 **SECTION 4.04.**

9 Action by city council on budget.

10 (a) The mayor and city council may amend the proposed operating budget submitted by the
11 city manager. However, the budget as finally amended and adopted must provide for all
12 expenditures required by state law or by other provisions of this charter and for all debt
13 service requirements for the ensuing fiscal year. Moreover, the total appropriations from any
14 funds shall not exceed the estimated fund balance, reserves, and revenues.

15 (b) The mayor and city council by ordinance shall adopt a final operating budget for the
16 ensuing fiscal year, no later than the regular scheduled June city council meeting for each
17 year. If the city council fails to adopt the budget on or before the date set out herein, the
18 amounts appropriated for operation for the current fiscal year shall be deemed adopted for
19 the ensuing fiscal year on a month to month basis, with all items prorated accordingly until
20 such time as the mayor and city council adopt a budget for the ensuing fiscal year. Notice
21 of any or all meetings at which the budget is adopted shall be given as provided by state law.

22 (c) Adoption of the budget shall take the form of an appropriations ordinance setting out the
23 estimated revenues in detail by sources and making appropriations according to fund and by
24 organizational unit, purpose, or activity as set out in the budget preparation ordinance
25 adopted pursuant to Section 4.03 of this charter.

26 (d) The amount set out in the adopted operating budget for each organizational unit shall
27 constitute the annual appropriation for same and no expenditures shall be made or any
28 encumbrance created in excess of the otherwise encumbered balance of the appropriations
29 or allotment thereof to which it is chargeable unless the budget is amended and such excess
30 expenditure approved by the mayor and city council. In addition, the mayor and city council
31 shall not make any appropriations in excess of any estimated revenue, except to provide for
32 an actual emergency threatening the health, property, or lives, safety, or general welfare of
33 the inhabitants of the city, which emergency shall be declared by the affirmative vote of three
34 members of the city council.

SECTION 4.05.

Changes in appropriations.

The mayor and city council may by ordinance make changes in the appropriations contained in the adopted operating budget at any regular meeting or any special or emergency meeting called for that purpose, but any such additional appropriations may be made only for an existing anticipated unappropriated surplus in the fund to which it applies.

SECTION 4.06.

Lapse of appropriations.

Any unencumbered balances of appropriations in the current operating budget at the end of the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds from which such appropriations were made.

SECTION 4.07.

Capital budget.

(a) On or before a date fixed by the mayor and city council, but no later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the mayor and city council a proposed capital improvement plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The mayor and city council shall have the power to accept, with or without amendments, or reject the proposed plan and budget. The mayor and city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement on any public property, unless the appropriations for such project are included in the capital budget, except to meet a public emergency that threatens the lives, health, property, or general welfare of the citizens of Rockmart, which emergency shall be declared by the affirmative vote of three members of the city council.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year, not later than the regular June meeting before the beginning of said year. No appropriation provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriation was made has been completed or abandoned. However, the city manager may submit to the city council 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 their adoption by ordinance and by the affirmative vote of three members of the city council. In addition, the capital improvements

1 budget may be revised and extended each year with regard to capital improvements still
2 pending or in the process of construction or acquisition.

3 **SECTION 4.08.**

4 Independent audit.

5 There shall be an annual independent audit of all city accounts, funds, and financial
6 transactions by a certified public accountant selected by the city council. The accountant
7 shall conduct this audit according to generally accepted auditing and accounting principles
8 and file a report with the mayor and city council, as well as a summary thereof, both of which
9 shall be furnished or made available to the mayor and every councilmember. Any audit of
10 any funds by the state or federal governments may be accepted as satisfying the requirements
11 of this charter.

12 **SECTION 4.09.**

13 Property taxes.

14 The mayor and city council may assess, levy, and collect an ad valorem tax on all real and
15 personal property that is subject to taxation by the state and county, provided that such
16 property is located within the corporate limits of the city. These taxes shall be levied for the
17 purpose of raising revenues to defray the costs of operating the city government, providing
18 governmental services, repayment of principal and interest on general obligations, and for
19 any other public purpose as may be determined by the mayor and city council in their
20 discretion.

21 **SECTION 4.10.**

22 Millage rate; due dates; payment methods.

23 (a) The mayor and city council shall by ordinance establish a millage rate for city property
24 taxes, a due date for payment of said taxes, and a time period within which these taxes must
25 be paid. The city shall send a tax bill to all taxpayers and residents of the city showing the
26 due date, assessed valuations, amount of tax due, and information as to delinquency dates
27 and future interest. Failure to send such tax bills shall not, however, invalidate any tax.

28 (b) The mayor and city council may by ordinance provide for the payment of these taxes in
29 one lump sum or in installments, subject to the restrictions contained in state law, and also
30 authorize the voluntary payment of taxes prior to their due dates.

1 (c) All taxes due to the city shall bear interest at the maximum interest rate specified by state
2 law for delinquent taxes. Any period of less than one month shall be considered to be one
3 month for the purpose of calculating interest under this section. The city shall have the right
4 to enforce, collect, or both, any delinquent taxes to the fullest extent permitted by general
5 law.

6 **SECTION 4.11.**

7 Occupation and business taxes.

8 The mayor and city council shall by ordinance have the power to levy such occupation or
9 business taxes as are authorized by law. The mayor and city council may further classify
10 businesses, occupations, or professions for the purpose of such taxation in accordance with
11 state law and may compel the payment of such taxes as provided in Section 4.17 of this
12 charter.

13 **SECTION 4.12.**

14 Regulatory fees; permits.

15 The mayor and city council shall by ordinance have the power to require businesses or
16 practitioners doing business within the city to obtain a permit for such activity from the city
17 and pay a reasonable regulatory fee for such permit, as provided by state law. Such fees shall
18 reflect the approximate total costs to the city of regulating the activity, and, if unpaid, shall
19 constitute a lien against the property or person liable therefor and may be collected as
20 provided in Section 4.17 of this charter.

21 **SECTION 4.13.**

22 Franchises.

23 (a) The mayor and city council shall have the power to grant franchises for the use of the
24 city's rights of way, streets, and alleys for use by railroads, street railways, telephone
25 companies, electric companies, electric membership corporations, cable television and other
26 telecommunications companies, Internet providers, fiber optic network providers, gas
27 companies, transportation companies, and other similar organizations. The mayor and city
28 council shall determine the duration, terms, and consideration for such franchises, and
29 whether they shall be exclusive or nonexclusive. However, no franchise shall be granted for
30 a period in excess of 35 years and no franchise shall be granted unless the city receives just
31 and adequate compensation therefor.

1 (b) The mayor and city council shall provide for the registration of all such franchises with
 2 the city clerk in a registration book to be maintained by the clerk and may provide by
 3 ordinance for the registration within a reasonable time of all franchises previously granted.

4 (c) If no franchise agreement is in effect, the mayor and city council has the authority to
 5 impose a tax on gross receipts for the use of the city's rights of way, streets, and alleys for
 6 use by railroads, street railways, telephone companies, electric companies, electric
 7 membership corporations, cable television and other telecommunications companies, Internet
 8 providers, fiber optic network providers, gas companies, transportation companies, and other
 9 similar organizations.

10 **SECTION 4.14.**

11 Service charges; utilities.

12 The mayor and city council shall by ordinance have the power to assess and collect fees and
 13 tolls for water, sewer, sanitary and health services, or any other similar services provided or
 14 made available both within and beyond the corporate limits of the city for the total costs to
 15 the city of providing and making such services. Such charges, if unpaid, shall be collected
 16 as provided in Section 4.17 of this charter and shall constitute a lien against any person or
 17 property served.

18 **SECTION 4.15.**

19 Special assessments.

20 The mayor and city council shall by ordinance have the power to assess and collect the costs
 21 of constructing or reconstructing, widening, or improving any public way, street, sidewalk,
 22 curbing, gutters, sewers, or other utility mains and appurtenances, from the abutting property
 23 owners on a pro rata basis or under such other terms and conditions as may be reasonable or
 24 agreed upon by the parties. Such charges, if unpaid, shall be collected as provided in Section
 25 4.17 of this charter and shall constitute a lien against the person or property assessed.

26 **SECTION 4.16.**

27 Other taxes and fees; construction.

28 The mayor and city council shall be empowered to levy any other tax or fee now or hereafter
 29 permitted by law. The specific inclusion of any right, power, or authority in this article shall
 30 not be construed as limiting in any way the general powers of the city to collect taxes, fees,
 31 charges, and other moneys, and otherwise govern its local affairs.

1 **SECTION 4.20.**

2 Short-term loans.

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

5 **SECTION 4.21.**

6 Lease-purchase contracts.

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

14 **SECTION 4.22.**

15 Contracting procedures.

16 No long-term or substantial contract with the city shall be binding on the city unless:

- 17 (1) It is in writing;
- 18 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
19 course, is signed by the city attorney to indicate such drafting or review; and
- 20 (3) It is made or authorized by the city council and such approval is entered in the city
21 council minutes of proceedings pursuant to Section 2.21 of this charter.

22 The city shall follow the requirements of state law with regard to any "public works
23 construction projects" as defined by Code Section 36-91-1 of the O.C.G.A., et seq., or other
24 such applicable laws as are or may hereafter be enacted in giving notice, receiving bids,
25 requiring performance and payment bonds, and entering into contracts for such projects. The
26 city manager shall have the discretion to require any outside contractors, subcontractors, or
27 other persons, firms, or corporations to execute a written contract or letter or memorandum
28 of understanding in all outside city projects costing in excess of \$5,000.00, depending on the
29 nature of the project. For purposes of this section, "long-term or substantial" shall mean any
30 contract of a duration exceeding 12 months or involving the payment by the city of more than
31 \$50,000.00 for any goods, services, equipment, or materials.

SECTION 4.23.

Centralized purchasing.

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

SECTION 4.24.

Sale and lease of city property.

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

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

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

(d) Any person, firm, or corporation who purchases property from the city pursuant to this section shall be responsible for any and all fees, costs, or other expenses associated with the transaction, including, but not limited to, attorneys' fees, recording costs, survey and appraisal fees, and similar such expenses, except as otherwise agreed between the city and the purchaser.

1 (2) Ward 2.

2 Census Tract No. 9907:

3 Census Blocks 3007, 3009, 3012, 3013, 3019-3044, 4011, 4013-4022, 4024,
4 4026-4028, 4034, and 5010-5011.5 (3) Ward 3.

6 Census Tract No. 9906:

7 Census Blocks 1028-1029, 1055-1057, 1069-1088, 2038-2040, 3000, 3019-3025.

8 Census Tract No. 9907:

9 Census Blocks 2009, 3010, and 3011.

10 (4) Ward 4.

11 Census Tract No. 9907:

12 Census Blocks 2001, 2002, 2004, 2005, 2007, 2008, 2010-2016, 2018-2023,
13 3000-3006, 3008, 3014-3018, and 4012.14 (5) Ward 5.

15 Census Tract No. 9906:

16 Census Blocks 1010-1012, 1018, 1019, 1021-1027, 1029-1037, 1040-1042, 2000,
17 2003, 2017, and 4003.

18 (b) When used in subsection (a) of this section, the terms "Tract" and "BG" (Block Group)
 19 shall mean and describe the same geographical boundaries as provided in the report of the
 20 Bureau of the Census for the United States decennial census of 2000 for the State of Georgia.
 21 The separate numeric designations in a Tract description which are underneath a "BG"
 22 heading shall mean and describe individual Blocks within a Block Group as provided in the
 23 report of the Bureau of the Census for the United States decennial census of 2000 for the
 24 State of Georgia. Any part of the City of Rockmart which is not included in any such ward
 25 described in subsection (a) of this section shall be included within that ward contiguous to
 26 such part which contains the least population according to the United States decennial census
 27 of 2000 for the State of Georgia. Any part of the City of Rockmart which is described in
 28 subsection (a) of this section as being in a particular ward shall nevertheless not be included
 29 within such ward if such part is not contiguous to such ward. Such noncontiguous part shall
 30 instead be included within that ward contiguous to such part which contains the least
 31 population according to the United States decennial census of 2000 for the State of Georgia.
 32 Except as otherwise provided in the description of any ward, whenever the description of
 33 such ward refers to a named city, it shall mean the geographical boundaries of that city as
 34 shown on the census map for the United States decennial census of 2000 for the State of
 35 Georgia.

36 (c) One councilmember shall be elected from each of the five wards of the City of Rockmart
 37 as described in subsection (a) of this section. At the time of qualification for office, each

1 councilmember shall be a resident of the ward which he or she is elected to represent and
2 shall be elected by a majority of the voters voting within that ward and not at large. The
3 mayor shall be a resident of the city and shall be elected by a majority of the voters of the
4 entire city.

5 **SECTION 5.04.**

6 Nonpartisan elections.

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

9 **SECTION 5.05.**

10 Election by majority.

11 The candidate receiving a majority of the votes cast for any city office shall be elected to
12 serve in that office.

13 **SECTION 5.06.**

14 Special elections; vacancies.

15 (a) In the event that the office of mayor or councilmember shall become vacant as provided
16 in Section 2.03 of this charter, and such vacancy occurs during the final 27 months of the
17 terms of the vacant office, then the mayor and city council or those remaining shall appoint
18 a successor for the remainder of the term. If such vacancy occurs before the final 27 months
19 of such term of office, the election superintendent of the city shall call a special election to
20 fill the remainder of the term of office. Persons appointed or elected to fill a vacancy shall
21 possess the same qualifications as required in the office vacated and serve the remainder of
22 the unexpired term and until a successor is regularly elected and qualified. Any special
23 election held pursuant to this section shall be conducted in accordance with general state law
24 regarding municipal elections, as contained in Title 21 of the O.C.G.A. as now or hereafter
25 amended. Such election shall be held as soon as permitted under state law from the date such
26 vacancy occurs.

27 (b) Special elections may be called at any time by the mayor and city council for the purpose
28 of voting on bond issues, general obligation debt, or other questions required or permitted
29 by law to be presented to the citizens of the City of Rockmart. In all such special elections,
30 the city shall follow the procedure established for municipal general elections, as well as any

1 additional requirements of state law with regard to bond issues, general obligation debt, or
2 other proper ballot questions.

3 **SECTION 5.07.**

4 Rules and regulations.

5 Except as otherwise provided by this charter, the mayor and city council shall, by ordinance,
6 describe such rules and regulations as it deems appropriate to fulfill any options and duties
7 it may have, as contained in Chapter 2 of Title 21 of the O.C.G.A. as presently enacted or
8 hereafter amended.

9 **ARTICLE VI**

10 **JUDICIAL BRANCH**

11 **SECTION 6.01.**

12 Creation; name.

13 There is hereby established a court to be known as the Municipal Court of the City of
14 Rockmart.

15 **SECTION 6.02.**

16 Municipal judge.

17 (a) The Rockmart municipal court shall be presided over by a part-time municipal judge and
18 any other stand-by or substitute judges as may be provided by ordinance.

19 (b) No person shall be qualified and eligible to serve as a judge of the Rockmart municipal
20 court unless that person:

21 (1) Has attained the age of 30 years;

22 (2) Is a qualified and registered voter in Polk County;

23 (3) Has resided in Polk County for no fewer than five years immediately preceding
24 appointment;

25 (4) Has obtained or will obtain within 12 months after appointment any and all licenses
26 or certifications as may be required by general law; and

27 (5) Possesses all other qualifications as may be required by law.

28 All municipal judges shall be appointed by, and serve at the pleasure of, the mayor and city
29 council, and shall serve until a successor is duly appointed and qualified.

1 (c) The mayor and city council shall fix the compensation of the municipal judge or judges.

2 (d) The municipal judge shall serve at will and may be removed from office at any time by
3 majority vote of the city council, unless otherwise provided by ordinance.

4 (e) Before assuming office, the municipal judge shall take an oath, to be administered by the
5 mayor, that he or she will honestly and faithfully discharge the duties of office to the best of
6 his or her ability, and without fear, favor, or partiality. The oath shall be entered upon the
7 minutes of the city council as maintained by the clerk pursuant to Section 3.18 of this charter.

8 **SECTION 6.03.**

9 Court proceedings; schedules.

10 The Rockmart municipal court shall be convened at regular intervals and at such other times
11 as may be determined by the judge. A court schedule shall be published and made available
12 to the public, either at city hall or at the Rockmart police department.

13 **SECTION 6.04.**

14 Jurisdiction; powers.

15 (a) The Rockmart municipal court shall try and punish violations of this charter, all city
16 ordinances, and such other violations as permitted by general state law.

17 (b) The Rockmart municipal court shall have the authority to punish those in its presence for
18 contempt, provided that such punishment shall not exceed a fine as authorized by law or ten
19 days in jail.

20 (c) The Rockmart municipal court may fix punishment for offenses within its jurisdiction,
21 not to exceed a fine of \$1,000.00, or imprisonment for six months, or both a fine and
22 imprisonment, or may fix punishment by fine, imprisonment, community service, or any
23 other form of alternative sentencing as now or hereafter provided by law. If state law
24 authorizes punishment in excess of the fine or imprisonment specified herein, then the court
25 may impose the greater punishment.

26 (d) The Rockmart municipal court shall have authority to establish a schedule of fees to
27 defray its costs of operation, and, with regard to prisoners bound over to any superior court
28 for violations of state law, shall be entitled to reimbursement for the actual costs of meals,
29 transportation, general caretaking expenses, court costs, administrative fees, and such other
30 fees as are authorized to be collected by Georgia law as presently enacted or hereafter
31 amended.

32 (e) The Rockmart municipal court shall have the authority to establish bail and recognizance
33 to insure the presence of those charged with violations before said court and shall have

1 discretionary authority to accept cash or personal or real property as surety for the
2 appearance of persons charged with such violations. Whenever any person gives bond for
3 his or her appearance and fails to appear at the time fixed for trial, the bond shall be forfeited
4 by the judge presiding at that time and execution shall be issued thereon by serving the
5 defendant and the defendant's sureties with a rule nisi, at least five days before a hearing
6 thereon. In the event that cash or property is accepted in lieu of bond to secure the
7 appearance of a defendant at trial, and if such defendant fails to appear at the time and place
8 fixed for trial, the cash so deposited shall be on order of the municipal judge declared
9 forfeited to the city; or the property so deposited shall have a lien against it for the amount
10 forfeited, which lien shall be enforceable in the same manner and to the same extent as a lien
11 for unpaid city property taxes and fees.

12 (f) The Rockmart municipal court shall have the same authority as the Superior Court of
13 Polk County to compel the production of evidence in the possession of any party, to enforce
14 obedience to its orders, judgments, or sentences, and to administer such oaths as may be
15 necessary.

16 (g) The Rockmart municipal court shall have the authority to bind defendants over to the
17 appropriate court when it appears by probable cause that state law has been violated, or
18 where a defendant makes a written request for a trial by jury, or under other circumstances
19 in which a transfer is authorized by state law.

20 (h) The judge of the Rockmart municipal court may compel the presence of all parties
21 necessary for the proper disposal of each case by the issuance of summons, subpoenas, and
22 warrants, which may be served or executed by any officer as authorized by this charter or
23 other law.

24 (i) The judge of the Rockmart municipal court shall be authorized to issue warrants for the
25 arrest of any person or persons charged with violations of any ordinances of the city. The
26 judge shall have the same authority as a magistrate of the state or county to issue warrants
27 for violations of state laws committed within the corporate limits of the City of Rockmart.
28 The judge shall also have the authority to issue warrants for the arrest of persons charged
29 with violating any of the terms or conditions of any sentence of probation imposed upon
30 them in the municipal court and revoke any or all of said person's remaining probated
31 sentence, if those persons are found to have violated the terms and conditions of their
32 probation.

33 (j) The Rockmart municipal court is specifically vested with all jurisdiction and power
34 throughout the corporate limits of the city as granted generally by law to municipal courts
35 and particularly by such laws that authorize the abatement of nuisances and prosecution of
36 traffic violations.

1 (k) Subject to the approval of the mayor and city council, the municipal court is further
 2 authorized to enter into any contracts or agreements it deems necessary or expedient for
 3 certain services, including, but not limited to, housing persons charged with city offenses in
 4 other jail facilities, probation and related supervision services, collection of fines, fees, and
 5 other delinquent payments, and similar such services.

6 **SECTION 6.05.**

7 Certiorari.

8 The right of certiorari from the decisions and judgments of the Rockmart municipal court
 9 shall exist in all criminal cases, ordinance violation cases, and such other cases in which
 10 certiorari is appropriate under state law. Such certiorari shall be obtained under the sanction
 11 of a judge of the Superior Court of Polk County and under the laws of the State of Georgia
 12 regulating the granting and issuance of writs of certiorari.

13 **SECTION 6.06.**

14 Rules of court.

15 With the approval of the city council, the municipal judge shall have full power and authority
 16 to make reasonable rules and regulations necessary and proper to secure the efficient and
 17 successful administration of the Rockmart municipal court. However, the city council may
 18 adopt, in whole or in part, the rules and regulations applicable to superior courts. The rules
 19 and regulations made or adopted shall be filed with the city clerk and made available for
 20 public inspection. Upon written request, a copy of said rules and regulations shall be
 21 furnished to all defendants in municipal court cases at least 48 hours prior to their
 22 arraignment, trial, or any other hearing or proceeding.

23 **ARTICLE VII**

24 **GENERAL PROVISIONS**

25 **SECTION 7.01.**

26 Bonds for city officials.

27 The officers and employees of the City of Rockmart, both elected and appointed, may be
 28 required to execute such surety or fidelity bonds in such amounts and upon such terms and
 29 conditions as the city council may from time to time require by ordinance, or as may be
 30 provided by law. Any and all premiums or other costs of such bonds, unless otherwise
 31 provided by ordinance or other law, shall be paid by the city.

SECTION 7.02.

Existing ordinances, resolutions, rules, and regulations.

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

SECTION 7.03.

Pending matters.

Except as specifically provided otherwise in this charter, all rights, claims, actions, orders, contracts, and any other legal or administrative proceedings existing on or before the date this charter becomes effective shall continue as they had before the effective date hereof, and any such ongoing projects, work, or cases shall be completed by such city agencies, personnel, departments, authorities, or offices as may be provided by the mayor and city council.

SECTION 7.04.

Construction.

(a) Section captions in this charter are informative only and are not to be considered as a part of the sections which they describe.

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

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

SECTION 7.05.

Severability.

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

SECTION 7.06.

Specific repealer.

An Act incorporating the City of Rockmart in the County of Polk, approved on April 8, 1968 (Ga. L. 1968, p. 3224), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. It is the intent and purpose of this charter to replace and supersede the above-referenced charter, and any charter provisions previously enacted.

SECTION 7.07.

Effective date.

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

SECTION 7.08.

Repealer.

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