

House Bill 457 (AS PASSED HOUSE AND SENATE)

By: Representatives May of the 111th and Holt of the 112th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Social Circle; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor, mayor pro tempore, and city council 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, a city manager, and other personnel and matters relating thereto; to
11 provide for rules and regulations; to provide for a municipal court and the judge or judges
12 thereof and other matters relative to those judges; to provide for the court's jurisdiction,
13 powers, practices, and procedures; to provide for the right of certiorari; to provide for
14 elections; to provide for taxation, licenses, and fees; to provide for franchises, service
15 charges, and assessments; to provide for bonded and other indebtedness; to provide for
16 auditing, accounting, budgeting, and appropriations; to provide for city contracts and
17 purchasing; to provide for the conveyance of property and interests therein; to provide for
18 bonds for officials; to provide for prior ordinances and rules and pending matters; to provide
19 for penalties; to provide for definitions and construction; to provide for other matters relative
20 to the foregoing; to provide for severability; to repeal an Act incorporating the City of Social
21 Circle, approved August 4, 1904 (Ga. L. 1904, p. 626), as amended; to provide for an
22 effective date; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I
INCORPORATION AND POWERS

SECTION 1.10.

Name.

This city and the inhabitants thereof are reincorporated and are constituted and declared a body politic and corporate under the name and style City of Social Circle, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in city hall and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Social Circle, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description. The mayor and city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace. The specific boundaries of the city shall be those existing on the effective date of this charter and as now or hereafter provided by law, with such future alterations as are made in the manner provided by law.

(b) In addition to the territory described in subsection (a) of this section, the corporate limits of the City of Social Circle shall also include the following described territory:

All that certain tract or parcel of land lying and being in Walton County, Georgia containing 1196.242 acres, more or less and being more particularly described as the following five tracts:

Tract 1, 2004 Tax Map 154, Parcel 1

All that certain tract or parcel or land lying and being in Walton County, Georgia containing 98.50 acres, more or less, and being bounded on the Northeast by the right-of-way of Hightower Trail, bounded on the Northwest, now or formerly, by Donald G. Loggins, bounded on the Southeast, now or formerly, by the Estate of Elizabeth B. Burt, and bounded on the Southwest, now or formerly, by Andrew A. Elloit

1 and Lelsey D. Everett, et. al. This being the same property conveyed to Johan Wyers in
2 Deed Book 770, Page 455, Walton County Superior Court, Clerk's Office.

3 Tract 2, 2004 Tax Map 156, Parcel 5

4 All that certain tract or parcel of land lying and being in Walton County, Georgia
5 containing 132.00 acres, more or less, being bounded on the Northwest, now or formerly,
6 by Johan Wyers, bounded on the Northeast by the right-of-way of Hightower Trail and
7 Willow Springs Baptist Church, bounded on the Southeast by Willow Springs Church
8 Road and bounded on the Southwest, now or formerly, by Drexal D. Cordell, et. al.,
9 Jeffrey A. Vines, et. al, Henry Allen Howard, et. al., and Andrew A. Elloit. This being
10 a portion of the property conveyed to the Estate of Elizabeth B. Burt, Walton County
11 Superior Court, Clerk's Office.

12 Tract 3, 2004 Tax Map 173. Parcel 1

13 All that certain tract or parcel of land lying and being in Walton County, Georgia
14 containing 179.09 acres, more or less, being bounded on the Northwest by Willow
15 Springs Church Road, bounded on the Northeast, now or formerly, by Danny L. Baker,
16 Joseph K. Brownlee, et. al., Richard A. Giles, Sheila W. Hester, Johnny Lamar Mathis,
17 J. B. and Marie K. Brown, Jason S. Brown, et. al., Kenneth Cabe, Richard Anderson,
18 William L. Hill, et. al., Kiwanis Smith, Fred Odum, et. al., Joe S. Williams, Jr.,
19 Donald H. Bowden, and John David Stolz, et. al., bounded on the Southeast by the
20 right-of-way of Darel Road, and bounded on the Southwest by Spring Valley
21 Subdivision. This being the same property conveyed to the State of Georgia in Deed
22 Book 725, Page 491, Walton County Superior Court, Clerk's Office.

23 Tract 4, 2004 Tax Map 173, Parcel 1

24 All that certain tract or parcel of land lying and being in Walton County, Georgia
25 containing 272.24 acres, more or less, being bounded on the Northwest by the
26 right-of-way of Darel Road, bounded on the Northeast, now or formerly, by Julius B.
27 Lynch, Jr., et. al., bounded on the Southeast, now or formerly, by New Forestry, LLC,
28 Jerry Felton Bowden, et. al., and Thomas Tony Bowden, and bounded on the Southwest
29 by Spring Valley Subdivision. This being the same property owned by J. Oscar Mitchell,
30 as shown in Deed Book 866, Page 261, Walton County Superior Court, Clerk's Office.

31 Tract 5, 2004 Tax Map 159, Parcel 1

32 All that certain tract or parcel of land lying and being in Walton County, Georgia
33 containing 514.412 acres, more or less, bounded on the North by Spring Valley

1 Subdivision and J. Oscar Mitchell, bounded on the West by the Walton County/Newton
 2 County line, bounded on the South by the right-of-way of Georgia Interstate Highway 20,
 3 and bounded on the East by the Walton County/Morgan County line and Thomas Tony
 4 Bowden. This being a portion of the property conveyed to New Forestry, LLC in Deed
 5 Book 793, Page 1, Walton County Superior Court, Clerk's Office.

6 **SECTION 1.12.**

7 Municipal powers and construction.

8 (a) General Provisions. This city shall have all powers possible for a city to have under the
 9 present or future Constitution and laws of this state as fully and completely as though they
 10 were specifically enumerated in this charter. This city shall have all the powers of
 11 self-government not otherwise prohibited by this charter or by general law. The powers of
 12 this city shall be construed liberally in favor of the city. The specific mention or failure to
 13 mention a particular power shall not be construed as limiting in any way the powers of this
 14 city.

15 (b) Certain powers. The powers of this city shall include, but not be limited to, the
 16 following:

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

20 (2) Alcoholic beverages. To regulate the keeping for sale, selling, or offering for sale
 21 of any spirituous, vinous, malt, or fermented wines or liquors within the corporate limits
 22 of said city as provided by law; to license the sale thereof, consistent with the laws of the
 23 State of Georgia; and to enforce this by the enactment of necessary ordinances with
 24 suitable penalties for violation;

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

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

- 1 (5) Building regulation. To regulate and to license the erection and construction of
2 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
3 and heating and air-conditioning codes; and to regulate all building and housing trades;
- 4 (6) Business regulation and taxation. To levy and to provide for the collection of license
5 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
6 the same; to provide for the manner and method of payment of such licenses and taxes;
7 and to revoke such licenses after due process for failure to pay any city fees or taxes;
- 8 (7) Cemeteries. To have jurisdiction over all cemeteries belonging to or located in said
9 city and to provide by ordinance for a public cemetery; to appoint such employees to
10 superintend the care thereof as deemed proper; to enact ordinances to prevent trespass
11 therein and to prevent any person from defacing any work therein; and to regulate the
12 charges for gravedigging, hearse fees, and any and every thing pertaining to the care and
13 operation of such cemeteries;
- 14 (8) Condemnation. To condemn property, both inside or outside the corporate limits of
15 the city, for present or future use and for any corporate purpose deemed necessary by the
16 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
17 other applicable laws as are or may hereafter be enacted; to acquire, construct, operate,
18 and maintain public ways, parks, public grounds, cemeteries, markets, market houses,
19 public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical
20 systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport,
21 curative, correctional, detentional, penal, and medical institutions, agencies, and facilities,
22 and any other public improvements inside or outside the corporate limits of the city and
23 to regulate the use thereof; and, for such purposes, to condemn property under procedures
24 established under general law applicable now or as provided in the future;
- 25 (9) Contracts. To enter into contracts and agreements with other governmental entities
26 and with private persons, firms, and corporations;
- 27 (10) Emergencies. To establish procedures for determining and proclaiming that an
28 emergency situation exists within or outside the city and to make and carry out all
29 reasonable provisions deemed necessary to deal with or meet such an emergency for the
30 protection, safety, health, or well-being of the citizens of the city;
- 31 (11) Environmental protection. To protect and preserve the natural resources,
32 environment, and vital areas of the city through the preservation and improvement of air
33 quality, the restoration and maintenance of water resources, the control of erosion and
34 sedimentation, the management of solid and hazardous waste, and other necessary actions
35 for the protection of the environment;
- 36 (12) Fire regulations. To fix and establish fire limits inside and outside the city, and
37 from time to time to extend, enlarge, or restrict the same; to prescribe fire safety

1 regulations not inconsistent with general law, relating to both fire prevention and
2 detection and to fire fighting; and to prescribe penalties and punishment for violations
3 thereof;

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

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

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

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

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

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

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

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

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

1 (22) Municipal property protection. To provide for the preservation and protection of
2 property and equipment of the city and the administration and use of same by the public;
3 and to prescribe penalties and punishment for violations thereof;

4 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
5 of public utilities, including, but not limited to, a system of waterworks, sewers and
6 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
7 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
8 assessments, regulations, and penalties; to provide for the withdrawal of service for
9 refusal or failure to pay the same; to authorize the extension of water, sewerage, and
10 electrical distribution systems, and all necessary appurtenances by which said utilities are
11 distributed, inside and outside the corporate limits of the city; and to provide utility
12 services to persons, firms, and corporations inside and outside the corporate limits of the
13 city as provided by ordinance;

14 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
15 or private property;

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

18 (26) Planning and zoning. To provide comprehensive city planning for development by
19 zoning; and to provide subdivision regulation, land use, and development regulations as
20 the mayor and city council deem necessary and reasonable to ensure a safe, healthy, and
21 esthetically pleasing community;

22 (27) Police and fire protection. To exercise the power of arrest through duly appointed
23 police officers; and to establish, operate, or contract for a police and a fire-fighting
24 agency, including the establishment of a combined public safety department for both
25 police and fire protection;

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

29 (29) Public improvements. To provide for the acquisition, construction, building,
30 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
31 cemeteries, markets and market houses, public buildings, libraries, public housing,
32 airports, hospitals, terminals, docks, parking facilities, and charitable, cultural,
33 educational, recreational, conservation, sport, curative, correctional, detention, penal, and
34 medical institutions, agencies, and facilities; to provide any other public improvements,
35 inside or outside the corporate limits of the city; to regulate the use of public
36 improvements; and, for such purposes, to acquire property by condemnation under Title
37 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

1 (30) Public peace. To provide for the prevention and punishment of intoxication, riots,
2 and public disturbances;

3 (31) Public transportation. To organize and operate such public transportation systems
4 as are deemed appropriate and necessary for the public health, safety, and welfare;

5 (32) Public utilities and services. To grant franchises or make contracts for public
6 utilities and public services and to prescribe the rates, fares, regulations, standards, and
7 conditions of service applicable to the service to be provided by the franchise grantee or
8 contractor, insofar as not in conflict with valid regulations of the Public Service
9 Commission;

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

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

17 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
18 of, abandon or close, construct, pave, maintain, repair, clean, prevent erosion of, and light
19 the roads, alleys, and walkways within the corporate limits of the city; to negotiate and
20 execute leases over, through, under, or across any city property or the right of way of any
21 street, road, alley, and walkway or portion thereof within the corporate limits of the city
22 for bridges, passageways, or any other purpose or use between buildings on opposite
23 sides of the street and for other bridges, overpasses, and underpasses for private use at
24 such location and to charge a rental therefor in such manner as may be provided by
25 ordinance; to authorize and control the construction of bridges, overpasses, and
26 underpasses within the corporate limits of the city; to grant franchises and rights of way
27 throughout the streets and roads and over the bridges and viaducts for the use of public
28 utilities and for private use; and to require real estate owners to repair and maintain in a
29 safe condition the sidewalks adjoining their lots or lands and to impose penalties for
30 failure to do so;

31 (36) Sewer and water fees. To levy a fee, charge, or tax as necessary to assure the
32 acquiring, constructing, equipping, operating, maintaining, and extending of a sewage
33 disposal plant and sewerage system and a waterworks system and to levy on those to
34 whom sewers and sewerage and water systems are made available a sewer service fee,
35 charge, or sewer tax for the availability or use of the sewers; to provide for the manner
36 and method of collecting such service charges and for enforcing payment of the same;
37 and to charge, impose, and collect a sewer or water or sewer and water connection fee or

1 fees, including a capacity recovery fee or fees, to those connected with the system or
2 systems;

3 (37) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
4 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
5 others and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
6 and other recyclable materials;

7 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
8 the manufacture, sale, or transportation of intoxicating liquors and drugs, and the use of
9 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
10 flammable materials, the use of lighting and heating equipment, and any other business
11 or situation which may be dangerous to persons or property; to regulate and control the
12 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
13 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
14 professional fortune telling, palmistry, adult bookstores, and massage parlors;

15 (39) Special assessments. To levy and provide for the collection of special assessments
16 to cover the costs for any public improvements;

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

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

21 (42) Trees. To adopt and enforce ordinances for the protection and preservation of trees
22 on the streets, public places, cemeteries, and parks in said city and to prevent the cutting,
23 impairing, or mutilation thereof by telephone, telegraph, or electric light linemen or
24 employees or any other person unless the same is done under and with the express and
25 formal consent of the mayor and city council or some officer appointed by them to direct
26 the same and then only when absolutely necessary for the public service or safety;

27 (43) Urban redevelopment. To organize and operate an urban redevelopment program;

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

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

1 governments under other laws of the State of Georgia; and no listing of particular powers
2 in this charter shall be held to be exclusive of others, nor restrictive of general words and
3 phrases granting powers, but shall be held to be in addition to such powers unless
4 expressly prohibited to municipalities under the Constitution or applicable laws of the
5 State of Georgia.

6 **SECTION 1.13.**

7 Exercise of powers.

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

12 **ARTICLE II**

13 **GOVERNMENT STRUCTURE**

14 **SECTION 2.10.**

15 Mayor and city council creation; number; election.

16 The legislative authority of the government of this city, except as otherwise specifically
17 provided in this charter, shall be vested in the mayor and city council to be composed of a
18 mayor and four councilmembers. The mayor and councilmembers shall be elected in the
19 manner provided by this charter.

20 **SECTION 2.11.**

21 Terms and qualifications for office.

22 The mayor and councilmembers shall serve for terms of four years and until their respective
23 successors are elected and qualified. No person shall be eligible to serve as mayor or
24 councilmember unless he or she shall have been a resident of the city for 12 months prior to
25 the date of qualification for the election of mayor or councilmember, as the case may be.
26 Each such official shall continue to reside in the city during his or her period of service and
27 continue to be registered and qualified to vote in municipal elections of the city.

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SECTION 2.12.

Vacancy; suspensions; filling of vacancies.

(a) Vacancy. The office of mayor or councilmember shall become vacant upon the incumbent’s death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment of the mayor and city council as set forth below in section (c) of this section.

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

(c) Filling vacancy. In the event of a vacancy in the office of mayor or councilmember prior to the expiration of a regular term of office, such vacancy shall be filled for the remainder of the unexpired term, if any, by appointment by the mayor and city council if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Article V of this charter and in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or such others laws as are or may hereafter be enacted.

SECTION 2.13.

Compensation and expenses.

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

SECTION 2.14.

Conflicts of interest; holding other offices.

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

(b) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

- (1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official

- 1 duties or which would tend to impair the independence of his or her judgment or action
2 in the performance of his or her official duties;
- 3 (2) Engage in or accept private employment or render services for private interests when
4 such employment or service is incompatible with the proper discharge of his or her
5 official duties or would tend to impair the independence of his or her judgment or action
6 in the performance of his or her official duties;
- 7 (3) Disclose confidential information concerning the property, government, or affairs of
8 the governmental body by which he or she is engaged without proper legal authorization
9 or use such information to advance the financial or other private interest of himself or
10 herself or others;
- 11 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
12 from any person, firm, or corporation which to his or her knowledge is interested, directly
13 or indirectly, in any manner whatsoever, in business dealings with the governmental body
14 by which he or she is engaged; provided, however, that an elected official who is a
15 candidate for public office may accept campaign contributions and services in connection
16 with any such campaign;
- 17 (5) Represent private interests in any legal action or proceeding against this city or any
18 portion of its government; or
- 19 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
20 any business or entity in which he or she has a financial interest.
- 21 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
22 private financial interest, directly or indirectly, in any contract or matter pending before or
23 within any department of the city shall disclose such private interest to the mayor and city
24 council. The mayor or any councilmember who has a private interest in the matter pending
25 before the mayor and city council shall disclose such private interest and such disclosure
26 shall be entered on the records of the mayor and city council, and he or she shall disqualify
27 himself or herself from participating in any decision or vote relating thereto. Any elected
28 official, appointed officer, or employee of any agency or political entity to which this charter
29 applies who shall have any private financial interest, directly or indirectly, in any contract
30 or matter pending before or within such entity shall disclose such private interest to the
31 governing body of such agency or entity.
- 32 (d) Use of public property. No elected official, appointed officer, or employee of the city
33 or any agency or entity to which this charter applies shall use property owned by such
34 governmental entity for personal benefit, convenience, or profit except in accordance with
35 policies promulgated by the mayor and city council or the governing body of such agency
36 or entity.

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

4 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 5 any councilmember shall hold any other elective or compensated appointive office in city
 6 government during the term for which he or she was elected.

7 (g) Penalties for violation.

8 (1) Any city officer or employee who knowingly conceals such financial interest or
 9 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 10 in office or position and shall be deemed to have forfeited his or her office or position.

11 (2) Any officer or employee of the city who shall forfeit his or her office or position as
 12 described in paragraph (1) of this subsection shall be ineligible for appointment or
 13 election to or employment in a position in the city government for a period of three years
 14 thereafter.

15 **SECTION 2.15.**

16 Inquiries and investigations.

17 The mayor and city council may make inquiries and investigations into the affairs of the city
 18 and the conduct of any department, office, or agency thereof and for this purpose may
 19 subpoena witnesses, administer oaths, take testimony, and require the production of
 20 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of
 21 these powers by the mayor and city council shall be punished as provided by ordinance.

22 **SECTION 2.16.**

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

24 Except as otherwise provided by law or this charter, the mayor and city council shall be
 25 vested with all the powers of government of this city as provided by Article I of this charter.

26 **SECTION 2.17.**

27 Organizational meetings.

28 The mayor and city council shall hold an organizational meeting on the second Monday of
 29 their term of office, unless such date falls on a holiday, then on the third Monday. The
 30 meeting shall be called to order by a legal officer of the court, and the oath of office shall be
 31 administered to the mayor and councilmembers as follows: "I do solemnly (swear) (affirm)

1 that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will
2 support and defend the charter thereof as well as the Constitution and laws of the State of
3 Georgia and of the United States of America."

4 **SECTION 2.18.**

5 Regular and special meetings.

6 (a) The mayor and city council shall hold regular meetings at such times and places as
7 prescribed by ordinance or resolution.

8 (b) Special meetings of the mayor and city council may be held on call of the mayor or a
9 minimum of two members of the city council. Notice of such special meetings shall be
10 served on all other members personally, or by telephone personally, at least 48 hours in
11 advance of the meeting. Such notice to councilmembers shall not be required if the mayor
12 and all councilmembers are present when the special meeting is called. Such notice of any
13 special meeting may be waived by a councilmember in writing before or after such a
14 meeting, and attendance at the meeting shall also constitute a waiver of notice on any
15 business transacted in such councilmember's presence. Only the business stated in the call
16 may be transacted at the special meeting.

17 (c) All meetings of the mayor and city council shall be public to the extent required by law,
18 and notice to the public of special meetings shall be made as fully as is reasonably possible
19 prior to such meetings.

20 **SECTION 2.19.**

21 Rules of procedure.

22 (a) The mayor and city council may adopt rules of procedure and order of business
23 consistent with the provisions of this charter and shall provide for keeping a journal of
24 proceedings, which shall be a public record.

25 (b) All committees, boards, and commissions of citizens shall be appointed by the mayor
26 and city council and shall serve at their pleasure. The mayor and city council shall have the
27 power to appoint new members to any committee at any time; each committee may appoint
28 its own chairperson if said chairperson has not been specially appointed by the mayor and
29 city council.

SECTION 2.20.

Quorum; voting.

Three councilmembers, one of whom may be the mayor, shall constitute a quorum and shall be authorized to transact business of the mayor and city council. Voting on the adoption of ordinances shall be by voice vote or raising of the right hand and the vote shall be recorded in the journal, but the mayor or any councilmember shall have the right to request a roll-call vote, and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of the majority of the quorum in attendance shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 2.21.

Ordinance form; procedure.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the mayor and city council. Ordinances shall be considered and adopted or rejected by the mayor and city council in accordance with the rules which they shall establish. Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the mayor and city council may designate.

SECTION 2.22.

Action requiring an ordinance or resolution.

Acts of the mayor and city council that have the force and effect of law shall be enacted by ordinance or resolution.

SECTION 2.23.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the mayor and city council may convene on call of the mayor or a councilmember and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the

1 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 2 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 3 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 4 a declaration stating that an emergency exists and describing such emergency in clear and
 5 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 6 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of a
 7 quorum shall be required for adoption. It shall become effective upon adoption or at such
 8 later time as it may specify. Every emergency ordinance shall automatically stand repealed
 9 30 days following the date upon which it was adopted, but this shall not prevent reenactment
 10 of the ordinance in the manner specified in this section if the emergency still exists. An
 11 emergency ordinance may also be repealed by adoption of a repealing ordinance in the same
 12 manner specified in this section for adoption of emergency ordinances.

13 **SECTION 2.24.**

14 Code of technical regulations.

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

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

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

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

26 **SECTION 2.25.**

27 Signing; authenticating; recording; codification; printing.

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

30 (b) The mayor and city council shall provide for the preparation of a general compilation or
 31 codification of ordinances, as required under Georgia law, of all the ordinances of the city
 32 having the force and effect of law. The general compilation or codification shall be adopted
 33 by the mayor and city council by ordinance and shall be published promptly, together with

1 all amendments thereto and such codes of technical regulations and other rules and
 2 regulations as the mayor and city council may specify. This compilation or codification shall
 3 be known and cited officially as "City Code of Social Circle, Georgia." Copies of the code
 4 shall be furnished to all officers, departments, and agencies of the city and shall be made
 5 available for purchase by the public at a reasonable price as fixed by the mayor and city
 6 council.

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

17 **SECTION 2.26.**

18 Election of mayor; forfeiture; compensation.

19 The mayor shall be elected at large and shall serve for a term of four years and until his or
 20 her successor is elected and qualified. The mayor shall be a qualified elector of the city and
 21 shall have been a resident of the city for 12 months prior to his or her qualification for his or
 22 her election. The mayor shall continue to reside in this city during the period of his or her
 23 service. He or she shall forfeit his or her office on the same grounds and under the same
 24 procedure as for councilmembers. The compensation of the mayor shall be established by
 25 ordinance in the same manner as for councilmembers.

26 **SECTION 2.27.**

27 Powers and duties of mayor.

28 The mayor shall:

- 29 (1) Preside at all meetings of the mayor and city council;
- 30 (2) Be the head of the city for the purpose of service of process and for ceremonial
 31 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 32 (3) Have the power to administer oaths and to take affidavits;

- 1 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
2 ordinances, and other instruments executed by the city which by law are required to be
3 in writing;
- 4 (5) Vote in the event of a tie on matters before the mayor and city council and be counted
5 toward a quorum as any other councilmember;
- 6 (6) Assign councilmembers to their committees of responsibilities at the first scheduled
7 council meeting of the term of office; and
- 8 (7) Fulfill such other executive and administrative duties as the mayor and city council
9 shall establish by ordinance.

10 **SECTION 2.28.**

11 Mayor pro tempore; selection; duties.

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

19 **SECTION 2.29.**

20 City manager; appointment; qualifications; compensation; powers.

- 21 (a) The mayor and city council shall appoint a city manager for an indefinite term and shall
22 fix the city manager's compensation. The city manager shall be appointed solely on the basis
23 of executive and administrative qualifications. The city manager is employed at will and
24 may be summarily removed from office at any time by the mayor and city council. By letter
25 filed with the city clerk, the city manager shall designate, subject to approval of the mayor
26 and city council, a qualified city administrative officer to exercise the powers and perform
27 the duties of city manager during the city manager's temporary absence or physical or mental
28 disability. During such absence or disability, the mayor and city council may revoke such
29 designation at any time and appoint another officer of the city to serve until the city manager
30 shall return or the city manager's disability shall cease.
- 31 (b) The city manager shall be the chief executive of the city. The city manager shall possess
32 all of the executive and administrative power granted to the city under the Constitution and

1 laws of the State of Georgia and all the executive and administrative powers contained in this
2 charter.

3 (c) The city manager shall be responsible to the mayor and city council for the
4 administration of all city affairs placed in the city manager's charge by or under this charter.

5 As the chief executive and administrative officer, the city manager shall:

6 (1) Appoint and, when the city manager deems it necessary for the good of the city,
7 suspend or remove all city employees and administrative officers the city manager
8 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
9 to this charter. Authorize any administrative officer who is subject to the city manager's
10 direction and supervision to exercise these powers with respect to subordinates in that
11 officer's department, office, or agency;

12 (2) Direct and supervise the administration of all departments, offices, and agencies of
13 the city, except as otherwise provided by this charter or by law;

14 (3) Attend all meetings of the mayor and city council except for closed meetings held for
15 the purposes of deliberating on the appointment, discipline, or removal of the city
16 manager and have the right to take part in discussion, but not vote;

17 (4) See that all laws, provisions of this charter, and acts of the mayor and city council,
18 subject to enforcement by the city manager or by officers subject to the city manager's
19 direction and supervision, are faithfully executed;

20 (5) Prepare and submit the annual operating budget and capital budget to the mayor and
21 city council;

22 (6) Submit to the mayor and city council and make available to the public a complete
23 report on the finances and administrative activities of the city as of the end of each fiscal
24 year;

25 (7) Make such other reports as the mayor and city council may require concerning the
26 operations of city departments, offices, and agencies subject to the city manager's
27 direction and supervision;

28 (8) Keep the mayor and city council fully advised as to the financial condition and future
29 needs of the city, and make such recommendations to the mayor and city council
30 concerning the affairs of the city as the city manager deems desirable; and

31 (9) Perform other such duties as are specified in this charter or as may be required by the
32 mayor and city council.

ARTICLE III

ADMINISTRATIVE AFFAIRS

A. Organization and General Provisions.

SECTION 3.10.

Department heads.

(a) The mayor and city council may by resolution or ordinance establish city departments, officers, or agencies in addition to those created by this charter and may prescribe the functions and duties of all departments, officers, and agencies.

(b) Except as otherwise provided in this charter, the mayor and city council by resolution or ordinance shall prescribe the functions or duties of and establish, abolish, or alter all nonelective offices, positions of employment, departments, and agencies of the city and establish professional qualifications as necessary for the proper administration of the affairs and government of the city.

(c) Except as otherwise provided by this charter or by law, all appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.

(d) All appointed officers shall receive such compensation as prescribed by ordinance or resolution.

(e) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

SECTION 3.11.

Boards, commissions.

(a) The mayor and city council shall create by ordinance or resolution such boards, commissions, and authorities to fulfill any functions that the mayor and city council deem necessary and shall by ordinance or resolution establish the composition, period of existence, duties, and powers thereof.

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

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

4 (d) Except as otherwise provided by this charter or by law, no member of any board,
 5 commission, or authority shall hold any elective office in the city; however, elected city
 6 officials may serve on said boards, commissions, or authorities as uncompensated, nonvoting
 7 members.

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

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

15 (g) Any member of a board, commission, or authority may be removed from office for cause
 16 by a vote of three members of the mayor and city council.

17 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 18 authority of the city may elect one of its members as chairperson and one member as vice
 19 chairperson and may elect as its secretary one of its own members or may appoint as
 20 secretary an employee of the city, provided that the mayor and city council did not specially
 21 appoint a chairperson at the time of appointment. Each board may pass rules and regulations,
 22 not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and
 23 necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such rules
 24 and regulations, as they exist, shall be filed with the clerk of the city.

25 B. Administrative Officers.

26 **SECTION 3.12.**

27 City attorney.

28 The mayor and city council shall appoint a city attorney at the first scheduled meeting of the
 29 calendar year, together with such assistant city attorneys as may be authorized, and shall
 30 provide for the payment of such attorney or attorneys for services rendered to the city. The
 31 city attorney shall be responsible for representing and defending the city in all litigation in
 32 which the city is a party; may be solicitor in the municipal court; shall attend the meetings
 33 of the mayor and city council as directed; shall advise the city council, mayor, and other
 34 officers and employees of the concerning legal aspects of the city's affairs; and shall perform

1 such other duties as may be required of him or her by virtue of his or her position as city
2 attorney. This appointment is terminable at will by the mayor and city council.

3 **SECTION 3.13.**

4 City clerk.

5 At the first scheduled meeting of the calendar year, the mayor and city council shall appoint
6 a city clerk who shall not be a councilmember. The city clerk shall be custodian of the
7 official city seal; maintain mayor and city council records required by this charter; and
8 perform such other duties as may be required by the mayor and city council. This
9 appointment is terminable at will by the mayor and city council. The mayor and city council
10 may delegate the day-to-day supervision of the city clerk to the city manager.

11 C. Personnel Administration.

12 **SECTION 3.14**

13 Position classification and pay plan.

14 The city manager, upon direction from the mayor and city council, shall be responsible for
15 the preparation of a position classification and pay plan, which shall be submitted to the
16 mayor and city council for approval. Such plan shall apply to all employees of the city and
17 any of its agencies, departments, boards, commissions, or authorities. When a pay plan has
18 been adopted, the mayor and city council shall not increase or decrease the salary range
19 applicable to any position except by amendment of such pay plan. For purposes of this
20 section, all elected and appointed city officials are not city employees.

21 **SECTION 3.15.**

22 Personnel policies.

23 The mayor and city council, upon the vote of a majority thereof, may adopt rules and
24 regulations consistent with this charter concerning:

- 25 (1) The method of employee selection and probationary periods of employment;
26 (2) The administration of the position classification and pay plan, methods of promotion
27 and application of service ratings thereto, and transfer of employees within the
28 classification plan;
29 (3) Hours of work, vacation, sick leave, other leaves of absence, overtime pay, and the
30 order and manner in which layoffs shall be effected;
31 (4) Such dismissal hearings as due process may require; and

1 (5) Such other personnel notices as may be necessary to provide for adequate and
2 systematic handling of personnel affairs.

3 **ARTICLE IV**

4 **JUDICIAL BRANCH**

5 **SECTION 4.10.**

6 Municipal court.

7 There shall be a court to be known as the Municipal Court of the City of Social Circle.

8 **SECTION 4.11.**

9 Judges.

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

12 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
13 he or she shall have attained the age of 25 years and shall be a member in good standing of
14 the State Bar of Georgia. The chief judge shall be nominated and appointed by the mayor
15 and city council and shall serve at the pleasure of the mayor and city council. All other
16 judges shall be nominated by the chief judge and appointed by the mayor and city council.

17 (c) Compensation of the judges shall be fixed by the mayor and city council.

18 (d) Judges serve at will and may be removed by a vote of three members of the mayor and
19 city council.

20 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
21 will honestly and faithfully discharge the duties of his or her office to the best of his or her
22 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
23 the mayor and city council in the journal required in Section 2.25 of this charter.

24 **SECTION 4.12.**

25 Convening of court.

26 The municipal court shall be convened at regular intervals and as necessary to handle the
27 caseload of the court.

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$500.00 or 60 days in jail.

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

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

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

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

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

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

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

4 **SECTION 4.14.**

5 Certiorari.

6 The right of certiorari from the decision and judgment of the municipal court shall exist in
 7 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 8 the sanction of a judge of the Superior Court of Walton County under the laws of the State
 9 of Georgia regulating the granting and issuance of writs of certiorari.

10 **SECTION 4.15.**

11 Rules for court.

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

19 **ARTICLE V**

20 **ELECTIONS AND REMOVAL**

21 **A. General Law.**

22 **SECTION 5.10.**

23 Applicability of general law.

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

1 B. Election of Officers.

2 **SECTION 5.11.**

3 Election of mayor and councilmembers.

4 There shall be a municipal general election biennially in the odd years on the Tuesday next
5 following the first Monday in November. At the general election in 2005 and every four
6 years thereafter, councilmembers shall be elected from Council District 1 and Council
7 District 3. At the municipal general election in 2007 and every four years thereafter, the
8 mayor and councilmembers from Council District 2 and Council District 4 shall be elected.
9 Each district councilmember shall be elected by the electors residing within the council
10 district. The mayor shall be elected by the electors residing within the entire city. The
11 council districts are as set forth in the council district map maintained at the office of the city
12 clerk, which is incorporated herein by reference.

13 **SECTION 5.12.**

14 Nonpartisan elections.

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

17 **SECTION 5.13.**

18 Election by majority.

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

20 C. Other Provisions.

21 **SECTION 5.14.**

22 Other provisions.

23 Except as otherwise provided by this charter, the mayor and city council shall by resolution
24 prescribe such rules and regulations as they deem appropriate to fulfill any provisions under
25 Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code."

SECTION 5.15.

Removal of officers.

(a) The mayor, councilmembers, or appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted. This mandatory removal due to a cause listed under Title 45 of the O.C.G.A. does not limit the authority of the mayor and city council to terminate an officer's appointment at will.

(b) Removal of a mayor or councilmember pursuant to subsection (a) of this section shall be accomplished by an order of the Superior Court of Walton County following a hearing on a complaint seeking such removal brought by any resident of the City of Social Circle.

ARTICLE VI**FINANCE****A. Taxation and Various Fees.****SECTION 6.10.**

Property tax.

The mayor and city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the mayor and city council in their discretion.

SECTION 6.11.

Millage rate; due date; payment methods.

The mayor and city council by resolution may establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The mayor and city council by resolution may provide for the payment of these taxes by voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation taxes and business taxes.

The mayor and city council by resolution shall have the power to levy such occupation or business taxes allowed by law. Such taxes may be levied on both individuals and corporations who transact business in this city or who practice or offer to practice any profession or calling therein to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The mayor and city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Regulatory licenses, fees, permits.

The mayor and city council by resolution shall have the power to require any individuals or corporations who transact business in this city or who practice or offer to practice any profession or calling therein to obtain a license or permit for such activity from the city and pay a reasonable fee for such license or permit where such activities are not now regulated by general law in such a way as to preclude city regulation. Such fees may reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter. The mayor and city council by resolution may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

The mayor and city council shall have the power to grant franchises for the use of the city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, cable television, gas companies, transportation companies, and other similar organizations. The mayor and 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 unless the city receives just and adequate compensation therefor. The mayor and city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The mayor and city council may provide by resolution for the registration within a reasonable time of all

1 franchises previously granted. If no franchise agreement is in effect, the mayor and city
2 council have the authority to impose a tax on gross receipts for the use of this city's streets
3 and alleys for the purposes of railroads, street railways, telephone companies, electric
4 companies, electric membership corporations, cable television and other telecommunications
5 companies, gas companies, transportation companies, and other similar organizations.

6 **SECTION 6.15.**

7 Services charges.

8 The mayor and city council by resolution shall have the power to assess and collect fees,
9 charges, and tolls for sewer, water, sanitary and health services, fire services, or any other
10 services provided or made available within and outside the corporate limits of the city. If
11 unpaid, such fees, charges, and tolls shall be collected as provided in Section 6.18 of this
12 charter.

13 **SECTION 6.16.**

14 Special assessments.

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

20 **SECTION 6.17.**

21 Construction; other taxes and fees.

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

25 **SECTION 6.18.**

26 Collection of delinquent taxes and fees.

27 The mayor and city council by resolution may provide generally for the collection of
28 delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this
29 charter by whatever reasonable means as are not precluded by law. This shall include

1 providing for the dates when the taxes or fees are due; late penalties or interest; issuance and
 2 execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal
 3 debts of the persons required to pay the taxes or fees imposed; revoking city licenses for
 4 failure to pay any city taxes or fees; and providing for the assignment or transfer of tax
 5 executions.

6 **B. Borrowing.**

7 **SECTION 6.19.**

8 General obligation bonds.

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

13 **SECTION 6.20.**

14 Revenue bonds.

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

18 **SECTION 6.21.**

19 Short-term loans.

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

22 **SECTION 6.22.**

23 Lease-purchase contracts.

24 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 25 acquisition of goods, materials, real and personal property, services, and supplies. Contracts
 26 must be executed in accordance with the requirements of Code Section 36-60-13 of the
 27 O.C.G.A. or other such applicable laws as are or may hereafter be enacted. The city may
 28 further enter into lease, purchase, and lease-purchase contracts for its property as is permitted
 29 by law.

1 C. Accounting and Budgeting.

2 **SECTION 6.23.**

3 Fiscal year.

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

7 **SECTION 6.24.**

8 Preparation of budget.

9 The mayor and city council shall provide a resolution on the procedures and requirements
10 for the preparation and execution of an annual operating budget, a capital improvements
11 program, and a capital budget, including requirements as to the scope, content, and form of
12 such budgets and programs.

13 **SECTION 6.25.**

14 Submission of budget to mayor and city council.

15 On or before a date fixed by the mayor and city council, but not later than 60 days prior to
16 the beginning of each fiscal year, the city manager, after soliciting city council input, shall
17 submit to the city council a proposed operating budget for the ensuing fiscal year. The
18 budget shall be accompanied by a message from the city manager containing a statement of
19 the general fiscal policies of the city, the important features of the budget, explanations of
20 major changes recommended for the next fiscal year, a general summary of the budget, and
21 such other comments and information as he or she may deem pertinent. The operating
22 budget and the capital improvements budget provided for in Section 6.24 of this charter, the
23 budget message, and all supporting documents shall be filed in the office of the city clerk and
24 shall be open to public inspection.

25 **SECTION 6.26.**

26 Action by mayor and city council on budget.

27 (a) The mayor and city council may amend the operating budget proposed by the city
28 manager, except that the budget as finally amended and adopted must provide for all
29 expenditures required by state law or by other provisions of this charter and for all debt

1 service requirements for the ensuing fiscal year; and the total appropriations from any fund
2 shall not exceed the estimated fund balance, reserves, and revenues.

3 (b) The mayor and city council, by resolution, shall adopt the final operating budget for the
4 ensuing fiscal year not later than the fourth Monday in June of each year. If the mayor and
5 city council fail to adopt the budget by this date, the amounts appropriated for operation for
6 the current fiscal year shall be deemed adopted for the ensuing fiscal year on a
7 month-to-month basis, with all items prorated accordingly until such time as the mayor and
8 city council adopt a budget for the ensuing fiscal year. Adoption of the budget shall take the
9 form of an appropriations resolution setting out the estimated revenues in detail by sources
10 and making appropriations according to fund and by organizational unit, purpose, or activity
11 as set out in the budget preparation resolution adopted pursuant to Section 6.24 of this
12 charter.

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

17 **SECTION 6.27.**

18 Tax levies.

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

25 **SECTION 6.28.**

26 Changes in appropriations.

27 The mayor and city council, by resolution, may make changes in the appropriations
28 contained in the current operating budget at any regular meeting or any special or emergency
29 meeting called for such purpose, but any additional appropriations may be made only from
30 an existing unexpended surplus.

1 **SECTION 6.29.**

2 Independent audit.

3 There shall be an annual independent audit of all city accounts, funds, and financial
4 transactions by a certified public accountant selected by the mayor and city council. The
5 audit shall be conducted according to generally accepted auditing principles. Any audit of
6 any funds by the state or federal government may be accepted as satisfying the requirements
7 of this charter. Copies of all audit reports shall be available at printing costs to the public.

8 D. Procurement and Property Management.

9 **SECTION 6.30.**

10 Contracting procedures.

11 No contract with the city shall be binding on the city unless it is made pursuant to procedures
12 established by mayor and city council and:

13 (1) It is in writing;

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

16 (3) It is made or authorized by the mayor and city council and such approval is entered
17 in the city journal of proceedings pursuant to Section 2.25 of this charter.

18 **SECTION 6.31.**

19 Centralized purchasing.

20 The mayor and city council shall by resolution or ordinance prescribe procedures for a
21 system of centralized purchasing for the city.

22 **SECTION 6.32.**

23 Sale and lease of city property.

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

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

1 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
2 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
3 tract or boundary of land owned by the city, the mayor and city council may authorize the
4 mayor to execute and deliver in the name of the city a deed conveying said cut-off or
5 separated parcel or tract of land to an abutting or adjoining property owner or owners in
6 exchange for rights of way of said street, avenue, alley, or public place when such exchange
7 is deemed to be in the best interest of the city. Each abutting property owner shall be notified
8 of the availability of the property and given the opportunity to purchase said property under
9 such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
10 hereafter so executed and delivered shall convey all title and interest the city has in such
11 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
12 made.

13 **ARTICLE VII**

14 **GENERAL PROVISIONS**

15 **SECTION 7.10.**

16 Bonds for officials.

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

20 **SECTION 7.11.**

21 Prior ordinances.

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

25 **SECTION 7.12.**

26 Pending matters.

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

SECTION 7.13.

Definitions and construction.

Section captions in this charter are informative only and are not to be considered as a part thereof. The word "shall" is mandatory and the word "may" is permissive. The singular shall include the plural, the masculine shall include the feminine, and vice versa.

SECTION 7.14.

Severability.

If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality 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 invalid or unconstitutional, it being the legislative intent in enacting this charter that each article, section, subsection, paragraph, or part thereof be enacted separately and independent of each other.

SECTION 7.15.

Specific repealer.

An Act incorporating the City of Social Circle, approved August 4, 1904 (Ga. L. 1904, p. 626), as amended, is repealed in its entirety.

SECTION 7.16.

Effective date.

This charter shall become effective on July 1, 2005.

SECTION 7.17.

Repealer.

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