

House Bill 924

By: Representative Jones of the 46th

A BILL TO BE ENTITLED
AN ACT

1 To incorporate the City of Milton in Fulton County, Georgia; to provide a charter for the City
2 of Milton; to provide for incorporation, boundaries, and powers of the city; to provide for a
3 governing authority of such city and the powers, duties, authority, election, terms, method
4 of filling vacancies, compensation, qualifications, prohibitions, and removal from office
5 relative to members of such governing authority; to provide for inquiries and investigations;
6 to provide for organization and procedures; to provide for ordinances and codes; to provide
7 for the office of mayor and certain duties and powers relative to the office of mayor; to
8 provide for administrative responsibilities; to provide for boards, commissions, and
9 authorities; to provide for a city attorney, a city clerk, a city treasurer, and other personnel;
10 to provide for rules and regulations; to provide for a municipal court and the judge or judges
11 thereof; to provide for practices and procedures; to provide for taxation and fees; to provide
12 for franchises, service charges, and assessments; to provide for bonded and other
13 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide
14 for the sale of property; to provide for bonds for officials; to provide for eminent domain; to
15 provide for penalties; to provide for definitions and construction; to provide for other matters
16 relative to the foregoing; to provide for a referendum; to provide effective dates; to provide
17 for transition of powers and duties; to provide for directory nature of dates; to provide for a
18 charter commission; to provide for severability; to repeal conflicting laws; and for other
19 purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **ARTICLE I**
22 **INCORPORATION AND POWERS**
23 **SECTION 1.10.**
24 **Incorporation.**

25 The City of Milton in Fulton County is incorporated by the enactment of this charter and is

1 constituted and declared a body politic and corporate under the name of the "City of Milton."
2 References in this charter to "the city" or "this city" refer to the City of Milton. The city shall
3 have perpetual existence.

4 **SECTION 1.11.**

5 Corporate boundaries.

6 The incorporated area of this city shall consist of all of that portion of Fulton County lying
7 north of the northern boundaries of the Cities of Roswell and Alpharetta in Fulton County
8 as such boundaries existed immediately prior to the date of the referendum election held as
9 provided in Section 7.15 of this charter and bounded by the county lines of the Counties of
10 Cherokee and Forsyth, which portion of Fulton County was unincorporated immediately
11 prior to the date of such referendum election; and with such alterations as may be made
12 thereafter from time to time by local law or in the manner provided by general state law. The
13 boundaries of this city at all times shall be shown on a map, a written description, or any
14 combination thereof, to be retained permanently in the office of the city clerk of the city and
15 to be designated, as the case may be: "Official Map or Description of the Corporate Limits
16 of the City of Milton, Georgia." Photographic, typed, or other copies of such map or
17 description certified by the mayor shall be admitted as evidence in all courts and shall have
18 the same force and effect as the original map or description.

19 **SECTION 1.12.**

20 Municipal powers.

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

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

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

31 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at
32 large of animals and fowl and to provide for the impoundment of same if in violation of
33 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane

1 destruction of animals and fowl when not redeemed as provided by ordinance; and to
2 provide punishment for violation of ordinances enacted under this paragraph;

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

7 (4) Building regulations. To regulate and to license the erection and construction of
8 buildings and all other structures not inconsistent with general law; to adopt building,
9 housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate
10 all housing and building trades except as otherwise prohibited by general law;

11 (5) Business regulation and taxation. To levy and to provide for the collection of license
12 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
13 the same; to provide for the manner and method of payment of such licenses and taxes;
14 and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

19 (7) Contracts. To enter into contracts and agreements with other governments and
20 entities and with private persons, firms, and corporations;

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

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

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

35 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
36 practice, conduct, or use of property which is detrimental to the health, sanitation,

1 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
2 enforcement of such standards;

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

6 (13) Health and sanitation. To prescribe standards of health and sanitation within the
7 city and to provide for the enforcement of such standards;

8 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
9 may work out such sentences in any public works or on the streets, roads, drains, and
10 squares in the city; to provide for the commitment of such persons to any jail; or to
11 provide for the commitment of such persons to any county work camp or county jail by
12 agreement with the appropriate county officials;

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

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

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

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

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

29 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
30 of public utilities, including, but not limited to, a system of waterworks, sewers, and
31 drains, sewage disposal, gas works, electric plants, transportation facilities, public
32 airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
33 assessments, regulations, and penalties therefor; and to provide for the withdrawal of
34 service for refusal or failure to pay the same; and to authorize the extension of water,
35 sewerage, and electrical distribution systems, and all necessary appurtenances by which
36 said utilities are distributed, inside and outside the corporate limits of the city; and to

1 provide utility services to persons, firms, and corporations inside and outside the
2 corporate limits of the city as provided by ordinance;

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

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

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

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

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

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

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

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

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

34 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
35 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
36 and all other structures or obstructions upon or adjacent to the rights of way of streets and

1 roads or within view thereof, inside or abutting the corporate limits of the city and to
2 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

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

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

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

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

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

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

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

24 **SECTION 1.13.**

25 Exercise of powers.

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

1 **ARTICLE II**

2 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

3 **SECTION 2.10.**

4 City council creation; composition; number; election.

5 (a) The legislative authority of the government of this city, except as otherwise specifically
6 provided in this charter, shall be vested in a city council to be composed of a mayor and six
7 councilmembers.

8 (b) The mayor and councilmembers shall serve for terms of four years and until their
9 respective successors are elected and qualified, except as otherwise provided in subsection

10 (d) of Section 2.11 of this charter. No person shall be eligible to serve as mayor or
11 councilmember unless that person shall have been a resident of this city for 12 months
12 immediately preceding the election of mayor or councilmembers; each such person shall
13 continue to reside within the city during said period of service and shall be registered and
14 qualified to vote in municipal elections of this city. No person's name shall be listed as a
15 candidate on the ballot for election for either mayor or councilmember unless such person
16 shall file a written notice with the clerk of said city that such person desires his or her name
17 to be placed on said ballot as a candidate either for mayor or councilmember. No person
18 shall be eligible for the office of mayor or councilmember unless such person shall file above
19 said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the
20 "Georgia Election Code."

21 **SECTION 2.11.**

22 Elections.

23 (a) At any election, all persons who are qualified under the Constitution and laws of Georgia
24 to vote for members of the General Assembly of Georgia and who are bona fide residents of
25 said city shall be eligible to qualify as voters in the election.

26 (b) All primaries and elections, including without limitation the special election of 2006 to
27 elect the first mayor and council, shall be held and conducted in accordance with Chapter 2
28 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by
29 this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems
30 appropriate to fulfill any options and duties under the "Georgia Election Code."

31 (c) For the purpose of electing members of the council, the City of Milton shall consist of
32 one election district with six numbered posts. Each person seeking election shall designate
33 the post for which he or she seeks election.

1 (d) The first election for mayor and councilmembers shall be a special election held in 2006
2 on the date specified in subsection (g) of this section. At said election, the councilmembers
3 elected from Council Posts 1, 3, and 5 shall be elected for initial terms of office beginning
4 the first day of January, 2007, and expiring on December 31, 2007. The mayor and
5 councilmembers elected from Council Posts 2, 4, and 6 shall be elected for initial terms of
6 office beginning on the first day of January, 2007, and expiring on December 31, 2009.
7 Thereafter, at the elections provided for by subsection (g) of this section, their successors
8 shall be elected for terms of four years. All members shall serve until their successors are
9 elected and qualified. The persons elected as mayor and councilmembers shall take office
10 at the first regular meeting in January immediately following their election in the manner
11 prescribed by Section 3.11 of this charter.

12 (e) Persons holding the office of mayor or councilmember may succeed themselves in that
13 office for one four-year term of office. Persons who have held the office or councilmember
14 and have succeeded themselves in that office as provided in this subsection shall not again
15 be eligible to be elected to that office until after the expiration of four years from the
16 conclusion of their term in such office.

17 (f) The mayor and each councilmember, for the special election and each subsequent
18 election for mayor and councilmember, shall be elected by the qualified electors of the city
19 at large.

20 (g) A special election shall be held on the Tuesday after the first Monday in November,
21 2006, to elect the first mayor and council as provided in subsection (d) of this section. At
22 such election, the first mayor and council shall be elected to serve for the initial terms of
23 office specified in said subsection (d) of this section. Thereafter, the time for holding regular
24 municipal elections shall be on the Tuesday next following the first Monday in November
25 of each odd-numbered year beginning in 2007. The successors to the first mayor and
26 councilmembers and future successors shall be elected at the municipal election immediately
27 preceding the expiration of the respective terms of office and shall take office on the first day
28 of January immediately following their election for terms of four years and until their
29 successors are elected and qualified.

30 (h) In 2007 and thereafter, political parties may conduct primaries to nominate candidates
31 for municipal offices to be filled in the ensuing November election.

SECTION 2.12.

Vacancies in office.

(a)(1) 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.

(2) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the 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 as provided in subsection (b) of this section.

(b) In the event that the office of mayor or councilmember shall become vacant, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within six months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 2.13.

Election by plurality.

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

SECTION 2.14.

Compensation and expenses.

The annual salary of the mayor shall be \$17,000.00 and the annual salary for each councilmember shall be \$12,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.15.

Prohibitions.

(a) 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 official duties or which would tend to impair the independence of his or her judgment or action in the performance of official duties;

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

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

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

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

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

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

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

5 (d) Any violation of this section which occurs with the knowledge, express or implied, of
6 a party to a contract or sale shall render said contract or sale voidable at the option of the city
7 council.

8 (e) Except as authorized by law, no member of the council shall hold any other elective city
9 office or other city employment during the term for which elected. The provisions of this
10 subsection shall not apply to any person holding employment on the effective date of this
11 Act.

12 **SECTION 2.16.**

13 Removal of officers.

14 (a) The mayor, a councilmember, or other appointed officers provided for in this charter
15 shall be removed from office for any one or more of the following causes:

16 (1) Incompetence, misfeasance, or malfeasance in office;

17 (2) Conviction of a crime involving moral turpitude;

18 (3) Failure at any time to possess any qualifications of office as provided by this charter
19 or by law;

20 (4) Knowingly violating Section 2.15 or any other express prohibition of this charter;

21 (5) Abandonment of office or neglect to perform the duties thereof; or

22 (6) Failure for any other cause to perform the duties of office as required by this charter
23 or by state law.

24 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
25 by one of the following methods:

26 (1) By the vote of five councilmembers after an investigative hearing. In the event an
27 elected officer is sought to be removed by the action of the city council, such officer shall
28 be entitled to a written notice specifying the ground or grounds for removal and to a
29 public hearing which shall be held not less than ten days after the service of such written
30 notice. Any elected officer sought to be removed from office as provided in this section
31 shall have the right of appeal from the decision of the city council to the Superior Court
32 of Fulton County. Such appeal shall be governed by the same rules as govern appeals to
33 the superior court from the probate court; or

34 (2) By an order of the Superior Court of Fulton County following a hearing on a
35 complaint seeking such removal brought by any resident of the City of Milton.

1 **ARTICLE III**

2 **ORGANIZATION OF GOVERNMENT, GENERAL**

3 **AUTHORITY, AND ORDINANCES**

4 **SECTION 3.10.**

5 General power and authority.

6 Except as otherwise provided by this charter, the city council shall be vested with all the
7 powers of government of this city as provided by Article I of this charter.

8 **SECTION 3.11.**

9 Organization.

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

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

16 (b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro
17 tempore. The mayor pro tempore shall preside at all meetings of the city council and shall
18 assume the duties and powers of the mayor during any disability or absence of the mayor.
19 Any such disability or absence shall be declared by a majority vote of the city council. The
20 city council shall by majority vote elect a presiding officer from its number for any period
21 in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or
22 disability shall be declared by majority vote of the city council.

23 **SECTION 3.12.**

24 Inquiries and investigations.

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

SECTION 3.13.

Meetings.

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

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

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.

Procedures.

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

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

SECTION 3.15.

Voting.

(a) Except as otherwise provided in subsection (b) of this section, four councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council 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 a majority of the councilmembers present shall be required for the adoption of any ordinance, resolution, or motion.

1 (b) In the event vacancies in office result in less than a quorum of councilmembers holding
 2 office, then the remaining councilmembers in office shall constitute a quorum and shall be
 3 authorized to transact business of the city council. A vote of a majority of the remaining
 4 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

5 **SECTION 3.16.**

6 Ordinances.

7 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 8 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 9 enacting clause shall be "The Council of the City of Milton hereby ordains..." and every
 10 ordinance shall so begin.

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

19 **SECTION 3.17.**

20 Effect of ordinances.

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

22 **SECTION 3.18.**

23 Emergencies.

24 To meet a public emergency affecting life, health, property, or public peace, the city council
 25 may convene on call of the mayor or four councilmembers and may promptly adopt an
 26 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a
 27 franchise; regulate the rate charged by any public utility for its services; or authorize the
 28 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 29 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 30 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 31 a declaration stating that an emergency exists and describing the emergency in clear and

1 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 2 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of the
 3 councilmembers present shall be required for adoption. It shall become effective upon
 4 adoption or at such later time as it may specify. Every emergency ordinance shall
 5 automatically stand repealed 30 days following the date upon which it was adopted, but this
 6 shall not prevent reenactment of the ordinance in the manner specified in this section if the
 7 emergency continues to exist. An emergency ordinance shall also be repealed by adoption
 8 of a repealing ordinance in the same manner specified in this section for adoption of
 9 emergency ordinances.

10 **SECTION 3.19.**

11 Codes.

- 12 (a) The city council may adopt any standard code of technical regulations by reference
 13 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 14 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 15 of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the
 16 ordinance shall be construed to include copies of any code of technical regulations, as well
 17 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 18 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 19 Section 3.20 of this charter.
- 20 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 21 for distribution or for purchase at a reasonable price.

22 **SECTION 3.20.**

23 Codification of ordinances.

- 24 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
 25 indexed book kept for that purpose all ordinances adopted by the council.
- 26 (b) The city shall provide for the preparation of a general codification of all the ordinances
 27 of the city having the force and effect of law. The general codification shall be adopted by
 28 the city council by ordinance and shall be published promptly together with all amendments
 29 thereto and shall contain such codes of technical regulations and other rules and regulations
 30 as the city council may specify. This compilation shall be known and cited officially as "The
 31 Code of the City of Milton, Georgia." Copies of the code shall be furnished to all officers,
 32 departments, and agencies of the city and shall be made available for purchase by the public
 33 at a reasonable price as fixed by the city council.

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

10 **SECTION 3.21.**

11 Chief executive officer; delegation of powers.

12 The mayor shall be the chief executive of this city. The mayor shall possess all of the
 13 executive and administrative powers granted to the city under the Constitution and laws of
 14 the State of Georgia, and all the executive and administrative powers contained in this
 15 charter, except as otherwise specifically provided in this Act. The mayor shall have the
 16 authority to delegate any one or more executive or administrative powers to a person or
 17 persons employed by the city and qualified in management and administration.

18 **SECTION 3.22.**

19 Powers and duties of mayor.

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

- 21 (1) See that all laws and ordinances of the city are faithfully executed;
- 22 (2) Appoint and remove, for cause, with confirmation of appointment or removal by the
 23 council, all officers, department heads, and employees of the city except as otherwise
 24 provided in this charter;
- 25 (3) Exercise supervision over all executive and administrative work of the city and
 26 provide for the coordination of administrative activities;
- 27 (4) Prepare and submit to the council a recommended annual operating budget and
 28 recommended capital budget;
- 29 (5) Submit to the council at least once a year a statement covering the financial
 30 conditions of the city and from time to time such other information as the city council
 31 may request;
- 32 (6) Call special meetings of the city council as provided for in Section 3.13;

- 1 (7) Participate in the discussion of all matters brought before the city council and vote
2 on such matters only in the case of a tie vote;
- 3 (8) Recommend to the city council such measures relative to the affairs of the city,
4 improvement of the government, and promotion of the welfare of its inhabitants as the
5 mayor may deem expedient;
- 6 (9) Approve or disapprove ordinances as provided in Section 3.23;
- 7 (10) Require any department or agency of the city to submit written reports whenever
8 the mayor deems it expedient;
- 9 (11) Sign as a matter of course all written contracts, ordinances, and other instruments
10 executed by the city which by law are required to be in writing; and
- 11 (12) Perform such other duties as may be required by general state law, this charter, or
12 ordinance.

13 **SECTION 3.23.**

14 Submission of ordinances to the mayor; veto power.

- 15 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
16 mayor within three days after its adoption.
- 17 (b) The mayor shall within ten days of receipt of an ordinance return it to the city clerk with
18 or without the mayor's approval, or with the mayor's disapproval. If the ordinance has been
19 approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance
20 is neither approved nor disapproved, it shall become law on the fifteenth day after its
21 adoption; if the ordinance is disapproved, the mayor shall submit to the city council through
22 the city clerk a written statement of the reasons for the veto. The city clerk shall record upon
23 the ordinance the date of its delivery to and receipt from the mayor.
- 24 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
25 at its next meeting and should the city council then or at its next general meeting adopt the
26 ordinance by an affirmative vote of the entire council, it shall become law.
- 27 (d) The mayor may disapprove or reduce any item or items of appropriation in any
28 ordinance. The approved part or parts of any ordinance making appropriations shall become
29 law, and the part or parts disapproved shall not become law unless subsequently passed by
30 the city council over the mayor's veto as provided in this section. The reduced part or parts
31 shall be presented to the city council as though disapproved and shall not become law unless
32 overridden by the council as provided in subsection (c) of this section.

1 **ARTICLE IV**

2 **ADMINISTRATIVE AFFAIRS**

3 **SECTION 4.10.**

4 Department heads.

5 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
6 the functions or duties and establish, abolish, or alter all nonelective offices, positions of
7 employment, departments, and agencies of the city as necessary for the proper administration
8 of the affairs and government of this city.

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

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

14 (d) There shall be a director of each department or agency who shall be its principal officer.
15 Each director shall, subject to the direction and supervision of the mayor, be responsible for
16 the administration and direction of the affairs and operations of the director's department or
17 agency.

18 (e) All directors under the supervision of the mayor shall be nominated by the mayor with
19 confirmation of appointment by the city council. The mayor may suspend or remove
20 directors under the mayor's supervision but such suspension or removal shall not be effective
21 for ten calendar days following the mayor's giving written notice of such action and the
22 reason therefor to the director involved and to the city council. The director involved may
23 appeal to the city council which, after a hearing, may override the mayor's action by a vote
24 of five councilmembers.

25 **SECTION 4.11.**

26 Boards.

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

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

- 1 (c) The city council, by ordinance, may provide for the compensation and reimbursement
2 for actual and necessary expenses of the members of any board, commission, or authority.
3 (d) Except as otherwise provided by charter or by law, no member of any board,
4 commission, or authority shall hold any elective office in the city.
5 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
6 unexpired term in the manner prescribed for the original appointment, except as otherwise
7 provided by this charter or by law.
8 (f) No member of a board, commission, or authority shall assume office until he or she has
9 executed and filed with the clerk of the city an oath obligating himself or herself to perform
10 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and
11 administered by the mayor.
12 (g) Any member of a board, commission, or authority may be removed from office for cause
13 by a vote of five members of the city council.
14 (h) Except as otherwise provided by this charter or by law, each board, commission, or
15 authority of the city shall elect one of its members as chairperson and one member as
16 vice-chairperson, and may elect as its secretary one of its members or may appoint as
17 secretary an employee of the city. Each board, commission, or authority of the city
18 government may establish such bylaws, rules, and regulations, not inconsistent with this
19 charter, an ordinance of the city, or law, as it deems appropriate and necessary for the
20 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
21 regulations shall be filed with the clerk of the city.

22 **SECTION 4.12.**

23 City attorney.

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

SECTION 4.13.

City clerk.

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

SECTION 4.14.

Treasurer.

The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city council shall provide for the compensation of the treasurer.

SECTION 4.15.

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

- (1) The method of employee selection and probationary periods of employment;
- (2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;
- (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;
- (4) Such dismissal hearings as due process may require; and
- (5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

1 or may fix punishment by fine, imprisonment, or alternative sentencing as now or hereafter
2 provided by law.

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

7 (e) The municipal court shall have authority to establish bail and recognizances to ensure
8 the presence of those charged with violations before said court and shall have discretionary
9 authority to accept cash or personal or real property as surety bond for the appearance of
10 persons charged with violations. Whenever any person shall give bail for appearance and
11 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
12 presiding at such time and an execution shall be issued thereon by serving the defendant and
13 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

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

17 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
18 court when it appears by probable cause that state law has been violated.

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

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

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

29 **SECTION 5.14.**

30 **Certiorari.**

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

SECTION 6.12.

Occupation taxes and business license fees.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied 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 within the city to the extent such persons have a constitutionally sufficient nexus to this city to be so taxed. The 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.

Licenses.

The city council by ordinance shall have the power to require any individual or corporation who transacts business in this city or who practices or offers to practice any profession or calling within the city 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 regulations. 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 city council by ordinance may establish reasonable requirements for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

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

SECTION 6.15.

Sewer fees.

1
2
3 The city council by ordinance shall have the power to assess and collect fees, charges, and
4 tolls for sewers, sanitary and health services, or any other services provided or made
5 available inside or outside the corporate limits of the city for the total cost to the city of
6 providing or making available such services. If unpaid, such charges shall be collected as
7 provided in Section 6.18 of this charter.

SECTION 6.16.

Roads.

8
9
10 The city council by ordinance shall have the power to assess, charge, and collect the costs
11 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
12 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
13 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
14 collected as provided in Section 6.18 of this charter.

SECTION 6.17.

Other taxes.

15
16
17 This city shall be empowered to levy any other tax allowed now or hereafter by law, and the
18 specific mention of any right, power, or authority in this article shall not be construed as
19 limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes.

20
21
22 The city council by ordinance may provide generally for the collection of delinquent taxes,
23 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
24 whatever reasonable means as are not precluded by law. This shall include providing for the
25 dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.
26 fas., creation and priority of liens, making delinquent taxes and fees personal debts of the
27 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
28 any city taxes or fees, and providing for the assignment or transfer of tax executions.

SECTION 6.19.

Borrowing.

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

SECTION 6.20.

Revenue bonds.

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

SECTION 6.21.

Loans.

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

SECTION 6.22.

Accounting and budgeting.

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

SECTION 6.23.

Budget ordinance.

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

SECTION 6.24.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as the mayor may deem pertinent. The operating budget, the capital improvements budget, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Adoption.

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

(b) After the conducting of a budget hearing, the city council shall adopt the final operating budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

SECTION 6.26.

Levy of taxes.

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

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.17 of this charter.

(b) After the conducting of a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year on or before a date fixed by ordinance of the council. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

1 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel
 2 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
 3 of way of said street, avenue, alley, or public place when such exchange is deemed to be in
 4 the best interest of the city. All deeds and conveyances heretofore and hereafter so executed
 5 and delivered shall convey all title and interest the city has in such property, notwithstanding
 6 the fact that no public sale after advertisement was or is hereafter made.

7 **ARTICLE VII**

8 **GENERAL PROVISIONS**

9 **SECTION 7.10.**

10 Bonds for officials.

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

14 **SECTION 7.11.**

15 Rules and regulations.

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

19 **SECTION 7.12.**

20 Charter language on other general matters.

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

25 **SECTION 7.13.**

26 Definitions and construction.

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

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

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

3 **SECTION 7.14.**

4 Qualified electors.

5 (a) For the purposes of the referendum election provided for in Section 7.15 of this charter
6 and for the purposes of the special election to be held on the Tuesday after the first Monday
7 in November, 2006, the qualified electors of the City of Milton shall be those qualified
8 electors of Fulton County residing within the corporate limits of the City of Milton as
9 described by Section 1.11 of this charter. At subsequent municipal elections, the qualified
10 electors of the City of Milton shall be determined pursuant to the authority of Chapter 2 of
11 Title 21 of the O.C.G.A., known as the "Georgia Election Code."

12 (b) Only for the purpose of holding and conducting the referendum election provided for by
13 Section 7.15 of this charter and only for the purpose of holding and conducting the special
14 election of the City of Milton to be held on the Tuesday after the first Monday in November,
15 2006, the election superintendent of Fulton County is vested with the powers and duties of
16 the election superintendent of the City of Milton and the powers and duties of the governing
17 authority of the City of Milton.

18 **SECTION 7.15.**

19 Referendum.

20 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
21 superintendent of Fulton County shall call a special election for the purpose of submitting
22 this Act to the qualified voters of the proposed City of Milton, as provided in Section 7.14
23 of this charter, for approval or rejection. The superintendent shall set the date of such
24 election for the date of the general primary in 2006. The superintendent shall issue the call
25 for such election at least 30 days prior to the date thereof. The superintendent shall cause the
26 date and purpose of the election to be published once a week for two weeks immediately
27 preceding the date thereof in the official organ of Fulton County. The ballot shall have
28 written or printed thereon the words:

29 "() YES Shall the Act incorporating the City of Milton in Fulton County according
30 () NO to the charter contained in such Act be approved?"

31 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
32 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

1 cast on such question are for approval of the Act, it shall become of full force and effect as
 2 provided in Section 7.16 of this charter; otherwise, it shall be void and of no force and effect.
 3 The expense of such election shall be borne by Fulton County. It shall be the duty of the
 4 superintendent to hold and conduct such election. It shall be his or her further duty to certify
 5 the result thereof to the Secretary of State.

6 **SECTION 7.16.**

7 Effective dates.

8 This section and the provisions of this Act necessary for the referendum election provided
 9 for in Section 7.15 of this charter shall become effective only if an amendment to Code
 10 Section 36-31-2 of the O.C.G.A., permitting enactment of a charter for a municipal
 11 corporation the boundaries of which are adjacent to another municipality's boundaries, is
 12 enacted and becomes effective on or before July 1, 2005, and remains effective at least until
 13 July 1, 2006, in which event this section and the provisions of this Act necessary for the
 14 election provided in Section 7.15 of this charter shall become effective approval of this Act
 15 by the Governor or upon its becoming law without such approval. Section 1.10, 1.11, and
 16 7.17 of this Act and those provisions of this Act necessary for the special election to be held
 17 on the Tuesday after the first Monday in November, 2006, as provided by Article II of this
 18 charter shall be effective upon the certification of the results of the referendum election
 19 provided for by Section 7.15 of this charter, if this Act is approved at such referendum
 20 election. The remaining provisions of this Act shall become of full force and effect for all
 21 purposes on January 1, 2007, when members of the first governing authority of the City of
 22 Milton take office as provided in Section 3.11 of this charter.

23 **SECTION 7.17.**

24 Transition.

25 (a) A period of time will be needed for an orderly transition of various government functions
 26 from Fulton County to the City of Milton. Accordingly there shall be a transition period
 27 beginning on the effective date of this section as provided in Section 7.16 of this charter, and
 28 ending at midnight on June 30, 2007. During the final six months of such transition period,
 29 all provisions of this charter shall be effective as law, but not all provisions of this charter
 30 shall be implemented.

31 (b) During such transition period, Fulton County shall continue to provide within the
 32 territorial limits of Milton all government services and functions which Fulton County
 33 provided in that area as of immediately prior to the effective date of this section, except to

1 the extent otherwise provided in this section; provided, however, that by agreement of Fulton
2 County and the City of Milton responsibility for any such service or function may be
3 transferred to the City of Milton at such time as may be agreed upon by the parties. During
4 the transition period, Fulton County may continue to collect taxes, fees, assessments, fines
5 and forfeitures, and other moneys within the territorial limits of Milton in the same manner
6 as authorized immediately prior to the effective date of this section; provided, however, that
7 by agreement of Fulton County and the City of Milton, the authority to collect any tax, fee,
8 assessment, fine or forfeiture, or other moneys may be transferred to the City of Milton at
9 such time as may be agreed upon by the parties.

10 (c) During the final six months of the transition period, the governing authority of the City
11 of Milton:

- 12 (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
- 13 (2) May enact ordinances and resolutions as provided in this charter;
- 14 (3) May amend this charter by home rule action as provided by general law;
- 15 (4) May accept gifts and grants;
- 16 (5) May borrow money and incur indebtedness to the extent authorized by this charter and
17 general law;
- 18 (6) May levy and collect an ad valorem tax for calendar year 2007;
- 19 (7) May establish a fiscal year and budget;
- 20 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
21 of the city; appoint and remove officers and employees; and exercise all necessary or
22 appropriate personnel and management functions;
- 23 (9) May generally exercise any power granted by this charter or general law, except to the
24 extent that a power is specifically and integrally related to the provision of a governmental
25 service, function, or responsibility not yet provided or carried out by the city.

26 (d) Except as otherwise provided in this section, during the final six months of the transition
27 period the Municipal Court of the City of Milton shall not exercise its jurisdiction. During
28 the transition period, all ordinances of Fulton County shall remain applicable within the
29 territorial limits of Milton and the appropriate court or courts of Fulton County shall retain
30 jurisdiction to enforce such ordinances. However, by appropriate agreement (and concurrent
31 resolutions and ordinances if needed) Fulton County and Milton may during the final six
32 months of the transition period transfer all or part of such regulatory authority and the
33 appropriate court jurisdiction to the City of Milton. Any transfer of jurisdiction to the City
34 of Milton during or at the end of the transition period shall not in and of itself abate any
35 judicial proceeding pending in Fulton County or the pending prosecution of any violation of
36 any ordinance of Fulton County.

1 (e) During the final six months of the transition period, the governing authority of Milton
 2 may at any time, without the necessity of any agreement by Fulton County, commence to
 3 exercise its planning and zoning powers; provided, however, that the city shall give the
 4 county at least 30 days written notice of the date on which the city will assume the exercise
 5 of such powers. Upon the governing authority of Milton commencing to exercise its planning
 6 and zoning powers, the Municipal Court of the City of Milton shall immediately have
 7 jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this
 8 subsection shall control over any conflicting provisions of any other subsection of this
 9 section.

10 (f) Effective upon the termination of the transition period, subsections (b) through (e) of this
 11 section shall cease to apply except for the last sentence of subsection (d) which shall remain
 12 effective. Effective upon the termination of the transition period, the City of Milton shall be
 13 a full functioning municipal corporation and subject to all general laws of this state.

14 **SECTION 7.18.**

15 Directory nature of dates.

16 It is the intention of the General Assembly that this Act be construed as directory rather
 17 than mandatory with respect to any date prescribed in this Act. If it is necessary to delay
 18 any action called for in this Act for providential cause, delay in securing approval under
 19 the federal Voting Rights Act, or any other reason, it is the intention of the General
 20 Assembly that the action be delayed rather than abandoned. Any delay in performing any
 21 action under this Act, whether for cause or otherwise, shall not operate to frustrate the
 22 overall intent of this Act. Without limiting the generality of the foregoing it is specifically
 23 provided that:

24 (1) If it is not possible to hold the referendum election provided for in Section 7.15 of
 25 this Act on the date specified in that section, then such referendum shall be held as soon
 26 thereafter as is reasonably practicable; and

27 (2) If it is not possible to hold the first municipal election provided for in Section 2.11
 28 of this Act on the date specified in that section, then there shall be a special election for
 29 the initial members of the governing authority to be held as soon thereafter as is
 30 reasonably practicable, and the commencement of the initial terms of office shall be
 31 delayed accordingly.

SECTION 7.19.

Charter commission.

At the first regularly scheduled city council meeting, five years after the inception of the City of Milton, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of Milton. All members of the charter commission must reside in Sandy Springs. The commission must complete the recommendations within six months of its creation.

SECTION 7.20.

Severability.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect, as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly hereby declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 7.21.

General repealer.

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