

Senate Bill 659

By: Senator Grant of the 25th

AS PASSED SENATE

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Madison, approved October 6, 1891
2 (Ga. L. 1890-91, Vol. II, p. 827), as amended, so as to amend, consolidate, revise, and restate
3 such charter and amendatory Acts amending such charter; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 An Act providing a new charter for the City of Madison, approved October 6, 1891
8 (Ga. L. 1890-91, Vol. II, p. 827), as amended, is amended by striking Sections I through
9 XXXIV of such charter and inserting in lieu thereof the following:

10 "SECTION I-A.

11 Name.

12 The city and the inhabitants thereof are constituted and declared a body politic and
13 corporate under the name and style City of Madison, Georgia, and by that name shall have
14 perpetual succession.

15 **SECTION I-B.**

16 Corporate boundaries.

17 The boundaries of the city shall be those existing on the effective date of the adoption of
18 this charter with such alterations as may be made from time to time in the manner provided
19 by law. The boundaries of the city at all times shall be shown on a map, a written
20 description or any combination thereof, to be retained permanently in City Hall and to be
21 designated, as the case may be: 'Official Map (or Description) of the corporate limits of the
22 City of Madison, Georgia.' Photographic, typed, or other copies of such map or description

1 certified by the city clerk shall be admitted as evidence in all courts and shall have the same
2 force and effect as with the original map or description. The council may provide for the
3 redrawing of any such map by ordinance to reflect lawful changes in the corporate
4 boundaries. A redrawn map shall supersede for all purposes the entire map or maps which
5 it is designated to replace. The specific boundaries of the city shall be those existing on the
6 effective date of this charter and as now or hereafter provided by law, with such future
7 alterations as are made in the manner provided by law.

8 SECTION I-C.

9 Municipal powers and construction.

10 (a) General Provisions. The city shall have all powers possible for a city to have under the
11 present or future Constitution and laws of this state as fully and completely as though they
12 were specifically enumerated in this charter. The city shall have all the powers of
13 self-government not otherwise prohibited by this charter or by general law. The powers
14 of the city shall be construed liberally in favor of the city. The specific mention or failure
15 to mention a particular power shall not be construed as limiting in any way the powers of
16 the city. The term 'Mayor and Council' means the mayor and five councilmembers as
17 specified in Section III of the charter. The term 'City Council' or 'Council' or
18 'Councilmembers' when used alone means the councilmembers (not the mayor) unless the
19 context clearly indicates a different meaning and except in cases of a tie vote, in which
20 instance the mayor shall vote.

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

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

26 (2) Alcoholic beverages. The keeping for sale, selling, or offering for sale of any
27 spirituous, vinous, malt, or fermented wines or liquors within the corporate limits of said
28 city shall be regulated by the city as provided by law. The council of the city shall have
29 power or authority to license the sale thereof, consistent with the laws of the State of
30 Georgia, and it shall be their duty to enforce this by the enactment of necessary
31 ordinances with suitable penalties for violation;

32 (3) Animal regulations. To regulate and license or to prohibit the keeping or running at
33 large of animals and fowl and to provide for the impoundment of same if in violation of
34 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 charter;

3 (4) 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 the city;

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

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

15 (7) Cemeteries. The council shall have jurisdiction over all cemeteries belonging to or
16 located in said city, and may provide by ordinance for a public cemetery. It may appoint
17 such employees to superintend the care thereof as it deems proper. It may enact
18 ordinances to prevent trespass therein and to prevent any person from defacing any work
19 therein. It may regulate the charges for grave digging, hearse fees, and any and every
20 thing pertaining to the care and operation of such cemeteries;

21 (8) Construction. The council is empowered to acquire, construct, operate, and maintain
22 public ways, parks, public grounds, cemeteries, markets, market houses, public buildings,
23 libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems,
24 airports, hospitals, and charitable, educational, recreational, sport, curative, correctional,
25 detention, penal, and medical institutions, agencies, and facilities, and any other public
26 improvements inside or outside the corporate limits of the city and to regulate the use
27 thereof;

28 (9) Contracts. To enter into contracts and agreements with other governmental entities
29 and with private persons, firms, and corporations;

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

34 (11) Environmental protection. To protect and preserve the natural resources,
35 environment, and vital areas of the city through the preservation and improvement of air
36 quality, the restoration and maintenance of water resources, the control of erosion and

1 sedimentation, the management of solid and hazardous waste, and other necessary actions
2 for the protection of the environment;

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

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

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

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

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

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

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

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

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

- 1 (21) Municipal property ownership. To acquire, dispose of, and hold in trust or
2 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
3 outside the property limits of the city;
- 4 (22) Municipal property protection. To provide for the preservation and protection of
5 property and equipment of the city and the administration and use of same by the public;
6 and to prescribe penalties and punishment for violations thereof;
- 7 (23) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
8 of public utilities, including, but not limited to, a system of waterworks, sewers and
9 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
10 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
11 assessments, regulations, and penalties; to provide for the withdrawal of service for
12 refusal or failure to pay the same; to authorize the extension of water, sewerage, and
13 electrical distribution systems, and all necessary appurtenances by which said utilities are
14 distributed, inside and outside the corporate limits of the city; and to provide utility
15 services to persons, firms, and corporations inside and outside the corporate limits of the
16 city as provided by ordinance;
- 17 (24) Nuisances. To define a nuisance and provide for its abatement whether on public
18 or private property;
- 19 (25) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
20 the authority of this charter and the laws of the State of Georgia;
- 21 (26) Planning and zoning. To provide comprehensive city planning for development by
22 zoning; and to provide subdivision regulation, land use, and development regulations as
23 the council deems necessary and reasonable to ensure a safe, healthy, and esthetically
24 pleasing community;
- 25 (27) Police and fire protection. To exercise the power of arrest through duly appointed
26 police officers; and to establish, operate, or contract for a police and a fire-fighting
27 agency, including the establishment of a combined public safety department for both
28 police and fire protection;
- 29 (28) Public hazards; removal. To provide for the repair or destruction and removal of
30 any building or other structure which is, or may become, dangerous or detrimental to the
31 public;
- 32 (29) Public improvements. To provide for the acquisition, construction, building,
33 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
34 cemeteries, markets and market houses, public buildings, libraries, public housing,
35 airports, hospitals, terminals, docks, parking facilities, and charitable, cultural,
36 educational, recreational, conservation, sport, curative, correctional, detention, penal, and
37 medical institutions, agencies, and facilities; to provide any other public improvements,

1 inside or outside the corporate limits of the city; to regulate the use of public
2 improvements; and, for such purposes, property may be acquired by condemnation under
3 Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;
4 (30) Public peace. To provide for the prevention and punishment of intoxication, riots,
5 and public disturbances;

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

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

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

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

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

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

1 and to charge, impose, and collect a sewer or water connection fee or fees (including a
2 capacity recovery fee or fees) from those connected with the system;

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 title loans, the manufacture, sale, or transportation of intoxicating liquors and drugs, and
9 the use of firearms; to regulate the transportation, storage, and use of combustible,
10 explosive, and flammable materials, the use of lighting and heating equipment, and any
11 other business or situation which may be dangerous to persons or property; to regulate
12 and control the conduct of peddlers and itinerant traders, theatrical performances,
13 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
14 or prohibit 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, new developments, and parks in said city and to
23 prevent the cutting, impairing, or mutilations thereof by telephone, cable, or electric light
24 linemen or employees or any other person unless the same is done under and with the
25 express and formal consent of the council or some officer appointed by the council to
26 direct 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;

to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia.

SECTION I-D.

Exercise of powers.

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

SECTION II.

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 council as set forth below in subsection (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 council, or those councilmembers 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 or, if any, by appointment by the council if less than six months remains in the unexpired term, or otherwise by an election, as provided for in Section IV of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws as are or may hereafter be enacted.

SECTION III.

Municipal government established; powers.

29 The corporate powers and municipal government of said city shall vest in and consist of
30 the mayor and city council who are hereby constituted a body corporate and politic under
31 the name and style of the City Council of Madison, and by that name shall succeed to all

1 the rights and liabilities of the corporation of the City of Madison, as heretofore existing;
2 that said municipal government shall have perpetual succession; and shall have power and
3 authority to make, ordain, and establish, from time to time, such bylaws, ordinances,
4 resolutions, rules, and regulations as shall appear to them necessary and proper for the good
5 government, security, and interest of said city and the inhabitants thereof, and for
6 preserving the health, morals, peace, and good order of the same, not in conflict with the
7 Constitution and laws of this state or of the United States, and shall have power and
8 authority, in and by said corporate name, to borrow money for city improvements and
9 repairs, and to contract and be contracted with; to sue and be sued; plead and be impleaded
10 in any of the courts of this state; to have and use a common seal; to hold all property, real
11 and personal, now belonging to the City of Madison to the use of said city for the purposes
12 and interest for which the same were granted or dedicated; to acquire by gift or purchase,
13 or otherwise, and to retain to them and their successors for the use of said City of Madison
14 any other real or personal property within or without the territorial and jurisdictional limits
15 of said city as may by them be deemed necessary or proper for corporate purposes; and to
16 use, manage, improve, sell, convey, rent, or lease any or all of said property as may be
17 deemed advisable for corporate interest.

SECTION III-A.

Appointment of city manager.

20 The city council shall appoint a city manager for an indefinite term and shall fix his or her
21 compensation. The manager shall be appointed solely on the basis of his or her executive
22 and administrative qualifications.

SECTION III-B.

Removal of city manager.

25 (a) The city council may remove the manager from office in accordance with the following
26 procedures:

27 (1) The city council shall adopt by an affirmative vote of a majority of all its members
28 a preliminary resolution which must state the reasons for removal and may suspend the
29 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
30 delivered promptly to the manager;

31 (2) Within five days after a copy of the resolution is delivered to the manager, he or she
32 may file with the city council a written request for a public hearing. This hearing shall

be held within 30 days after the request is filed. The manager may file with the council a written reply not later than five days before the hearing; and

(3) If the manager has not requested a public hearing within the time specified in paragraph (2) of this subsection, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its members. If the manager has requested a public hearing, the city council may adopt a final resolution for removal, which may be made effective immediately, by an affirmative vote of a majority of all its councilmembers at any time after the public hearing.

(b) The manager shall continue to receive his or her salary until the effective date of a final resolution of removal.

SECTION III-C.

Absence or disability of city manager.

By letter filed with the city clerk, the manager shall designate, subject to approval of the city council, a qualified city administrative officer to exercise the powers and perform the duties of manager during his or her temporary absence or disability. During such absence or disability, the city council may revoke such designation at any time and appoint another officer of the city to serve until the manager shall return or his or her disability shall cease.

SECTION III-D.

Powers and duties of city manager.

20 The city manager shall be the chief administrative and executive officer of the city. He or
21 she shall be responsible to the city council for the administration of all city affairs placed in
22 his or her charge by or under this charter. He or she shall have the following powers and
23 duties:

(1) He or she shall appoint and, when he or she deems it necessary for the good of the city, suspend or remove all city employees and administrative officers he or she appoints, except as otherwise provided by law or personnel ordinances adopted pursuant to this charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency;

(2) He or she shall direct and supervise the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;

(3) He or she shall attend all city council meetings and shall have the right to take part in discussion but he or she may not vote;

- (4) He or she shall see that all laws, provisions of this charter, and acts of the city council subject to enforcement by him or her or by officers subject to his or her direction and supervision are faithfully executed;
- (5) He or she shall prepare and submit the annual operating budget and capital budget to the city council;
- (6) He or she shall submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
- (7) He or she shall make such other reports as the city council may require concerning the operations of city departments, offices, and agencies subject to his or her direction and supervision;
- (8) He or she shall keep the city council fully advised as to the financial condition and future needs of the city and make such recommendations to the city council concerning the affairs of the city as he or she deems desirable; and
- (9) He or she shall perform other such duties as are specified in this charter and as may be required by the city council.

SECTION III-E.

Elected officials to deal with city officers solely through city manager.

Except for the purpose of inquiries and investigations under Section VI, the mayor and city councilmembers shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the mayor and council nor the council's individual members shall give orders to any such officer or employee, either publicly or privately.

SECTION III-F.

Mayor's duties.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesman for the city and the chief advocate of policy;
- (3) Have power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;

- 1 (5) Debate all questions before the mayor and council, and in all matters (except as to
2 appointment of mayor pro tempore) only vote in the instance of a tie, but the mayor shall
3 not make motions; and
4 (6) Fulfill such other duties as may be established by ordinance.

5 The presiding officer (mayor or mayor pro tempore when acting as mayor, in which case
6 the mayor pro tempore shall not be deemed acting as a councilmember) and three
7 councilmembers shall constitute a quorum and shall be authorized to transact business of
8 the city council. The presiding officer shall preserve strict order and decorum at all regular
9 and special meetings of the council. The affirmative vote of a majority of councilmembers
10 present shall be required for the adoption of any ordinance, resolution, or motion. After
11 a motion has been made no other motion is in order until a vote on the motion, or
12 withdrawal of the motion, or until the mayor has declared, after a reasonable opportunity
13 has been given for a second, that the motion has not been seconded. When a motion has
14 been made and seconded, the mayor shall state the question coming before the mayor and
15 council. After a question has been stated by the mayor, it is before the mayor and council
16 for consideration and before the council for action. All resolutions, reports of committees,
17 communications to the mayor and council, and all amendments proposed to them, and all
18 motions may be debated before voting on them. Debate should be limited to the merits of
19 the immediately pending question. Speakers should address their remarks to the presiding
20 officer, be courteous in their language and deportment, and avoid all personalities, never
21 alluding to the motives of members. When the debate appears to have closed, the mayor
22 shall ask, 'Are you ready for the question?' If no one disagrees, he or she shall restate the
23 question, then proceed to take the vote on the question, first calling for the affirmative by
24 show of hands, and then for the negative vote by show of hands. The vote should always
25 be announced. If the vote passes but there were any negative votes or abstentions, the
26 negative voters and abstainers should be identified. An abstention, meaning a decision (by
27 the individual entitled to vote) to voluntarily refrain from the vote, shall be counted as a
28 negative vote. The basis for abstention is a firm moral or ethical conviction. As soon as
29 the result of the vote is announced the mayor should state the next business in order. The
30 mayor shall announce the decision of the council on all subjects and decide all questions
31 of order, subject, however, to an appeal to the council, in which event a majority vote of
32 the council shall govern and conclusively determine such question of order. The most
33 recent edition of *Robert's Rules of Order*, newly revised, may be used by the mayor and
34 council at their discretion as a guide, but shall not govern the conduct of council meetings.

1 SECTION III-G.

2 Mayor pro tempore.

3 During the absence or disability of the mayor for any cause, the mayor pro tempore, or in
4 his or her absence or disability, for any reason, any one of the councilmembers chosen by
5 the mayor, shall be clothed with all rights and privileges of the mayor and shall perform
6 the duties of the office of the mayor so long as such absence or disability shall continue.
7 In such instance the mayor pro tempore shall only vote as mayor, in the case of a tie or in
8 the selection of mayor pro tempore, not as a councilmember. Any such absence or
9 disability shall be declared by majority vote of all councilmembers.

10 SECTION IV.

11 Election districts; elections.

12 (a)(1) For the purpose of electing members of the city council, the City of Madison is
13 divided into five election districts. One member of the city council shall be elected from
14 each such district. The five city council districts shall be and correspond to those
15 numbered districts described in and attached to and made a part of this Act and further
16 identified as Plan Name: madison6 Plan Type: Local User: Angela Administrator:
17 Madison.

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

1 geographical boundaries of that city as shown on the census map for the United States
2 decennial census of 2000 for the State of Georgia.

3 (b) Regular general municipal elections for the City of Madison shall be held on the
4 Tuesday next following the first Monday in November, 2007, and on such day biennially
5 thereafter. Persons elected to the office of mayor or councilman in such municipal
6 elections shall take office at the first meeting in January following their election and shall
7 serve for terms of office of four years each and until their respective successors are duly
8 elected and qualified. The mayor and councilmembers shall each be elected by majority
9 vote of the qualified electors voting in their respective elections. If no candidate for a
10 particular office receives a majority of the votes cast for all candidates for such office, a
11 run-off election shall be held as provided in O.C.G.A. Ch. 21-2, the 'Georgia Election
12 Code,' as amended. At the first meeting of the mayor and council of said city after each
13 election and after the swearing in of newly elected mayor and councilmembers, or as soon
14 as practicable thereafter, one of such councilmembers shall be elected by the mayor and
15 council to serve as mayor pro tempore for a term of office of two years and until his or her
16 successor is duly elected and qualified. Nominations for said office shall be made from the
17 floor, with no need for a second. No one may nominate more than one person for the
18 office. The mayor may nominate and vote in the election of Mayor Pro Tempore.

19 (c) At the regularly scheduled general municipal election in 2007 there shall be elected
20 three councilmembers. One such councilmember shall be elected from District 1 by the
21 qualified electors residing in such district; one such councilmember shall be elected from
22 District 3 by the qualified electors residing in such district; and one such councilmember
23 shall be elected from District 4 by the qualified electors residing in such district.

24 (d) At the regularly scheduled general municipal election in 2009 there shall be elected a
25 mayor and two councilmembers. One such councilmember shall be elected from District
26 2 by the qualified electors residing in such district; one such councilmember shall be
27 elected from District 5 by the qualified electors residing in such district; and the mayor
28 shall be elected from the city at large by the qualified electors of the entire city.

29 (e) The mayor must reside within the city and the councilmembers must reside within the
30 election district from which they are elected. Candidates for the office of councilmember
31 shall certify at the time of their qualification as candidates that they are residents of the
32 election district from which they seek election. Successors to the mayor and
33 councilmembers elected as provided in subsections (c) and (d) of this section shall be
34 elected in the general municipal election immediately preceding the expiration of the
35 respective terms of office.

36 (f) In the event that the mayor moves outside the city or a member of the city council
37 moves his or her residence from the district from which such person was elected during

such person's term of office, such office shall immediately become vacant, and such vacancy shall be filled as otherwise provided by this charter for the filling of a vacancy.

(g) Districts 1 through 5 as they exist immediately prior to January 1, 2006, shall continue to be designated as Districts 1 through 5, respectively, as described under subsection (a) of this section; and on and after January 1, 2006, such members of the city council serving from those districts shall be deemed to be serving from and representing districts as described in subsection (a) of this section.

SECTION V.

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. The term 'substantial interest' as used in this section is defined as set forth in the City Code of Ordinances, Section 2-1(c)(8).

(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) Vote or otherwise participate in any decision on a matter affecting any person, entity, or property in which the official, officer, or employee has a substantial interest; such nonparticipation shall be evidenced by a recusal from any discussion or action, and be evidenced by written disclosure of such substantial interest;

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

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is 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, thing, 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 private interests in any legal action or proceeding against the city or any portion of its government; or

1 (6) Vote or otherwise participate in any matter before the mayor and council involving
2 any business or entity in which he or she has a substantial interest; such nonparticipation
3 shall be evidenced by a recusal from any discussion or action, and be evidenced by
4 written disclosure of said substantial interest.

5 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
6 substantial interest in any contract or matter pending before or within any department of
7 the city shall disclose such interest to the mayor and council. The mayor or any
8 councilmember who has a substantial interest in the matter pending before mayor and
9 council shall disclose such substantial interest in writing and such disclosure shall be
10 entered on the records of the mayor and council, and he or she shall disqualify himself or
11 herself from participating in any decision or vote relating thereto. Any elected official,
12 appointed officer, or employee of any agency or political entity to which this charter
13 applies who shall have any substantial interest in any contract or matter pending before or
14 within such entity shall disclose such private interest to the governing body of such agency
15 or entity.

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

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

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

26 (g) Penalties for violation.

27 (1) Any city officer or employee who knowingly conceals such financial interest or
28 knowingly violates any of the requirements of this section shall be guilty of malfeasance
29 in office or position and shall be punished as set forth in City Code Section 2-1(h).

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

1 SECTION VI.

2 Inquiries and investigations.

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

8 SECTION VII.

9 Regular and special meetings.

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

12 (b) Special meetings of the mayor and council may be held on call of the mayor or a
13 minimum of two members of the city council. Notice of such special meetings shall be
14 served on all other members personally, or by telephone personally or email, at least 48
15 hours in advance of the meeting. Such notice to councilmembers shall not be required if
16 the mayor and all councilmembers are present when the special meeting is called. Such
17 notice of any special meeting may be waived by a councilmember in writing before or after
18 such a meeting, and attendance at the meeting shall also constitute a waiver of notice on
19 any business transacted in such councilmember's presence. Only the business stated in the
20 call may be transacted at the special meeting, unless the council unanimously votes to add
21 an item to the agenda and the prior absence from the agenda was unintentional and the
22 addition will not prejudice the public.

23 (c) All meetings of the mayor and council shall be public to the extent required by law, and
24 notice to the public of special meetings shall be made as required by law prior to such
25 meetings. Any meeting of the mayor and council (including any committee meeting) for
26 which legal notice has been provided may be conducted by conference call using a speaker
27 telephone capable of allowing all members to hear all the discussion of the meeting. At
28 least one member must be physically present at the designated meeting site.

29 SECTION VIII.

30 Committees.

31 All committees, boards, and commissions of citizens shall be appointed by the council and
32 shall serve at its pleasure. The council shall have the power to remove and appoint members

- 1 to any committee at any time; each committee may appoint its own chairperson, if said
- 2 chairperson has not been specially appointed by the council.

SECTION IX.

Ordinance form; procedure.

5 Every proposed ordinance shall be introduced in writing and in the form required for final
6 adoption. An ordinance may be recommended by the city manager or city attorney or
7 introduced by the mayor or any councilmember and be read at a regular or special meeting
8 of the mayor and council. Upon introduction of any ordinance, the clerk shall as soon as
9 possible distribute a copy to the mayor and to each councilmember and shall file a reasonable
10 number of copies in the office of the clerk and at such other public places as the council may
11 designate.

SECTION X.

Emergencies.

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

1 SECTION XI.

2 City code.

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

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

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

23 SECTION XII.

24 Taxation and Fees.

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

1 SECTION XII-A.

2 Property tax.

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

9 SECTION XII-B.

10 Millage rate; due date; payment methods.

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

14 SECTION XII-C.

15 Occupation taxes and business taxes.

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

23 SECTION XII-D.

24 Regulatory licenses, fees, permits.

25 The council by resolution shall have the power to require any individuals or corporations
26 who transact business in the city or who practice or offer to practice any profession or calling
27 therein to obtain a license or permit for such activity from the city and pay a reasonable fee
28 for such license or permit where such activities are not now regulated by general law in such
29 a way as to preclude city regulation. Such fees may reflect the total cost to the city of
30 regulating the activity and, if unpaid, shall be collected as provided in this charter. The

1 council by resolution may establish reasonable requirements for obtaining or keeping such
2 licenses as the public health, safety, and welfare necessitate.

3 SECTION XII-E.

4 Franchises.

5 The council shall have the power to grant franchises for the use of the city's streets and alleys
6 for the purposes of railroads, street railways, telephone companies, electric companies, cable
7 television, gas companies, transportation companies, and other similar organizations. The
8 council shall determine the duration, terms, whether the same shall be exclusive or
9 nonexclusive, and the consideration for such franchises; provided, however, no franchise
10 shall be granted unless the city receives just and adequate compensation therefor. The
11 council shall provide for the registration of all franchises with the city clerk in a registration
12 book kept by the clerk. The council may provide by resolution for the registration within a
13 reasonable time of all franchises previously granted. If no franchise agreement is in effect,
14 the council has the authority to impose a tax on gross receipts for the use of the city's streets
15 and alleys for the purposes of railroads, street railways, telephone companies, electric
16 companies, electric membership corporations, cable television and other telecommunications
17 companies, gas companies, transportation companies and other similar organizations.

18 SECTION XII-F.

19 Service charges.

20 The council by resolution shall have the power to assess and collect fees, charges, and tolls
21 for sewer, water, sanitary and health services, fire services, or any other services provided
22 or made available within and outside the corporate limits of the city. If unpaid, such fees,
23 charges, and tolls shall be collected as provided in this charter.

24 SECTION XII-G.

25 Special assessments.

26 The council, by resolution, shall have the power to assess and collect the cost of
27 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
28 curbing, gutter, sewer, or other utility mains and appurtenances from the abutting property
29 owners under such terms and conditions as are reasonable. If unpaid, such charges shall
30 be collected as provided in this charter.

1 SECTION XII-H.

2 Construction; other taxes and fees.

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

6 SECTION XII-I.

7 Collection of delinquent taxes and fees.

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

15 SECTION XIII-A.

16 General obligation bonds.

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

21 SECTION XIII-B.

22 Revenue bonds.

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

1 SECTION XIII-C.

2 Short-term loans.

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

5 SECTION XIII-D.

6 Lease-purchase contracts.

7 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
8 acquisition of goods, materials, real and personal property, services, and supplies.
9 Contracts must be executed in accordance with the requirements of Georgia Code Section
10 36-60-13 or other such applicable laws as are or may hereafter be enacted. The council
11 may further enter into lease, purchase, and lease-purchase contracts for its property as is
12 permitted by law.

13 SECTION XIV.

14 Qualifications for office of mayor and city council.

15 No person shall be eligible for the offices of mayor or city councilmember unless he or she
16 is a qualified voter, over 25 years of age, and, at the time he or she qualifies as a candidate
17 for election, a resident of the city and election district, if applicable, for six months previous
18 to the election.

19 SECTION XV.

20 Mayor and city council compensation.

21 Each councilmember of the City of Madison shall receive a salary of \$5,400.00 per annum,
22 payable in monthly installments on the first day of each month. The mayor of the City of
23 Madison shall receive a salary of \$8,400.00 per annum, payable in monthly installments on
24 the first day of each month. The mayor pro tempore of the City of Madison shall receive a
25 salary of \$6,000.00 per annum, payable in monthly installments on the first day of each
26 month.

1 Reserved.

2

SECTION XVI.

3

SECTION XVII.

4

Annual Appointments.

5 (a) The council shall appoint an auditor after the first scheduled meeting of the calendar
6 year, preferably during the second calendar quarter, and annually thereafter, who shall be
7 a CPA qualified to perform the duties of an auditor and have all the powers and duties
8 usual and incident to such office. The council shall have the power to specify such powers
9 through resolution as it sees fit. This appointment is terminable at will by the council.
10 Before assuming office, the auditor shall take an oath, given by the mayor, that he or she
11 will honestly and faithfully discharge the duties of his or her office to the best of his or her
12 ability and without fear, favor, or partiality.

13 (b) The council shall appoint a city attorney after the first scheduled meeting of the
14 calendar year, preferably during the second calendar quarter, and annually thereafter, who
15 shall be an attorney in good standing with the Georgia Bar qualified to perform the duties
16 of a city attorney and have all the powers and duties usual and incident to such office. The
17 city attorney shall be responsible for representing and defending the city in all litigation in
18 which the city is a party; may be a solicitor in the municipal court; shall attend the meetings
19 of the council as directed; shall advise the council, mayor, and other officers and
20 employees of the city concerning legal aspects of the city's affairs; and shall perform such
21 other duties as may be required of him or her by virtue of his or her position as city
22 attorney. This appointment is terminable at will by the council. Before assuming office,
23 the attorney shall take an oath, given by the mayor, that he or she will honestly and
24 faithfully discharge the duties of his or her office to the best of his or her ability and
25 without fear, favor, or partiality.

26

SECTION XVIII-A.

27

Municipal court judge.

28 The council shall appoint a municipal court judge after the first scheduled meeting of the
29 calendar year, preferably during the second calendar quarter, and annually thereafter, who
30 shall be qualified to perform the duties of a municipal court judge and have all the powers
31 and duties usual and incident to such office. The judge shall serve at the pleasure of the
32 council. The council shall fix the salary of the judge which shall be paid from the funds
33 of the City of Madison. No person shall be qualified or eligible to serve as a judge on the

1 municipal court unless he or she shall have attained the age of 25 years and shall be a
2 member in good standing of the State Bar of Georgia. Before assuming office, and
3 annually thereafter, the judge shall take an oath, given by the mayor, that he or she will
4 honestly and faithfully discharge the duties of his or her office to the best of his or her
5 ability and without fear, favor, or partiality. The oath shall be entered into the minutes of
6 the mayor and council required in this charter. The municipal court shall be convened at
7 regular intervals and as necessary to handle the caseload of the court.

SECTION XVIII-B.

Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of its 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 disposition 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.

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

SECTION XVIII-C.

Certiorari.

14 The right of certiorari from the decision and judgment of the municipal court shall exist in
15 all criminal cases and ordinance violations cases and such certiorari shall be obtained under
16 the sanction of a judge of the Superior Court of Morgan County under the laws of the State
17 of Georgia regulating the granting and issuance of writs of certiorari.

SECTION XVIII-D.

Rules for court.

With the approval of the council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the council may adopt in part or in toto the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 24 hours prior to said proceedings.

SECTION XIX-A.

Bonds for officials.

30 The officers and employees of the city, both elected and appointed, shall execute such
31 surety or fidelity bonds in such amounts and under such terms and conditions as the council
32 shall from time to time require by ordinance or as may be provided by law.

1 SECTION XIX-B.

2 Prior ordinances.

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

6 SECTION XIX-C.

7 Pending matters.

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

12 SECTION XIX-D.

13 Definitions and construction.

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

17 SECTION XIX-E.

18 Severability.

19 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
20 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
21 or impair other parts of this charter unless it clearly appears that such other parts are wholly
22 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
23 legislative intent in enacting this charter that each article, section, subsection, paragraph, or
24 part thereof be enacted separately and independently of each other.

25 SECTION XIX-F.

26 Specific repealer.

27 The 1891 Act providing a new charter for the city, and the charter and amendments approved
28 previously, are amended in their entirety hereby.

1

SECTION XIX-G.

2

Effective date.

3 This Act shall become effective on July 1, 2006.

4

SECTION XIX-H.

5

Repealer.

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

1 Plan Name: madison6 Plan Type: Local User: Angela Administrator: Madison

2 Redistricting Plan Components Report

3 District 001

4 Morgan County

5 Tract: 9803

6 BG: 1

7 1028 1029 1030 1031 1032 1034 1036 1050 1051 1052 1053 1054

8 1056 1059

9 BG: 2

10 2012 2013 2015 2016 2017 2019 2020 2021 2025 2030 2031 2039

11 2040 2042 2043 2044 2045 2046 2048 2998

12 BG: 3

13 3017 3018 3019 3029 3030 3032 3033 3034 3035 3036 3037 3038

14 District 002

15 Morgan County

16 Tract: 9803

17 BG: 1

18 1044 1045 1046 1047 1048 1049 1055 1057 1058 1060 1061 1062

19 BG: 2

20 2041

21 BG: 3

22 3020 3021 3022 3023 3024 3025 3026 3027 3028 3045 3046 3047

23 3048 3049 3050 3051 3052 3053 3054 3055 3056

24 BG: 4

25 4001 4002 4003 4004 4005 4006 4025 4026

26 District 003

27 Morgan County

28 Tract: 9803

29 BG: 1

30 1041 1042 1043 1063 1064 1065 1066 1067 1068 1069 1070 1071

31 1072 1074 1085 1997

1 BG: 4
2 4000 4012 4013 4015 4034

3 District 004
4 Morgan County
5 Tract: 9803
6 BG: 3
7 3082 3090 3091 3092 3093 3094 3095 3096 3097 3098 3099 3100
8 3101 3102 3118 3120 3121 3122 3134
9 BG: 4
10 4007 4008 4009 4010 4011 4014 4016 4022 4023 4024 4028 4029
11 4030 4031 4035 4036 4037 4038 4039 4040 4041 4042 4043 4044
12 4047 4048 4052 4053 4054 4055 4073 4999

13 District 005
14 Morgan County
15 Tract: 9803
16 BG: 2
17 2022 2023 2024 2026 2027 2028 2029 2032 2033 2034 2035 2036
18 2037 2038 2047
19 BG: 3
20 3013 3014 3015 3016 3031 3039 3040 3044 3057 3058 3059 3060
21 3061 3080 3081 3083 3084 3085 3086 3087 3088 3089 3998