

The House Committee on Intragovernmental Coordination - Local Legislation offers the following substitute to HB 588:

A BILL TO BE ENTITLED
AN ACT

1 Revising, consolidating, and amending the several Acts incorporating the Town of Maysville,
2 approved August 17, 1909 (Ga. L. 1909, p. 1110), as amended, so as to extensively revise
3 said charter; to provide for incorporation, boundaries, and powers of the city; to provide for
4 a governing authority of such city and the powers, duties, authority, election, terms,
5 vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and
6 suspension and removal from office relative to members of such governing authority; to
7 provide for inquiries and investigations; to provide for oaths, organization, meetings,
8 quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for
9 a mayor and mayor tempore and certain duties, powers, and other matters relative thereto;
10 to provide for administrative affairs and responsibilities; to provide for boards, commissions,
11 and authorities; to provide for a city attorney, a city clerk, and other personnel and matters
12 relating thereto; to provide for rules and regulations; to provide for a municipal court and the
13 judge or judges thereof and other matters relative to those judges; to provide for the court's
14 jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to
15 provide for elections; to provide for taxation, licenses, and fees; to provide for franchises,
16 service charges, and assessments; to provide for bonded and other indebtedness; to provide
17 for auditing, accounting, budgeting, and appropriations; to provide for city contracts and
18 purchasing; to provide for the conveyance of property and interests therein; to provide for
19 bonds for officials; to provide for prior ordinances and rules, pending matters, and existing
20 personnel; to provide for penalties; to provide for definitions and construction; to provide for
21 other matters relative to the foregoing; to provide for submission to the United States
22 Department of Justice; to provide for severability; to repeal a specific Act; to provide for a
23 referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
24 purposes.

25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 (2) 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 (3) 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 housing and building trades;

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

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

20 (6) Contracts. To enter into contracts and agreements with other governmental entities
21 and with private persons, firms, and corporations;

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

26 (8) Environmental protection. To protect and preserve the natural resources,
27 environment, and vital areas of the state through the preservation and improvement of air
28 quality, the restoration and maintenance of water resources, the control of erosion and
29 sedimentation, the management of solid and hazardous waste, and other necessary actions
30 for the protection of the environment;

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

35 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
36 and disposal and other sanitary service charge, tax, or fee for such services as may be
37 necessary in the operation of the city from all individuals, firms, and corporations

1 residing in or doing business in the city benefiting from such services; to enforce the
2 payment of such charges, taxes, or fees; and to provide for the manner and method of
3 collecting such service charges;

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

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

11 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide
12 for the enforcement of such standards;

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

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

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

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

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

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

34 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
35 of public utilities, including but not limited to a system of waterworks, sewers and drains,
36 sewage disposal, gas works, electric light plants, cable television and other
37 telecommunications, transportation facilities, public airports, and any other public utility;

1 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
2 to provide for the withdrawal of service for refusal or failure to pay the same;

3 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
4 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 aesthetically 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 building
14 or other structure which is or may become dangerous or detrimental to the public;

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

29 (29) Public utilities and services. To grant franchises or make contracts for or impose
30 taxes on public utilities and public service companies and to prescribe the rates, fares,
31 regulations, and standards and conditions of service applicable to the service to be
32 provided by the franchise grantee or contractor, insofar as not in conflict with valid
33 regulations of the Georgia Public Service 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, within 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 grant franchises and rights of way
9 throughout the streets and roads and over the bridges and viaducts for the use of public
10 utilities; and to require real estate owners to repair and maintain in a safe condition the
11 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

12 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
13 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
14 and sewerage system and to levy on those to whom sewers and sewerage systems are
15 made available a sewer service fee, charge, or sewer tax for the availability or use of the
16 sewers; to provide for the manner and method of collecting such service charges and for
17 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
18 or fees to those connected with the system;

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

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

31 (36) Special assessments. To levy and provide for the collection of special assessments
32 to cover the costs for any public improvements;

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

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

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

5 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 6 and

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

18 **SECTION 1.13.**

19 Exercise of powers.

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

24 **ARTICLE II**

25 **GOVERNMENT STRUCTURE**

26 **SECTION 2.10.**

27 City council creation; number; election.

28 The legislative authority of the government of this city, except as otherwise specifically
 29 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 30 councilmembers. The city council established in this charter shall in all respects be a
 31 successor to and continuation of the city governing authority under prior law. The mayor and
 32 councilmembers shall be elected in the manner provided by general law and this charter.

SECTION 2.14.

Conflicts of interest; holding other offices.

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

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

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of the person's judgment or action in the performance of those 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 that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the person is engaged without proper legal authorization or use such information to advance the financial or other private interest of the person 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 the person's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the person 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 that person has a financial interest.

(c) Disclosure—Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency

1 or political entity to which this charter applies who shall have any financial interest, directly
 2 or indirectly, in any contract or matter pending before or within such entity shall disclose
 3 such interest to the governing body of such agency or entity.

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

8 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
 9 knowledge, express or implied, of a party to a contract or sale shall render such contract or
 10 sale voidable at the option of the city council.

11 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
 12 any councilmember shall hold any other elective or compensated appointive office in the city
 13 or otherwise be employed by said government or any agency thereof during the term for
 14 which that official was elected. No former mayor and no former councilmember shall hold
 15 any compensated appointive office in the city until one year after the expiration of the term
 16 for which that official was elected.

17 (g) Political activities of certain officers and employees—No appointed officer of the city
 18 shall continue in such employment upon qualifying as a candidate for nomination or election
 19 to any public office. No employee of the city shall continue in such employment upon
 20 election to any public office in this city or any other public office which is inconsistent,
 21 incompatible, or in conflict with the duties of the city employee. Such determination shall
 22 be made by the mayor and city council either immediately upon election or at any time such
 23 conflict may arise.

24 (h) Penalties for violation—

25 (1) Any city officer or employee who knowingly conceals such financial interest or
 26 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 27 in office or position and shall be deemed to have forfeited that person's office or position.

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

32 **SECTION 2.15.**

33 Inquiries and investigations.

34 Following the adoption of an authorizing resolution, the city council may make inquiries and
 35 investigations into the affairs of the city and the conduct of any department, office, or agency

1 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
2 require the production of evidence. Any person who fails or refuses to obey a lawful order
3 issued in the exercise of these powers by the city council shall be punished as provided by
4 ordinance.

5 **SECTION 2.16.**

6 General power and authority of the city council.

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

9 **SECTION 2.17.**

10 Organizational meetings.

11 The city council shall hold an organizational meeting on the first Monday of each January
12 following each election. The meeting shall be called to order by the city clerk and the oath
13 of office shall be administered to the newly elected members as follows:

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

17 **SECTION 2.18.**

18 Regular and special meetings.

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

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

29 (c) All meetings of the city council shall be public to the extent required by law, and notice
30 to the public of special meetings shall be made as fully as is reasonably possible as provided

1 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
2 hereafter be enacted.

3 **SECTION 2.19.**

4 Rules of procedure.

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

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

11 **SECTION 2.20.**

12 Quorum; voting.

13 Three councilmembers shall constitute a quorum and shall be authorized to transact business
14 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
15 shall be recorded in the journal, but any member of the city council shall have the right to
16 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
17 provided in this charter, the affirmative vote of three councilmembers shall be required for
18 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
19 affirmative vote. The mayor shall have the power to vote only to break a tie.

20 **SECTION 2.21.**

21 Ordinance form; procedures.

22 (a) Every proposed ordinance should be introduced in writing and in the form required for
23 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
24 enacting clause shall be "It is hereby ordained by the governing authority of the City of
25 Maysville..." and every ordinance shall so begin.

26 (b) An ordinance may be introduced by any councilmember and be read at a regular or
27 special meeting of the city council. Ordinances shall be considered and adopted or rejected
28 by the city council in accordance with the rules which it shall establish; provided, however,
29 an ordinance shall not be adopted the same day it is introduced, except for emergency
30 ordinances provided in Section 2.23 of this charter. Upon introduction of any ordinance, the
31 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and

1 shall file a reasonable number of copies in the office of the clerk and at such other public
2 places as the city council may designate.

3 **SECTION 2.22.**

4 Action requiring an ordinance.

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

6 **SECTION 2.23.**

7 Emergencies.

8 (a) To meet a public emergency affecting life, health, property, or public peace, the city
9 council may convene on call of the mayor and two councilmembers and promptly adopt an
10 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
11 franchise; regulate the rate charged by any public utility for its services; or authorize the
12 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
13 shall be introduced in the form prescribed for ordinances generally, except that it shall be
14 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
15 a declaration stating that an emergency exists and describing the emergency in clear and
16 specific terms. An emergency ordinance may be adopted, with or without amendment, or
17 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
18 councilmembers shall be required for adoption. It shall become effective upon adoption or
19 at such later time as it may specify. Every emergency ordinance shall automatically stand
20 repealed 30 days following the date upon which it was adopted, but this shall not prevent
21 reenactment of the ordinance in the manner specified in this section if the emergency still
22 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
23 in the same manner specified in this section for adoption of emergency ordinances.

24 (b) Such meetings shall be open to the public to the extent required by law and notice to the
25 public of emergency meetings shall be made as fully as is reasonably possible in accordance
26 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
27 hereafter be enacted.

28 **SECTION 2.24.**

29 Codes of technical regulations.

30 (a) The city council may adopt any standard code of technical regulations by reference
31 thereto in an adopting ordinance. The procedure and requirements governing such adopting

1 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
2 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
3 ordinance shall be construed to include copies of any code of technical regulations, as well
4 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
5 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
6 Section 2.25 of this charter.

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

9 **SECTION 2.25.**

10 Signing; authenticating;
11 recording; codification; printing.

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

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

22 (c) The city council shall cause each ordinance and each amendment to this charter to be
23 printed promptly following its adoption, and the printed ordinances and charter amendments
24 shall be made available for purchase by the public at reasonable prices to be fixed by the city
25 council. Following publication of the first code under this charter and at all times thereafter,
26 the ordinances and charter amendments shall be printed in substantially the same style as the
27 code currently in effect and shall be suitable in form for incorporation therein. The city
28 council shall make such further arrangements as deemed desirable with reproduction and
29 distribution of any current changes in or additions to codes of technical regulations and other
30 rules and regulations included in the code.

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

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

6 (d) There shall be a director of each department or agency who shall be its principal officer.
 7 Each director shall, subject to the direction and supervision of the mayor, be responsible for
 8 the administration and direction of the affairs and operations of that director's department
 9 or agency.

10 (e) All appointed officers and directors under the supervision of the mayor shall be
 11 nominated by the mayor with confirmation of appointment by the city council. All appointed
 12 officers and directors shall be employees at will and subject to removal or suspension at any
 13 time by the mayor unless otherwise provided by law or ordinance.

14 **SECTION 3.11.**

15 **Boards, commissions, and authorities.**

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

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

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

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

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

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

1 (g) All board members serve at will and may be removed at any time by a vote of three
2 members of the city council unless otherwise provided by law.

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

11 **SECTION 3.12.**

12 City attorney.

13 The city council shall appoint a city attorney, together with such assistant city attorneys as
14 may be authorized, and shall provide for the payment of such attorney or attorneys for
15 services rendered to the city. The city attorney shall be responsible for providing for the
16 representation and defense of the city in all litigation in which the city is a party; may be the
17 prosecuting officer in the municipal court; shall attend the meetings of the city council as
18 directed; shall advise the city council and other officers and employees of the city concerning
19 legal aspects of the city's affairs; and shall perform such other duties as may be required by
20 virtue of the person's position as city attorney.

21 **SECTION 3.13.**

22 City clerk.

23 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
24 shall be custodian of the official city seal and city records; maintain city council records
25 required by this charter; and perform such other duties as may be required by the city
26 council.

27 **SECTION 3.14.**

28 Position classification and pay plans.

29 The mayor shall be responsible for the preparation of a position classification and pay plan
30 which shall be submitted to the city council for approval. Such plan may apply to all
31 employees of the city and any of its agencies, departments, boards, commissions, or

1 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 2 the salary range applicable to any position except by amendment of such pay plan. For
 3 purposes of this section, all elected and appointed city officials are not city employees.

4 **SECTION 3.15.**

5 Personnel policies.

6 All employees serve at will and may be removed from office at any time unless otherwise
 7 provided by ordinance.

8 **ARTICLE IV**

9 **JUDICIAL BRANCH**

10 **SECTION 4.10.**

11 Creation; name.

12 There shall be a court to be known as the Municipal Court of the City of Maysville.

13 **SECTION 4.11.**

14 Chief judge; associate judge.

15 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 16 or stand-by judges as shall be provided by ordinance.

17 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 18 that person shall have attained the age of 21 years, shall be a member of the State Bar of
 19 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
 20 by the city council and shall serve until a successor is appointed and qualified.

21 (c) Compensation of the judges shall be fixed by ordinance.

22 (d) Judges serve at will and may be removed from office at any time by the city council
 23 unless otherwise provided by ordinance.

24 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 25 will honestly and faithfully discharge the duties of the office to the best of that person's
 26 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 27 the city council journal required in Section 2.19 of this charter.

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

5 **SECTION 4.14.**

6 Certiorari.

7 The right of certiorari from the decision and judgment of the municipal court shall exist in
8 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
9 the sanction of a judge of the superior court of the county having jurisdiction under the laws
10 of the State of Georgia regulating the granting and issuance of writs of certiorari.

11 **SECTION 4.15.**

12 Rules for court.

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

20 **ARTICLE V**

21 **ELECTIONS AND REMOVAL**

22 **SECTION 5.10.**

23 Applicability of general law.

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

SECTION 5.11.

Election of the city council and mayor.

(a) The mayor and councilmembers serving on the effective date of this charter shall continue to serve until December 31, 2007, and until their successors are duly elected and qualified.

(b) On the Tuesday next following the first Monday in November, 2007, the mayor and the councilmembers representing Posts 2 and 4 shall be elected to serve terms of four years and until their successors are duly elected and qualified.

(c) On the Tuesday next following the first Monday in November, 2009, the councilmembers representing Posts 1 and 3 shall be elected to serve terms of two years and until their successors are duly elected and qualified. Thereafter, their successors shall be elected to serve terms of four years and until their successors are duly elected and qualified.

(d) The mayor and councilmembers shall take office on the first day of January following their election and, except as otherwise provided in subsection (c) of this section, shall serve terms of four years and until their successors are duly elected and qualified.

SECTION 5.12.

Nonpartisan elections.

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

SECTION 5.13.

Election by plurality.

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

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, 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 12 months of the expiration of the term of that office, the city council or those remaining shall appoint a successor for the remainder of the term. In all other respects, the

1 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
2 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

3 **SECTION 5.15.**

4 Other provisions.

5 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
6 such rules and regulations as it deems appropriate to fulfill any options and duties under
7 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

8 **SECTION 5.16.**

9 Removal of officers.

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

13 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
14 by one of the following methods:

15 (1) Following a hearing at which an impartial panel shall render a decision. In the event
16 an elected officer is sought to be removed by the action of the city council, such officer
17 shall be entitled to a written notice specifying the ground or grounds for removal and to
18 a public hearing which shall be held not less than ten days after the service of such
19 written notice. The city council shall provide by ordinance for the manner in which such
20 hearings shall be held. Any elected officer sought to be removed from office as herein
21 provided shall have the right of appeal from the decision of the city council to the
22 superior court of the county having jurisdiction. Such appeal shall be governed by the
23 same rules as govern appeals to the superior court from the probate court; or

24 (2) By an order of the superior court of the county having jurisdiction following a
25 hearing on a complaint seeking such removal brought by any resident of the City of
26 Maysville.

SECTION 6.17.

Construction; other taxes and fees.

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

SECTION 6.18.

Collection of delinquent taxes and fees.

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

SECTION 6.19.

General obligation bonds.

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.

Short-term 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.

Lease-purchase contracts.

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

SECTION 6.23.

Fiscal year.

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 6.24.

Preparation of budgets.

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 plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 45 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget

1 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
 2 containing a statement of the general fiscal policies of the city, the important features of the
 3 budget, explanations of major changes recommended for the next fiscal year, a general
 4 summary of the budget, and other pertinent comments and information. The operating
 5 budget and the capital budget provided for in Section 6.29 of this charter, the budget
 6 message, and all supporting documents shall be filed in the office of the city clerk and shall
 7 be open to public inspection.

8 **SECTION 6.26.**

9 Action by city council on budget.

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

15 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 16 year not later than December 31 of each year. If the city council fails to adopt the budget by
 17 this date, the amounts appropriated for operation for the then current fiscal year shall be
 18 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 19 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal
 20 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
 21 the estimated revenues in detail by sources and making appropriations according to fund and
 22 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 23 adopted pursuant to Section 6.24 of this charter.

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

28 **SECTION 6.27.**

29 Tax levies.

30 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
 31 set by such ordinance shall be such that reasonable estimates of revenues from such levy
 32 shall at least be sufficient, together with other anticipated revenues, fund balances, and
 33 applicable reserves, to equal the total amount appropriated for each of the several funds set

1 forth in the annual operating budget for defraying the expenses of the general government
2 of this city.

3 **SECTION 6.28.**

4 Changes in appropriations.

5 The city council by ordinance may make changes in the appropriations contained in the
6 current operating budget at any regular meeting or special or emergency meeting called for
7 such purpose, but any additional appropriations may be made only from an existing
8 unexpended surplus.

9 **SECTION 6.29.**

10 Capital budget.

11 (a) On or before the date fixed by the city council, but not later than 45 days prior to the
12 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
13 improvements plan with a recommended capital budget containing the means of financing
14 the improvements proposed for the ensuing fiscal year. The city council shall have power
15 to accept, with or without amendments, or reject the proposed plan and proposed budget.
16 The city council shall not authorize an expenditure for the construction of any building,
17 structure, work, or improvement unless the appropriations for such project are included in
18 the capital budget, except to meet a public emergency as provided in Section 2.23 of this
19 charter.

20 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
21 year not later than December 31 of each year. No appropriation provided for in a prior
22 capital budget shall lapse until the purpose for which the appropriation was made shall have
23 been accomplished or abandoned; provided, however, the mayor may submit amendments
24 to the capital budget at any time during the fiscal year, accompanied by recommendations.
25 Any such amendments to the capital budget shall become effective only upon adoption by
26 ordinance.

27 **SECTION 6.30.**

28 Independent audits.

29 There shall be an annual independent audit of all city accounts, funds, and financial
30 transactions by a certified public accountant selected by the city council. The audit shall be
31 conducted according to generally accepted auditing principles. Any audit of any funds by

1 the state or federal governments may be accepted as satisfying the requirements of this
 2 charter. Copies of annual audit reports shall be available at printing costs to the public.

3 **SECTION 6.31.**

4 Contracting procedures.

5 No contract with the city shall be binding on the city unless:

6 (1) It is in writing;

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

9 (3) It is made or authorized by the city council and such approval is entered in the city
 10 council journal of proceedings pursuant to Section 2.20 of this charter.

11 **SECTION 6.32.**

12 Centralized purchasing.

13 The city council shall by ordinance prescribe procedures for a system of centralized
 14 purchasing for the city.

15 **SECTION 6.33.**

16 Sale and lease of city property.

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

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

23 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 24 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 25 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 26 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 27 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 28 highest and best use of the abutting owner's property. Included in the sales contract shall be
 29 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
 30 property owner shall be notified of the availability of the property and given the opportunity
 31 to purchase said property under such terms and conditions as set out by ordinance. All deeds

1 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
2 interest the city has in such property, notwithstanding the fact that no public sale after
3 advertisement was or is hereafter made.

4 **ARTICLE VII**

5 **GENERAL PROVISIONS**

6 **SECTION 7.10.**

7 Bonds for officials.

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

11 **SECTION 7.11.**

12 Prior ordinances.

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

16 **SECTION 7.12.**

17 Existing personnel and officers.

18 Except as specifically provided otherwise by this charter, all personnel and officers of the
19 city and their rights, privileges, and powers shall continue beyond the time this charter takes
20 effect unless the existing city council shall pass a transition ordinance detailing the changes
21 in personnel and appointed officers required or desired and arranging such titles, rights,
22 privileges, and powers as may be required or desired to allow a reasonable transition.

23 **SECTION 7.13.**

24 Pending matters.

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

SECTION 7.14.

Construction.

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

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

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

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific repealer.

An Act entitled "An Act to revise, consolidate, and amend the several Acts incorporating the Town of Maysville," approved August 17, 1909 (Ga. L. 1909, p. 1110), and all amendatory Acts thereto, are repealed.

SECTION 7.17.

Submission for approval.

The governing authority of the City of Maysville shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 7.18.

Referendum; effectiveness.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Maysville shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Maysville for approval or rejection. The municipal election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2007, and shall issue the call and conduct that election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Jackson County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which provides a new charter for the city of Maysville and which cuts short the terms of the mayor and councilmembers () NO serving and provides for the election of a mayor and councilmembers?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, this Act shall become of full force and effect immediately. If the Act is not so approved or if the election is not conducted as provided in this section, this Act shall not become effective and this Act shall be automatically repealed. The expense of such election shall be borne by the City of Maysville. It shall be the municipal election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 7.19.

Effective date.

Except as otherwise provided in Section 7.18 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 7.20.

General repealer.

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