

House Bill 496 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 149th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act reincorporating the City of Arlington in the County of Calhoun and Early,
2 State of Georgia, approved April 10, 1971 (Ga. L. 1971, p. 3885), as amended, so as to
3 extensively revise said charter; to provide for incorporation, boundaries, and powers of the
4 city; to provide for a governing authority of such city and the powers, duties, authority,
5 election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of
6 interest, and suspension and removal from office relative to members of such governing
7 authority; to provide for inquiries and investigations; to provide for oaths, organization,
8 meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to
9 provide for a mayor and mayor pro tempore and certain duties, powers, and other matters
10 relative thereto; to provide for administrative affairs and responsibilities; to provide for
11 boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other
12 personnel and matters relating thereto; to provide for rules and regulations; to provide for a
13 municipal court and the judge or judges thereof and other matters relative to those judges;
14 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the
15 right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to
16 provide for franchises, service charges, and assessments; to provide for bonded and other
17 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide
18 for city contracts and purchasing; to provide for the conveyance of property and interests
19 therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending
20 matters, and existing personnel; to provide for penalties; to provide for definitions and
21 construction; to provide for other matters relative to the foregoing; to provide for effective
22 dates; to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 (b) The powers of this city shall be construed liberally in favor of the city. The specific
2 mention or failure to mention particular powers shall not be construed as limiting in any
3 way the powers of this city.

4 (c) The powers of the city shall include, but not be limited to, the following:

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

10 (2) Appropriations and expenditures. To make appropriations for the support of the
11 government of the city; to authorize the expenditure of money for any purposes
12 authorized by this charter and for municipalities by the laws of the State of Georgia; and
13 to provide for the payment of expenses of the city;

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

17 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
18 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
19 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
20 permit and regulate the same; to provide for the manner and method of payment of such
21 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
22 any city taxes or fees;

23 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
24 city, for present or future use and for any corporate purpose deemed necessary by the
25 governing authority, utilizing procedures provided by the O.C.G.A. as the same shall
26 exist from time to time;

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

29 (7) Emergencies. To establish procedures for determining and proclaiming that an
30 emergency situation exists within or without the city and to make and carry out all
31 reasonable provisions deemed necessary to deal with or meet such an emergency for the
32 protection, safety, health, or well-being of the citizens of the city;

33 (8) Environmental protection. To protect and preserve the natural resources,
34 environment, and vital areas of the city through the preservation and improvement of air
35 quality, the restoration and maintenance of water resources, the control of erosion and
36 sedimentation, the management of solid and hazardous waste, and other necessary actions
37 for the protection of the environment;

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

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

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

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

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

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

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

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

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

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

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

4 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
5 of public utilities, including but not limited to a system of waterworks, sewers and drains,
6 sewage disposal, gas works, electric light plants, cable television and other
7 telecommunications, transportation facilities, public airports, and any other public utility;
8 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
9 to provide for the withdrawal of service for refusal or failure to pay the same;

10 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
11 private property;

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

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

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

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

22 (26) Public improvements. To provide for the acquisition, construction, building,
23 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
24 cemeteries, markets and market houses, public buildings, libraries, public housing,
25 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
26 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
27 institutions, agencies, and facilities; and to provide any other public improvements, inside
28 or outside the corporate limits of the city; to regulate the use of public improvements;
29 and, for such purposes, property may be acquired by condemnation under procedures
30 provided by the O.C.G.A. as the same shall exist from time to time;

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

33 (28) Public transportation. To organize and operate such public transportation systems
34 as are deemed beneficial;

35 (29) Public utilities and services. To grant franchises or make contracts for or impose
36 taxes on public utilities and public service companies and to prescribe the rates, fares,
37 regulations, and standards and conditions of service applicable to the service to be

1 provided by the franchise grantee or contractor, insofar as not in conflict with valid
2 regulations of the Georgia Public Service Commission;

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

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

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

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

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

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

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

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

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

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

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

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

24 **SECTION 1.13.**

25 Exercise of powers.

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

1 granted only by vote of the remaining city councilmembers and mayor as provided in
2 Section 2.21 of this charter and shall be entered upon the minutes of the council meeting.

3 **SECTION 2.13.**

4 Compensation and expenses.

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

7 **SECTION 2.14.**

8 Holding other office;
9 voting when personally interested.

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

12 (b) Neither the mayor nor any councilmember shall vote upon, sign, or veto any ordinance,
13 resolution, contract, or other matter in which that person is financially interested.

14 **SECTION 2.15.**

15 Inquiries and investigations.

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

22 **SECTION 2.16.**

23 General power; authority of the city council.

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

SECTION 2.17.

Eminent domain.

The city council is empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities and any other public improvements inside or outside the city and to regulate the use thereof; and for such purposes, property may be condemned under procedures established under general law applicable now or as provided in the future.

SECTION 2.18.

Organizational meetings.

The city council shall hold an organizational meeting at the first regularly scheduled meeting in January following the election as provided in Section 5.11 of this charter. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

'I do solemnly swear or affirm that I will properly perform the duties of the office of _____ in and for the City of Arlington, to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted for public money due to the State of Georgia or any political subdivision or authority thereof; that I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state, which I am by the laws of the State of Georgia prohibited from holding; that I am qualified to hold the office which I am about to enter according to the Constitution and laws of Georgia; that I will support the Constitution of the United States and the State of Georgia; that I have been a resident of the post from which elected and the City of Arlington for the time required by the Constitution and laws of the State of Georgia and the charter of the City of Arlington, so help me God.'

SECTION 2.19.

Meetings.

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

1 (b) Special meetings of the city council may be held on call of the mayor or two members
2 of the city council. Notice of such special meeting shall be served on all other members
3 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
4 notice to councilmembers shall not be required if the mayor and all councilmembers are
5 present when the special meeting is called. Such notice of any special meeting may be
6 waived by a councilmember in writing before or after such a meeting and attendance at the
7 meeting shall also constitute a waiver of notice on any business transacted in such
8 councilmember's presence. Only the business stated in the call may be transacted at the
9 special meeting.

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

14 **SECTION 2.20.**

15 Rules of procedure.

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

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

22 **SECTION 2.21.**

23 Quorum; voting.

24 Four councilmembers other than the mayor or the mayor and three councilmembers shall
25 constitute a quorum and shall be authorized to transact business of the city council. Voting
26 on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the
27 journal, but any member of the city council shall have the right to request a roll-call vote
28 and such vote shall be recorded in the journal. Except as otherwise provided in this charter,
29 the affirmative vote of four councilmembers or three councilmembers and the mayor shall
30 be required for the adoption of any ordinance, resolution, or motion. The mayor shall vote
31 only in the event of a tie or when an affirmative or negative vote of the mayor constitutes
32 a majority of four votes. An abstention shall not be counted as either an affirmative or
33 negative vote.

SECTION 2.22.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.23.

Action requiring an ordinance.

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

SECTION 2.24.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers 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 the 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 at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance

1 shall automatically stand repealed 30 days following the date upon which it was adopted,
 2 but this shall not prevent reenactment of the ordinance in the manner specified in this
 3 section if the emergency still exists. An emergency ordinance may also be repealed by
 4 adoption of a repealing ordinance in the same manner specified in this section for adoption
 5 of emergency ordinances.

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

10 **SECTION 2.25.**

11 Codes of technical regulations.

12 (a) The city council may adopt any standard code of technical regulations by reference
 13 thereto in an adopting ordinance. The procedure and requirements governing such
 14 adopting ordinance shall be as prescribed for ordinances generally except that: (1) the
 15 requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of
 16 copies of the ordinance shall be construed to include copies of any code of technical
 17 regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of
 18 technical regulations, as well as the adopting ordinance, shall be authenticated and recorded
 19 by the clerk pursuant to Section 2.26 of this charter.

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

22 **SECTION 2.26.**

23 Signing; authenticating; 24 recording; codification; printing.

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

27 (b) The city council shall provide for the preparation of a general codification of all the
 28 ordinances of the city having the force and effect of law. The general codification shall be
 29 adopted by the city council by ordinance and shall be published promptly, together with
 30 all amendments thereto and such codes of technical regulations and other rules and
 31 regulations as the city council may specify. This compilation shall be known and cited
 32 officially as 'The Code of the City of Arlington, Georgia.' Copies of the code shall be

1 furnished to all officers, departments, and agencies of the city and made available for
2 purchase by the public at a reasonable price as fixed by the city council.

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

12 **SECTION 2.27.**

13 Election of mayor; forfeiture; compensation.

14 The mayor shall be elected and shall serve for a term of four years and until the mayor's
15 successor is elected and qualified. The mayor shall be a qualified elector of this city and
16 shall have been a resident of the city for 12 months prior to the election. The mayor shall
17 continue to reside in this city during the period of the mayor's service. The mayor shall
18 forfeit the office of mayor on the same grounds and under the same procedure as for
19 councilmembers. The compensation of the mayor shall be established in the same manner
20 as for councilmembers.

21 **SECTION 2.28.**

22 Chief executive officer; delegation of powers.

23 The mayor shall be the chief executive of this city. The mayor shall possess all of the
24 executive and administrative power granted to the city under the Constitution and laws of
25 the State of Georgia, and all the executive powers contained in this charter.

26 **SECTION 2.29.**

27 Powers and duties of mayor.

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

29 (1) See that all laws and ordinances of the city are faithfully executed;

1 (2) Exercise supervision over all executive and administrative work of the city and over
 2 all employees and departments of the city and provide for the coordination of
 3 administrative activities;

4 (3) Prepare and submit to the councilmembers a recommended operating budget and
 5 capital budget;

6 (4) Submit to the councilmembers at least once a year a statement covering the financial
 7 conditions of the city and from time to time such other information as the
 8 councilmembers may request;

9 (5) Recommend to the councilmembers such measures relative to the affairs of the city,
 10 improvement of the government, and promotion of the welfare of its inhabitants as the
 11 mayor may deem expedient;

12 (6) Call special meetings of the councilmembers as provided for in subsection (b) of
 13 Section 2.19 of this charter;

14 (7) Preside at all meetings of the city council and vote only in the event of a tie or when
 15 an affirmative or negative vote by the mayor constitutes a majority of four votes;

16 (8) Provide for an annual audit of all accounts of the city;

17 (9) Require any department or agency of the city to submit written reports whenever the
 18 mayor deems it expedient; and

19 (10) Perform such other duties as may be required by law, this charter, or ordinance.

20 **SECTION 2.30.**

21 Mayor pro tempore; selection; duties.

22 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
 23 tempore. The mayor pro tempore shall preside at all meetings of the councilmembers and
 24 shall assume the duties and powers of the mayor upon the mayor's physical or mental
 25 disability. The mayor pro tempore shall vote as a member of the city council at all times
 26 when serving as provided in this section.

27 **ARTICLE III**

28 **ADMINISTRATIVE AFFAIRS**

29 **SECTION 3.10.**

30 Administrative and service departments.

31 (a) Except as otherwise provided in this charter, the city council by ordinance shall
 32 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant

1 all nonelective offices, positions of employment, departments, and agencies of the city as
2 necessary for the proper administration of the affairs and government of this city.

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

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

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

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

17 **SECTION 3.11.**

18 **Boards, commissions, and authorities.**

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

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

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

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

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

34 (f) No member of a board, commission, or authority shall assume office until that person
35 has executed and filed with the clerk of the city an oath obligating that person to perform

1 faithfully and impartially the duties of that person's office, such oath shall be prescribed
2 by ordinance and administered by the mayor.

3 (g) All members of boards serve at will and may be removed at any time by a vote of three
4 by the councilmembers unless otherwise provided by law.

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

13 **SECTION 3.12.**

14 City attorney.

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

23 **SECTION 3.13.**

24 City clerk.

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

SECTION 3.14.

Personnel policies.

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

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

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

SECTION 4.11.

Chief judge; associate judge.

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

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

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.20 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten 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 180 days 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 of the cost of meals, transportation, and casemaking 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 such 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 that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

With the approval of the city 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 city council may adopt in part or in toto the rules and regulations applicable to municipal 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 48 hours prior to such proceedings.

SECTION 4.16.

Indigent defense and prosecutor.

(a) The mayor and city council shall have the authority to provide for a solicitor for the municipal court and to provide for the defense of indigent persons before the court charged with violations of state laws and municipal ordinances. The expense of such prosecution and defense may be paid in whole or in part from funds received as provided in subsections (b) and (c) of this section.

(b) In every case in the municipal court in which the court imposes a fine for a violation of a state law or a city ordinance, a fee may be imposed for purposes of subsection (a) of this section.

(c) At the time of posting bail or bond in any case before the municipal court, an additional sum shall be posted, and in every case in which the court orders the forfeiture of bail or bond, the additional sum posted shall be distributed for use as provided in subsection (a) of this section.

1 conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election
2 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,' as now or hereafter
8 amended.

9 **SECTION 5.16.**

10 Removal of officers.

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

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

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

25 (2) By an order of the Superior Court of Calhoun County following a hearing on a
26 complaint seeking such removal brought by any resident of the City of Arlington.

SECTION 6.14.

Franchises.

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

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

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

SECTION 6.16.

Special assessments.

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

SECTION 6.17.

Construction; other taxes.

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 such 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.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans.

SECTION 6.25.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed

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

8 **SECTION 6.26.**

9 Action by city council on budget.

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

15 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
 16 fiscal year not later than July 1 of each year. If the city council fails to adopt the budget
 17 by said date, the amounts appropriated for operation for the then current fiscal year shall
 18 be 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
 20 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
 21 setting out the estimated revenues in detail by sources and making appropriations according
 22 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
 23 ordinance 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
 27 appropriations or allotment thereof to which it is chargeable.

28 **SECTION 6.27.**

29 Levy of taxes.

30 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax
 31 rates set by such ordinance shall be such that reasonable estimates of revenues from such
 32 levy 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 Audits.

11 There shall be an annual independent audit of all city accounts, funds, and financial
12 transactions by a certified public accountant selected by the city council. The audit shall
13 be conducted according to generally accepted auditing principles. Any audit of any funds
14 by the state or federal governments may be accepted as satisfying the requirements of this
15 charter. Copies of annual audit reports shall be available at printing costs to the public.

16 **SECTION 6.30.**

17 Procurement and property management.

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

- 19 (1) It is in writing;
20 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
21 course, is signed by the city attorney to indicate such drafting or review; and
22 (3) It is made or authorized by the city council and such approval is entered in the city
23 council journal of proceedings pursuant to Section 2.19 of this charter.

24 **SECTION 6.31.**

25 Purchasing.

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

SECTION 7.12.

Existing personnel and officers.

Except as specifically provided otherwise by this charter, all personnel and officers of this city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 180 days before or during which time the existing city council shall pass a transition ordinance detailing the changes in personnel and appointed officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.13.

Pending matters.

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

SECTION 7.14.

Construction and definitions.

(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 shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect nor 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."

1 **SECTION 2.**

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