

House Bill 477 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED

AN ACT

1 To reincorporate and provide a new charter for the City of Richland in Stewart County,
2 Georgia; to provide for boundaries and powers of the city; to provide for a governing
3 authority of such city and the powers, duties, authority, election, terms, method of filling
4 vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and
5 suspension and removal from office relative to members of such governing authority; to
6 provide for inquiries and investigations; to provide for oaths, organization, meetings,
7 quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for
8 a mayor and mayor pro tempore and certain duties, powers, and other matters relative
9 thereto; to provide for administrative affairs and responsibilities; to provide for boards,
10 commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel
11 and matters relating thereto; to provide for rules and regulations; to provide for a municipal
12 court and the judge or judges thereof and other matters relative to those judges; to provide
13 for the court's jurisdiction, powers, practices, and procedures; to provide for the right of
14 certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for
15 franchises, service charges, and assessments; to provide for bonded and other indebtedness;
16 to provide for auditing, accounting, budgeting, and appropriations; to provide for city
17 contracts and purchasing; to provide for the conveyance of property and interests therein; to
18 provide for bonds for officials; to provide for eminent domain; to provide for prior
19 ordinances and rules, pending matters, and existing personnel; to provide for penalties; to
20 provide for definitions and construction; to provide for other matters relative to the
21 foregoing; to repeal an Act incorporating the City of Richland in the County of Stewart,
22 approved August 16, 1922 (Ga. L. 1922, p. 925), as amended; to provide an effective date;
23 to repeal conflicting laws; and for other purposes.

24 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

- 1 (1) Air and Water Pollution. To regulate, consistent with federal and state law, the
2 emission of smoke or other exhaust which pollutes the air and to prevent the pollution of
3 natural streams which flow within the corporate limits of the city;
- 4 (2) Animal Regulations. To regulate and license or to prohibit the keeping or running
5 at large of animals and fowl and to provide for the impoundment of the same if in
6 violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or
7 humane destruction of animals and fowl when not redeemed as provided by ordinance;
8 and to provide punishment for violation of ordinances enacted under this charter;
- 9 (3) Appropriations and Expenditures. To make appropriations for the support of the
10 government of the city; to authorize the expenditure of money for any purposes
11 authorized by this charter and for any purpose for which a municipality is authorized by
12 the laws of the State of Georgia; and to provide for the payment of expenses of the city;
- 13 (4) Building Regulation. To regulate and to license the erection and construction of
14 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
15 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 16 (5) Business Regulation and Taxation. To levy and to provide for collection of
17 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
18 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be
19 enacted; to permit and regulate the same; to provide for the manner and method of
20 payment of such regulatory fees and taxes; and to revoke such permits after due process
21 for failure to pay any city taxes or fees;
- 22 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
23 city, for present or future use and for any corporate purpose deemed necessary by the
24 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
25 other applicable laws as are now or may hereafter be enacted;
- 26 (7) Contracts. To enter into contracts and agreements with other governmental entitles
27 and with private persons, firms, corporations, and other legal entities;
- 28 (8) Emergencies. To establish procedures for determining and proclaiming that an
29 emergency situation exists within or outside the city and to make and carry out all
30 reasonable provisions deemed necessary to deal with or meet such an emergency for the
31 protection, safety, health, or well-being of the citizens of the city;
- 32 (9) Environmental Protection. To protect and preserve the natural resources,
33 environment, and vital areas of the state through the preservation and improvement of air
34 quality, the restoration and maintenance of water resources, the control of erosion and
35 sedimentation, the management of solid and hazardous waste, and other necessary actions
36 for the protection of the environment;

1 (10) 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 (11) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash
6 collection and disposal and other sanitary service charge, tax, or fee for such services as
7 may be necessary in the operation of the city from all individuals, firms, corporations,
8 and legal entities residing in or doing business in the city benefiting from such services;
9 to enforce the payment of such charges, taxes, or fees; and to provide for the manner and
10 method of collecting such service charges;

11 (12) 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 (13) Gifts. To accept or refuse gifts, donations, bequests, devises, or grants from any
16 source for any purpose related to powers and duties of the city and the general welfare
17 of its citizens, on such terms and conditions as the donor or grantor may impose;

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

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

25 (16) 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 (17) 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 (18) 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 (19) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
36 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
37 outside the property limits of the city;

1 (20) 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 (21) 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; and to
10 authorize the extension of water, sewerage, electrical, and communication distribution
11 systems, and all necessary appurtenances by which said utilities are distributed, inside
12 and outside the corporate limits of the city; and to provide utility services to persons,
13 firms, and corporations inside and outside the corporate limits of the city as provided by
14 ordinance;

15 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
16 private property;

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

19 (24) Planning and Zoning. To provide comprehensive city planning for development by
20 zoning; and to provide subdivision regulation and the like as the city council deems
21 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

22 (25) Police and Fire Protection. To exercise the power of arrest through duly appointed
23 police officers or in any other manner provided by the general laws of the State of
24 Georgia; and to establish, operate, or contract for a police and a fire-fighting agency;

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

28 (27) Public Improvements. To provide for the acquisition, construction, building,
29 operation, and maintenance of public ways, parks and playgrounds, public grounds,
30 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
31 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
32 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
33 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
34 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
35 public improvements, inside or outside the corporate limits of the city; to regulate the use
36 of public improvements; and, for such purposes, property may be acquired by

1 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
2 or may hereafter be enacted;

3 (28) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
4 and public disturbances;

5 (29) Public Transportation. To organize and operate or contract for such public
6 transportation systems as are deemed beneficial;

7 (30) Public Utilities and services. To grant franchises or make contracts for or impose
8 taxes on public utilities and public service companies not to exceed periods of 35 years
9 and to prescribe the rates, fares, regulations, and standards and conditions of service
10 applicable to the service to be provided by the franchise grantee or contractor, insofar as
11 not in conflict with valid regulations of the Georgia Public Service Commission;

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

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

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

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

1 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
2 or fees to those connected with the system;

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

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

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

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

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

22 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
23 number of such vehicles; to require the operators thereof to be licensed; to require public
24 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
25 regulate the parking of such vehicles;

26 (41) Urban Redevelopment. To organize and operate an urban redevelopment program;
27 and

28 (42) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
29 and immunities necessary or desirable to promote or protect the safety, health, peace,
30 security, good order, comfort, convenience, or general welfare of the city and its
31 inhabitants; to exercise all implied powers necessary or desirable to carry into execution
32 all powers granted in this charter as fully and completely as if such powers were fully
33 stated in this charter; and to exercise all powers now or in the future authorized to be
34 exercised by other municipal governments under other laws of the State of Georgia; and
35 no listing of particular powers in this charter shall be held to be exclusive of others, nor
36 restrictive of general words and phrases granting powers, but shall be held to be in

1 addition to such powers unless expressly prohibited to municipalities under the
2 Constitution or applicable laws of the State of Georgia.

3 **SECTION 1.13.**

4 Exercise of powers.

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

9 (b) Failure to exercise a power by the city shall not be a waiver or relinquishment of said
10 power; the city may at any future time exercise or restrict such power; and the failure to
11 exercise such power shall not give any individual or entity any cause of action or claim
12 against the city.

13 **ARTICLE II**

14 **GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL**

15 **SECTION 2.10.**

16 City council creation; composition; number, elections.

17 (a) The legislative authority of the government of this city, except as otherwise specifically
18 provided in this charter, shall be vested in a city council to be composed of a mayor and five
19 councilmembers.

20 (b) The mayor and councilmembers shall serve for terms of four years and until their
21 respective successors are elected and qualified. No person shall be eligible to serve as mayor
22 or councilmember unless he or she shall have been a resident of this city for 12 months
23 immediately preceding the election of mayor or councilmembers. Each such person shall
24 continue to reside within the city during said period of service and shall be registered and
25 qualified to vote in municipal elections of this city. No person's name shall be listed as a
26 candidate on the ballot for election for either mayor or councilmember unless such person
27 shall file a written notice with the clerk of the city that he or she desires his or her name to
28 be placed on the ballot as a candidate either for mayor or councilmember. No person shall
29 be eligible for the office of mayor or councilmember unless such person shall file the notice
30 within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
31 Code."

SECTION 2.11.

Elections.

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

(b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under the "Georgia Election Code."

(c) The mayor and councilmembers who are in office on the effective date of this Act shall serve until the expiration of the term of office to which they were elected and until their successors are elected and qualified.

(d) For the purpose of electing members of the city council, the city council shall consist of five city council posts, at large, designated Council Posts 1 through 5. Each person seeking election shall be at least 21 years of age and be a qualified voter within the City of Richland. Each member shall be elected by a majority of the qualified electors voting. Each member of the council shall, during his or her term of office, continue to meet such qualifications.

(e) The mayor of the City of Richland shall be at least 21 years of age and be elected by the registered voters within the corporate limits of the city.

(f) The city councilmembers for Council Posts 1 and 2 shall be elected at the general election for the city to be held during 2007 for terms of four years. The city councilmembers for Council Posts 3, 4, and 5 and the mayor shall be elected at the general election for the city to be held during 2009 for terms of four years. Future successors shall be elected at the general election of the city immediately preceding the expiration of terms of office and shall take office on the first day of January following their election.

SECTION 2.12.

Vacancy; filling of vacancies.

(a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this charter or the general laws of the State of Georgia.

(2) Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes

1 permanent, then the office shall become vacant and shall be filled as provided in
2 subsection (b) of this section.

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

10 **SECTION 2.13.**

11 Nonpartisan elections.

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

14 **SECTION 2.14.**

15 Election by majority.

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

17 **SECTION 2.15.**

18 Compensation and expenses.

19 The mayor and councilmembers shall receive compensation and expenses for their services
20 as provided by resolution or ordinance and in accordance with Chapter 35 of Title 36 of the
21 O.C.G.A.

22 **SECTION 2.16.**

23 Conflicts of interest; holding other offices.

24 (a) No elected official, appointed officer, or employee of the city or any agency or political
25 entity to which this charter applies shall knowingly:

26 (1) Engage in any business or transaction or have a financial or other personal interest,
27 direct or indirect, which is incompatible with the proper discharge of his or her official
28 duties or which would tend to impair the independence of his or her judgment or action
29 in the performance of his or her official duties;

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

1 provisions of this subsection shall not apply to any person holding employment on the
2 effective date of this Act.

3 **SECTION 2.17.**

4 Removal of officers.

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

- 7 (1) Incompetence, misfeasance, or malfeasance in office;
8 (2) Conviction of a crime involving moral turpitude;
9 (3) Failure at any time to possess any qualifications of office as provided by this charter
10 or by law;
11 (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;
12 (5) Abandonment of office or neglect to perform the duties thereof; or
13 (6) Failure for any other cause to perform the duties of office as required by this charter
14 or state law.

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

- 17 (1) By the vote of three councilmembers after an investigative hearing. In the event an
18 elected officer is sought to be removed by the action of the city council, such officer shall
19 be entitled to a written notice specifying the ground or grounds for removal and to a
20 public hearing which shall be held not less than ten days after the service of such written
21 notice. Any elected officer sought to be removed from office as provided in this section
22 shall have the right of appeal from the decision of the city council to the Superior Court
23 of Stewart County, Georgia. Such appeal shall be governed by the same rules as govern
24 appeals to the superior court from the probate court; or
25 (2) By an order of the Superior Court of Stewart County following a hearing on a
26 complaint seeking such removal brought by any resident of the City of Richland.

27 **SECTION 2.18.**

28 Inquiries and investigations.

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

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 3.12.**

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 of a journal/minutes of its
7 proceedings, which 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 3.13.**

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/minutes, but any member of the city council shall have the
16 right to request a roll-call vote and such vote shall be recorded in the journal/minutes.
17 Except as otherwise provided in this charter, the affirmative vote of three councilmembers,
18 or in cases where a bare quorum is present, a majority of the members of a bare quorum,
19 shall be required for the adoption of any ordinance, resolution, or motion. An abstention
20 shall be counted as an affirmative vote. The mayor shall not have a vote on the council;
21 however, the mayor shall be entitled to vote in order to break a tie vote.

22 **SECTION 3.14.**

23 Ordinance form; procedures.

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

28 (b) An ordinance may be introduced by any councilmember and be read at a regular or
29 special meeting of the city council. Ordinances shall be considered and adopted or rejected
30 by the city council in accordance with the rules which it shall establish; provided, however,
31 that an ordinance shall not be adopted the same day it is introduced, except for emergency

1 ordinances provided for in Section 3.16 of this charter. Upon introduction of any ordinance,
2 the city clerk shall as soon as possible distribute a copy to the mayor and to each
3 councilmember and shall file a reasonable number of copies in the office of the city clerk and
4 at such other public places as the city council may designate.

5 **SECTION 3.15.**

6 Action requiring an ordinance.

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

8 **SECTION 3.16.**

9 Emergencies.

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

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

SECTION 3.17.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 3.14 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 3.18 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for inspection by the public. Copies shall also be made available for purchase at a reasonable price not to exceed the cost of producing such copies.

SECTION 3.18.

Signing; authenticating; recording.

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

SECTION 3.19.

Election of mayor; forfeiture, compensation.

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

SECTION 3.20.

Chief executive officer.

The mayor shall be the chief executive officer of this city. The mayor shall possess all of the executive and administrative power granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter to include but not limited to:

- (1) Presiding at all meetings of the city council;
- (2) Being the head of the city for the purpose of service of process and for ceremonial purposes, and being the official spokesperson for the city and the chief advocate of policy;
- (3) Having power to administer oaths and to take affidavits;
- (4) Signing as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
- (5) Appointing such committees and committee chairpersons of the city council as he or she shall deem reasonable and necessary.

SECTION 3.21.

Powers and duties of the mayor.

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

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove all officers, department heads, and employees of the city except as otherwise provided in this charter;
- (3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (4) Prepare and submit to the councilmembers a recommended operating budget and capital budget;
- (5) Submit to the councilmembers at least once a year a statement covering the financial conditions of the city and from time to time such other information as the councilmembers may request;
- (6) Recommend to the councilmembers such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (7) Call special meetings of the councilmembers as provided for in subsection (b) of Section 3.11 of this charter;

- 1 (8) Approve or disapprove ordinances as provided in Section 3.22 of this charter;
 2 (9) Provide for an annual audit of all accounts of the city;
 3 (10) Require any department or agency of the city to submit written reports whenever
 4 the mayor deems it expedient;
 5 (11) Vote on matters before the city council and be counted toward a quorum as any
 6 other councilmember; and
 7 (12) Perform such other duties as may be required by law, this charter, or ordinance.

8 **SECTION 3.22.**

9 Submission of ordinances to the mayor; veto power.

10 (a) Every ordinance adopted by the councilmembers shall be presented promptly by the city
 11 clerk to the mayor after its adoption.

12 (b) The mayor, within three calendar days of receipt of an ordinance, shall return it to the
 13 city clerk with or without the mayor's approval or with the mayor's disapproval. If the
 14 ordinance has been approved by the mayor, it shall become law upon its return to the city
 15 clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00
 16 Noon on the third calendar day after its adoption; if the ordinance is disapproved, the mayor
 17 shall submit to the councilmembers through the city clerk a written statement of the reasons
 18 for the veto. The city clerk shall record upon the ordinance the date of its delivery to and
 19 receipt from the mayor.

20 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the
 21 councilmembers at their next meeting. If the councilmembers then or at their next meeting
 22 adopt the ordinance by an affirmative vote of three members, it shall become law.

23 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 24 ordinance. The approved part or parts of any ordinance making appropriations shall become
 25 law, and the part or parts disapproved shall not become law unless subsequently passed by
 26 the councilmembers over the mayor's veto as provided in this section. The reduced part or
 27 parts shall be presented to the councilmembers as though disapproved and shall not become
 28 law unless overridden by the councilmembers as provided in subsection (c) of this section.

29 **SECTION 3.23.**

30 Mayor pro tempore; selection; duties.

31 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
 32 tempore. The mayor pro tempore shall preside at all meetings of the councilmembers and
 33 shall assume the duties and powers of the mayor upon the mayor's physical or mental

1 disability or absence. The councilmembers by a majority vote shall elect a new presiding
 2 officer from among its members for any period in which the mayor pro tempore is disabled,
 3 absent, or acting as mayor. Any such absence or disability shall be declared by majority vote
 4 of all councilmembers.

5 ARTICLE IV

6 ADMINISTRATIVE AFFAIRS

7 SECTION 4.10.

8 Administrative and service departments.

9 (a) Except as otherwise provided in this charter, the city council by resolution or ordinance
 10 shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave
 11 vacant all nonelective offices, positions of employment, departments, and agencies of the city
 12 as necessary for the proper administration of the affairs and government of this city.

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

16 (c) All appointed officers and directors of the departments shall receive such compensation
 17 as prescribed by resolution or ordinance.

18 (d) There shall be a director of each department or agency who shall be its principal officer
 19 (i.e. "department head"). Each director shall, subject to the direction and supervision of the
 20 mayor, be responsible for the administration and direction of the affairs and operations of
 21 that director's department or agency.

22 (e) All directors under the supervision of the mayor and appointed officers shall be
 23 nominated by the mayor with confirmation of appointment by the city council. The mayor
 24 may suspend or remove directors and appointed officers, or confirm the suspension or
 25 removal of employees by department directors, and such action shall be effective
 26 immediately upon the mayor's decision; provided, however, that such director, officer, or
 27 employee shall have a right to appeal such action to the city council, which, after a hearing,
 28 may override the mayor's action by a vote of three councilmembers.

29 SECTION 4.11.

30 Boards, commissions, and authorities.

31 (a) The city council shall create by ordinance such boards, commissions, and authorities to
 32 fulfill any investigative, quasi-judicial, quasi-legislative function the city council deems

1 necessary and shall by ordinance establish the composition, period of existence, duties, and
2 powers thereof.

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

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

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

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

15 (f) No member of a board, commission, or authority shall assume office until that person has
16 executed and filed with the clerk of the city an oath obligating that person to perform
17 faithfully and impartially the duties of that person's office; such oath shall be prescribed by
18 ordinance or otherwise provided by law and administered by the mayor.

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

21 (h) Except as otherwise provided by this charter or by law, each board, commission, or
22 authority of the city shall elect one of its members as chairperson and one member as vice
23 chairperson and may elect as its secretary one of its own members or may appoint as
24 secretary an employee of the city. Each board, commission, or authority of the city
25 government may establish such bylaws, rules, and regulations, not inconsistent with this
26 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
27 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
28 regulations shall be filed with the clerk of the city.

29 **SECTION 4.12.**

30 City attorney.

31 The city council and mayor shall appoint a city attorney, together with such assistant city
32 attorneys as may be authorized, and shall provide for the payment of such attorney or
33 attorneys for services rendered to the city. The city attorney shall be responsible for
34 providing for the representation and defense of the city in all litigation in which the city is
35 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of

1 the city council as directed; shall advise the city council, mayor, and other officers and
2 employees of the city concerning legal aspects of the city's affairs; and shall perform such
3 other duties as may be required by virtue of such person's position as city attorney. The city
4 attorney shall be a member of the State Bar of Georgia in good standing and shall have been
5 engaged in the active practice of law in Georgia for a period of not less than five years.

6 **SECTION 4.13.**

7 City clerk.

8 The city council and mayor shall appoint a city clerk who shall not be a councilmember. The
9 city clerk shall be custodian of the official city seal and city records; maintain city council
10 records required by this charter; and perform such other duties as may be required by the city
11 council.

12 **SECTION 4.14.**

13 City auditor.

14 The city council and mayor shall appoint a city auditor to perform the duties of an
15 auditor/accountant.

16 **SECTION 4.15.**

17 Position classification and pay plans.

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

24 **SECTION 4.16.**

25 Personnel policies.

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

27 (1) The method of employee selection, probation periods, promotion, and transfer;

28 (2) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and

29 the manner in which layoffs shall be effected;

1 (3) A for-cause removal system, including provisions for such dismissal hearings as due
2 process may require; and

3 (4) Such other personnel policies as may be necessary to provide for adequate and
4 systematic handling of personnel affairs.

5 ARTICLE V
6 MUNICIPAL COURT

7 **SECTION 5.10.**

8 Creation; name.

9 There shall be a court to be known as the Municipal Court of the City of Richland, Georgia.

10 **SECTION 5.11.**

11 Chief judge; associate judge.

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

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

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

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

21 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
22 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
23 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
24 minutes of the city council journal/minutes required in Section 3.12 of this charter.

25 **SECTION 5.12.**

26 Convening.

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

SECTION 5.13.

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 the authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail or both.

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

(d) The municipal court shall have the 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 caretaking of prisoners bound over to superior courts for violations of state law.

(e) The municipal court shall have authority to establish bail and recognizance 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 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.

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

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

4 **SECTION 5.14.**

5 Certiorari.

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

10 **SECTION 5.15.**

11 Rules for court.

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

19 **SECTION 5.16.**

20 Right to counsel.

21 In all cases before the municipal court, an indigent defendant shall be advised as to the right
 22 to have counsel appointed, and an attorney must be provided when desired.

23 **ARTICLE VI**

24 **ELECTIONS AND REMOVAL**

25 **SECTION 6.10.**

26 Applicability of general law.

27 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 28 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 6.11.

Election of the city council and mayor.

(a) There shall be a municipal general election biennially in the odd years on the Tuesday next following the first Monday in November.

(b) There shall be elected two councilmembers at one election and at every other election thereafter. The remaining three city council seats and the mayor shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 6.12.

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 6.13.

Election by majority.

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

SECTION 6.14.

Vacancies.

In the event that the office of mayor or councilmember shall become vacant, the terms of Section 2.12 of this charter shall control and determine the method for filling such office.

SECTION 6.15.

Other provisions.

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

1 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
 2 7.18 of this charter. The city council by ordinance may establish reasonable requirements
 3 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

4 **SECTION 7.14.**

5 Franchises.

6 The city council shall have the power to grant franchises for the use of this city's streets and
 7 alleys for the purposes of railroads, street railways, telephone companies, electric companies,
 8 electric membership corporations, cable television and other telecommunications companies,
 9 gas companies, transportation companies, and other similar organizations. The city council
 10 shall determine the duration terms, whether the same shall be exclusive or nonexclusive, and
 11 the consideration for such franchises; provided, however that no franchise shall be granted
 12 for a period in excess of 35 years and no franchise shall be granted unless the city receives
 13 just and adequate compensation therefor. The city council shall provide for the registration
 14 of all franchises with the city clerk in a registration book kept by the city clerk. The city
 15 council may provide by ordinance for the registration within a reasonable time of all
 16 franchises previously granted. This provision shall not restrict the city from imposing other
 17 taxes as provided by state law.

18 **SECTION 7.15.**

19 Service charges.

20 The city council by ordinance shall have the power to assess and collect fees, charges, and
 21 tolls for sewers, sanitary and health services, or any other services provided or made
 22 available within and outside the corporate limits of the city for the total cost to the city of
 23 providing or making available such services. If unpaid, such charges shall be collected as
 24 provided in Section 7.18 of this charter.

25 **SECTION 7.16.**

26 Special assessments.

27 The city council by ordinance shall have the power to assess and collect the cost of
 28 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
 29 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
 30 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
 31 collected as provided in Section 7.18 of this charter.

SECTION 7.17.

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 7.18.

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 7.10 through 7.17 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 execution.

SECTION 7.19.

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 7.20.

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 7.25.

Submission of operating budget to city council.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 7.29 of this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 7.26.

Action by city council on budget.

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

(b) The city council by ordinance or resolution shall adopt the final operating budget for the ensuing fiscal year not later than the beginning day of each fiscal year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance or resolution setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance or resolution adopted pursuant to Section 7.24 of this charter.

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

SECTION 7.27.

Tax levies.

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

SECTION 7.28.

Changes in appropriations.

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

SECTION 7.29.

Capital budget.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 3.16 of this charter.

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

SECTION 7.30.

Independent audit.

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

SECTION 7.31.

Contracting procedures.

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

(1) It is in writing;

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

(3) It is made or authorized by the city council and such approval is entered in the city council journal/minutes of proceedings pursuant to Section 3.12 of this charter.

SECTION 7.32.

Centralized purchasing.

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

SECTION 7.33.

Sale and lease of city property.

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

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

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell

1 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 2 property owner or owners where such sale and conveyance facilitates the highest and best
 3 use of the abutting owner's property. Included in the sales contract shall be a provision for
 4 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
 5 shall be notified of the availability of the property and given the opportunity to purchase said
 6 property under such terms and conditions as set out by ordinance. All deeds and
 7 conveyances heretofore and hereafter so executed and delivered shall convey all title and
 8 interest the city has in such property, notwithstanding the fact that no public sale after
 9 advertisement was or is hereafter made.

10 **ARTICLE VIII**

11 **GENERAL PROVISIONS**

12 **SECTION 8.10.**

13 Bonds for officials.

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

17 **SECTION 8.11.**

18 Existing ordinances, resolutions, rules, and regulations.

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

22 **SECTION 8.12.**

23 Existing personnel and officers.

24 Except as specifically provided otherwise by this charter, all personnel and officers of this
 25 city and their rights, privileges, and powers shall continue beyond the time this charter takes
 26 effect until and unless changes are made by a majority vote of city council.

SECTION 8.13.

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 officers as may be provided by the city council.

SECTION 8.14.

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.

(d) Except as specifically provided otherwise by this charter, the term:

(1) "City Council" means the members of the city council and the mayor.

(2) "Councilmember" means a member of the city council other than the mayor.

SECTION 8.15.

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 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 independently of each other.

SECTION 8.16.

Specific repealer.

An Act incorporating the City of Richland in the County of Stewart, approved April 16, 1922 (Ga. L. 1922, p.925), is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety.

1

2

SECTION 8.17.

3

Effective date.

4 This Act shall become effective upon its approval by the Governor or upon its becoming law

5 without such approval.

6

SECTION 8.18.

7

General repealer.

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