

House Bill 1469 (AS PASSED HOUSE AND SENATE)

By: Representative Powell of the 29th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing a new charter for the City of Franklin Springs, approved
2 April 13, 1992 (Ga. L. 1992, p. 6180), so as to restate and reenact such charter; to provide
3 for duties of the mayor and city manager; to revise provisions of the charter to conform with
4 certain changes in law; to provide for related matters; to provide an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing a new charter for the City of Franklin Springs, approved April 13, 1992
9 (Ga. L. 1992, p. 6180), is amended by striking the charter in its entirety and inserting in lieu
10 thereof the following:

11 "ARTICLE I
12 INCORPORATION AND POWERS

13 **SECTION 1.10.**

14 Name.

15 This city and the inhabitants thereof are hereby constituted and declared a body politic and
16 corporate under the name and style Franklin Springs, Georgia, and by that name shall have
17 perpetual succession.

18 **SECTION 1.11.**

19 Corporate Boundaries.

20 (a) The boundaries of this city shall be those existing on the effective date of the adoption
21 of this charter with such alterations as may be made from time to time in the manner
22 provided by law. The boundaries of this city at all times shall be shown on a map, a written

1 description or any combination thereof, to be retained permanently in the office of the mayor
 2 and to be designated, as the case may be: 'Official Map of the Corporate Limits of the City
 3 of Franklin Springs, Georgia.' Photographic, typed, or other copies of such map or
 4 description certified by the city manager shall be admitted as evidence in all courts and shall
 5 have the same force and effect as with the original map or description.

6 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
 7 lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes
 8 the entire map or maps which it is designated to replace.

9 **SECTION 1.12.**

10 Powers and Construction.

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

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

18 **SECTION 1.13.**

19 Examples of Powers.

20 (a) Animal Regulations. To regulate and license or to prohibit the keeping or running
 21 at-large of animals and fowl, and to provide for the impoundment of same if in violation of
 22 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
 23 destruction of animals and fowl when not redeemed as provided by ordinance; and to provide
 24 punishment for violation of ordinances enacted hereunder.

25 (b) Appropriations and Expenditures. To make appropriations for the support of the
 26 government of the city; to authorize the expenditure of money for any purposes authorized
 27 by this charter and for any purpose for which a municipality is authorized by the laws of the
 28 State of Georgia; and to provide for the payment of expenses of the city.

29 (c) Building Regulation. To regulate and to license the erection and construction of
 30 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and
 31 heating and air conditioning codes; and to regulate all housing, and building trades.

32 (d) Business Regulation and Taxation. To levy and to provide for the collection of
 33 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized

1 by Title 48 of the O.C.G.A. or such other laws as are or may be hereafter enacted; to permit
2 and regulate the same; to provide for the manner and method of payment of such regulatory
3 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes
4 or fees.

5 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
6 for present or future use and for any corporate purpose deemed necessary by the governing
7 authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia
8 Annotated, or such other applicable laws as are or may hereafter be enacted.

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

11 (g) Emergencies. To establish procedures for determining and proclaiming that an
12 emergency situation exists within or without the city, and to make and carry out all
13 reasonable provisions deemed necessary to deal with or meet such an emergency for the
14 protection, safety, health, or well-being of the citizens of the city.

15 (h) Environmental Protection. To protect and preserve the natural resources, environment,
16 and vital areas of the state through the preservation and improvement of air quality, the
17 restoration and maintenance of water resources, the control of erosion and sedimentation, the
18 management of solid and hazardous waste, and other necessary actions for the protection of
19 the environment.

20 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend,
21 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general
22 law, relating to both fire prevention and detection and to fire fighting; and to prescribe
23 penalties and punishment for violations thereof.

24 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and
25 disposal, and other sanitary service charge, tax, or fee for such services as may be necessary
26 in the operation of the city from all individuals, firms, and corporations residing in or doing
27 business therein benefiting from such services; to enforce the payment of such charges, taxes,
28 or fees; and to provide for the manner and method of collecting such service charges.

29 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,
30 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
31 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.

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

35 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
36 for the enforcement of such standards.

- 1 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
2 out such sentences in any public works or on the streets, roads, drains, and squares in the
3 city; to provide for commitment of such persons to any jail; or to provide for commitment
4 of such persons to any county work camp or county jail by agreement with the appropriate
5 county officials.
- 6 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
7 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
8 city.
- 9 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
10 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
11 necessary and appropriate authority for carrying out all the powers conferred upon or
12 delegated to the same.
- 13 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
14 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
15 venture authorized by this charter or the laws of the State of Georgia.
- 16 (r) Municipal Property Ownership. To acquire, dispose of, and hold in trust or otherwise,
17 any real, personal, or mixed property in fee simple or lesser interest, inside or outside the
18 property limits of the city.
- 19 (s) Municipal Property Protection. To provide for the preservation and protection of
20 property and equipment of the city, and the administration and use of same by the public; and
21 to prescribe penalties and punishment for violations thereof.
- 22 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
23 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
24 sewage disposal, gas works, electric light plants, transportation facilities, public airports,
25 cable television, and any other public utility; and to fix the taxes, charges, rates, fares, fees,
26 assessments, regulations, and penalties, and to provide for the withdrawal of service for
27 refusal or failure to pay the same.
- 28 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
29 private property.
- 30 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
31 authority of this charter and the laws of the State of Georgia.
- 32 (w) Planning and Zoning. To provide comprehensive city planning for development by
33 zoning; and to provide subdivision regulation and the like as the city council deems
34 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 35 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
36 police, and to establish, operate, or contract for a police and a fire fighting agency.

- 1 (y) Public Hazards; Removal. To provide for the destruction and removal of any building
2 or other structure which is or may become dangerous or detrimental to the public.
- 3 (z) Public Improvements. To provide for the acquisition, construction, building, operation,
4 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
5 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
6 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
7 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
8 agencies, and facilities; and to provide any other public improvements, inside or outside the
9 corporate limits of the city; to regulate the use of public improvements; and for such
10 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such
11 other applicable laws as are or may hereafter be enacted.
- 12 (aa) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and
13 public disturbances.
- 14 (bb) Public Transportation. To organize and operate such public transportation systems as
15 are deemed beneficial.
- 16 (cc) Public Utilities and Services. To grant franchises or make contracts for public utilities
17 and public services; and to prescribe the rates, fares, regulations, and standards and
18 conditions of service applicable to the service to be provided by the franchise grantee or
19 contractor, insofar as not in conflict with valid regulations of the Public Service Commission.
- 20 (dd) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
21 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and
22 all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads
23 or within view thereof, within or abutting the corporate limits of the city; and to prescribe
24 penalties and punishment for violation of such ordinances.
- 25 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of
26 the city.
- 27 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,
28 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
29 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
30 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
31 streets and roads, and over the bridges and viaducts for the use of public utilities and for
32 private use; and to require real estate owners to repair and maintain in a safe condition the
33 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.
- 34 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
35 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
36 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
37 available a sewer service fee, charge, or sewer tax for the availability or use of the sewers;

1 to provide for the manner and method of collecting such service charges and for enforcing
2 payment of the same; and to charge, impose, and collect a sewer connection fee or fees to
3 those connected with the system.

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

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

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

18 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
19 and collection of taxes on all property subject to taxation.

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

22 (mm) 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 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program.

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

SECTION 1.14.

Exercise of Powers.

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

ARTICLE II**GOVERNMENT STRUCTURE****SECTION 2.10.**

City Council Creation, Number, Election.

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

SECTION 2.11.

City Council Terms and Qualifications for Office.

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or council member unless they shall be 21 years of age on or before the date of the election and they shall have been a resident of the city for at least one year immediately prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during their period of service and to be registered and qualified to vote in municipal elections of this city.

SECTION 2.12.

Vacancy; Filling of Vacancies.

(a) Vacancies - The office of mayor or council member shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

1 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled
 2 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
 3 in the unexpired term, otherwise by an election, as provided for in Section 2.14 of this charter
 4 and in accordance with Titles 21 and 45 of the O.C.G.A., or such other applicable laws as are
 5 or may hereafter be enacted.

6 **SECTION 2.13.**

7 Compensation and Expenses.

8 The mayor and council members shall receive compensation and expenses for their services
 9 as provided by ordinance.

10 **SECTION 2.14.**

11 Conflicts of Interest; Holding Other Offices.

12 (a) Conflict of Interest - No elected official, appointed officer, or employee of the city or any
 13 political entity to which this charter applies shall knowingly:

14 (1) Engage in any business or transaction, or have a financial or other personal interest,
 15 direct or indirect, which is incompatible with the proper discharge of their official duties
 16 or which would tend to impair the independence of their judgment or action in the
 17 performance of their official duties;

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

22 (3) Disclose confidential information concerning the property, government, or affairs of
 23 the governmental body by which they are engaged without the proper legal authorization;
 24 or use such information to advance the financial or other private interest of themselves or
 25 others;

26 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
 27 any person, firm, or corporation which to their knowledge is interested, directly or
 28 indirectly, in any manner whatsoever, in business dealings with the governmental body by
 29 which they are engaged; provided, however, that an elected official who is a candidate for
 30 public office may accept campaign contributions and services in connection with any such
 31 campaign. Valuables are defined as gifts worth over \$50.00;

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

- 1 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
2 any business or entity in which they have financial interest.
- 3 (b) Disclosure - Any elected official, appointed officer, or employee who shall have any
4 private financial interest, directly or indirectly, in any contract or matter pending before or
5 within any department of the city shall disclose such private interest to the city council. The
6 mayor or any council member who has a private interest in any matter pending before the
7 city council shall disclose such private interest and such disclosure shall be entered on the
8 records of the city council, and they shall disqualify themselves from participating in any
9 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
10 agency or political entity to which this charter applies who shall have any private financial
11 interest, directly or indirectly, in any contract or matter pending before or within such entity
12 shall disclose such private interest to the governing body of such agency or entity.
- 13 (c) Use of Public Property - No elected official, appointed officer, or employee of the city
14 or any agency or entity to which this charter applies shall use property owned by such
15 governmental entity for personal benefit, convenience, or profit except in accordance with
16 policies promulgated by the city council or the governing body of such agency or entity.
- 17 (d) Contracts Voidable and Rescindable - Any violation of this section which occurs with
18 the knowledge, express or implied, of a party to a contract or sale shall render said contract
19 or sale voidable at the option of the city official.
- 20 (e) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
21 any council member shall hold any other elective or compensated appointive office in the
22 city or otherwise be employed by said government or any agency thereof during the term for
23 which they were elected. No former mayor and no former council member shall hold any
24 compensated appointive office in the city until one year after the expiration of the term for
25 which they were elected.
- 26 (f) Political Activities of Certain Officers and Employees - No appointive officer and no
27 employee of the city shall continue in such employment upon qualifying as a candidate for
28 nomination or election to any public office.
- 29 (g) Penalties for Violation -
- 30 (1) Any city officer or employee who knowingly conceals such financial interest or
31 knowingly violates any of the requirements of this section shall be guilty of malfeasance
32 in office or position and shall be deemed to have forfeited their office or position.
- 33 (2) Any officer or employee of the city who shall forfeit their office or position as
34 described in paragraph (1) of this subsection shall be ineligible for appointment or election
35 to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and Investigations.

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

SECTION 2.16.

General Power and Authority of the City Council.

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

SECTION 2.17.

Eminent Domain.

The city council is hereby 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, cable television 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.

Oath of Office.

The oath of office shall be administered by a person duly authorized by law to administer oaths to the newly elected members as follows:

'I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (council member) of this city and that I will support and defend the charter thereof as well as the constitution and laws of the State of Georgia and of the United States of America.'

SECTION 2.19.

Regular and Special Meetings.

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

(b) Special meetings of the city council may be held on call of the mayor or two members of the city council. Notice of such special meetings shall be served on all other members personally, or by telephone personally, at least 24 hours in advance of the meeting. Such notice to council members shall not be required if the mayor and all council members are present when the special meeting is called. Such notice of any special meeting may be waived by a council member in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such council member's presence. Only the business stated in the call may be transacted at the special meeting without unanimous consent of such council members present.

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

SECTION 2.20.

Rules of Procedure.

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

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

SECTION 2.21.

Quorum: Voting.

(a) Three council members shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of a majority of council members present shall be required for the adoption of any ordinance, resolution, or motion.

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

5 **SECTION 2.22.**

6 Ordinance Form; Procedures.

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

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

19 **SECTION 2.23.**

20 Action Requiring an Ordinance.

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

22 **SECTION 2.24.**

23 Emergencies.

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

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

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 adopting
 14 ordinance shall be as prescribed for ordinances generally except that:

15 (1) The requirements of subsection (b) of Section 2.22 for distribution and filing of copies
 16 of the ordinance shall be construed to include copies of any code of technical regulations,
 17 as well as the adopting ordinance; and

18 (2) A copy of each adopted code of technical regulations, as well as the adopting
 19 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26.

20 (b) Copies of any adopted code of technical regulations shall be made available by the city
 21 clerk for distribution or for purchase at a reasonable price.

22 **SECTION 2.26.**

23 Signing; Authenticating; Recording; Codification; Printing.

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

26 (b) The city council shall provide for the preparation of a general codification of all the
 27 ordinances of the city having the force and effect of law. The general codification shall be
 28 adopted by the city council by ordinance and shall be published promptly, together with all
 29 amendments thereto and such codes of technical regulations and other rules and regulations
 30 as the city council may specify. This compilation shall be known and cited officially as
 31 'Code of Ordinances, City of Franklin Springs, Georgia.' Copies of the code shall be
 32 furnished to all officers, departments, and agencies of the city, and made available for
 33 purchase by the public at a reasonable price as fixed by the city council.

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

10 **SECTION 2.27.**

11 City Manager; Appointment; Qualifications; Compensation.

12 The city council may employ a city manager for an indefinite term and shall fix the city
13 manager's compensation. The city manager shall be employed solely on the basis of the city
14 manager's executive and administrative qualifications.

15 **SECTION 2.28.**

16 Removal of City Manager.

17 The city manager is employed at will and may be summarily removed from office at any time
18 by the city council.

19 **SECTION 2.29.**

20 Powers and Duties of the City Manager.

21 The city manager shall be the chief administrative officer of the city. The city manager shall
22 be responsible to the mayor for the administration of all city affairs placed in the city
23 manager's charge by and under this charter. As the chief administrative officer, the city
24 manager shall:

25 (1) Appoint and, when the city manager deems it necessary for the good of the city,
26 suspend or remove all city employees and administrative officers the city manager
27 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
28 to this charter. The city manager may authorize any administrative officer who is subject
29 to the city manager's direction and supervision to exercise these powers with respect to
30 subordinates in that officer's department, office, or agency;

- 1 (2) Direct and supervise the administration of all departments, offices, and agencies of the
2 city, except as otherwise provided by this charter or by law;
- 3 (3) Attend all city council meetings except for closed meetings held for the purpose of
4 deliberating on the appointment, discipline, or removal of the city manager and have the
5 right to take part in discussion but not vote;
- 6 (4) See that all laws, provisions of this charter, and acts of the mayor and city council,
7 subject to enforcement by the city manager or by officers subject to the city manager's
8 direction and supervision, are faithfully executed;
- 9 (5) Prepare and submit the annual operating budget and capital budget to the mayor and
10 city council;
- 11 (6) Submit to the mayor and city council and make available to the public the complete
12 report on the finances and administrative activities of the city as of the end of each fiscal
13 year;
- 14 (7) Make such other reports as the mayor and city council may require concerning the
15 operation of city departments, offices, and agencies subject to the city manager's direction
16 and supervision;
- 17 (8) Keep the mayor and city council fully advised as to the financial condition and future
18 needs of the city, and make such recommendations to the city council concerning the
19 affairs of the city as the city manager deems desirable; and
- 20 (9) Perform other such duties as are specified in this charter or as may be required by the
21 mayor and city council.

22 **SECTION 2.30.**

23 Council Interference with Administration.

24 Except for purposes of inquiry and investigations under Section 2.15, the city council or its
25 members shall deal with city officers and employees who are subject to the direction and
26 supervision of the city manager solely through the city manager, and neither the city council
27 nor its members shall give orders to any such officer or employee, either publicly or
28 privately.

29 **SECTION 2.31.**

30 Election of Mayor; Forfeiture; Compensation.

31 The mayor shall be elected and serve for a term of four years and until the mayor's successor
32 is elected and qualified. The mayor shall be a qualified elector of this city, and the mayor
33 shall be 21 years of age on or before the date of the election and the mayor shall have been

1 a resident of the city for at least one year immediately preceding the mayor's election. The
 2 mayor shall continue to reside in this city during the period of the mayor's service. The
 3 mayor shall forfeit the mayor's office on the same grounds and under the same procedure as
 4 for council members. The compensation of the mayor shall be established in the same
 5 manner as for council members.

6 **SECTION 2.32.**

7 Chief Executive Officer.

8 The mayor shall be the chief executive officer of this city. He or she shall possess all of the
 9 executive power granted to the city under the constitution and laws of the State of Georgia,
 10 and all the executive powers contained in this charter.

11 **SECTION 2.33.**

12 Powers and Duties of Mayor.

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

- 14 (1) Preside at all meetings of the city council and be the head of the city for the purpose
 15 of service of process and for ceremonial purposes;
- 16 (2) Be the official spokesperson for the city and chief advocate of policy;
- 17 (3) Appoint and remove all officers, department heads, and employees of the city, except
 18 as otherwise provided in this charter;
- 19 (4) Have power to administer oaths and to take affidavits;
- 20 (5) Exercise supervision over all executive and administrative work of the city and provide
 21 for the coordination of administrative activities;
- 22 (6) Sign as a matter of course on behalf of the city all written and approved contracts,
 23 ordinances, and other instruments executed by the city which by law are required to be in
 24 writing;
- 25 (7) Recommend to the city council such measures relative to the affairs of the city,
 26 improvement of the government, and promotion of the welfare of its inhabitants as he or
 27 she may deem expedient;
- 28 (7) Call special meetings of the city council as provided in subsection (b) of Section 2.19;
- 29 (8) Perform such other duties as may be required by law, this charter, or by ordinance;
- 30 (9) Approve or disapprove ordinances as provided in Section 2.36;
- 31 (10) Provide for an annual audit of all accounts of the city; and
- 32 (11) Require any department or agency of the city to submit written reports whenever he
 33 or she deems it expedient.

SECTION 2.34.

Mayor Pro Tem, Election.

By a majority vote, the city council shall elect a council member to serve as mayor pro tem.

SECTION 2.35.

Mayor Pro Tem, Power and Duties.

During the absence or disability of the mayor for any cause, the mayor pro tem or, in the mayor's absence or disability for any reason, any one of the council members chosen by a majority vote of the city council, shall be clothed with all the rights and privileges of the mayor and shall perform the duties of the office of the mayor so long as such absence or disability shall continue. Any such absence or disability shall be declared by majority vote of all council members.

SECTION 2.36.

Submission of Ordinances to the Mayor; Veto Power.

(a) Every ordinance adopted by the city council shall be presented promptly by the city clerk to the mayor.

(b) The mayor, within five calendar days of receipt of an ordinance, shall return it to the city clerk. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council a written statement of the mayor's reasons for the mayor's veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

(c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting. If the city council then or at its next general meeting adopts the ordinance by an affirmative vote of two-thirds of its members, it shall become law.

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

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

3 (d) Except as otherwise provided by charter or by law, no member of any board,
4 commission, or authority created pursuant to paragraph (c) of this section shall hold any
5 elective office in the city.

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

9 (f) No member of a board, commission, or authority shall assume office until they have
10 executed and filed with the city clerk an oath obligating themselves to faithfully and
11 impartially perform the duties of their office, such oath to be prescribed by ordinance and
12 administered by the mayor.

13 (g) Any member of a board, commission, or authority may be removed from office for cause
14 by a vote of three members of the city council.

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

23 **SECTION 3.12.**

24 City Attorney.

25 The city council shall appoint a city attorney, together with such assistant city attorneys as
26 may be authorized, and shall provide for the payment of such city attorney or attorneys for
27 services rendered to the city. The city attorney shall be responsible for representing and
28 defending the city in all litigation in which the city is a party; may be the prosecuting officer
29 in the municipal court; shall attend the meetings of the council as directed; shall advise the
30 city council, mayor, and other officers and employees of the city concerning legal aspects of
31 the city's affairs; and shall perform such other duties as may be required of the city attorney
32 by virtue of the position as city attorney. The city attorney shall serve at the discretion of the
33 city council.

SECTION 3.13.

City Clerk.

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

SECTION 3.14.

City Treasurer.

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

SECTION 3.15.

City Accountant.

The city council shall appoint a city accountant to perform the duties of an accountant. The city accountant shall serve at the discretion of the city council.

SECTION 3.16.

Position Classification and Pay Plans.

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

SECTION 3.17.

Personnel Policies.

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

- (1) The method of employee selection and probationary periods of employment;

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

9 **SECTION 3.18.**

10 Consolidation of Functions.

11 The council may consolidate any two or more of the positions of city clerk, city treasurer,
 12 city manager, city tax collector, or of any other positions or may assign the functions of any
 13 one or more of such positions to the holder or holders of any other positions.

14 **ARTICLE IV**

15 **JUDICIAL BRANCH**

16 **SECTION 4.10.**

17 Creation; Name.

18 There shall be a court to be known as the Municipal Court of the City of Franklin Springs.

19 **SECTION 4.11.**

20 Chief Judge; Associate Judge.

- 21 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 22 or stand-by judges as shall be provided by ordinance.
- 23 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 24 they shall have attained the age of 21 years. All judges shall be appointed by the city council
 25 and shall serve at the discretion of the city council.
- 26 (c) Compensation of the judges shall be fixed by ordinance.
- 27 (d) Judges may be removed for cause by a vote of a majority of the members present of the
 28 city council.
- 29 (e) Before assuming office, each judge shall take an oath, given by the mayor, that he or she
 30 will honestly and faithfully discharge the duties of his or her office to the best of his or her

1 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
2 the city council journal required in Section 2.20.

3 **SECTION 4.12.**

4 Convening.

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

6 **SECTION 4.13.**

7 Jurisdiction, Powers.

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

10 (b) The municipal court shall have authority to punish those in its presence for contempt,
11 provided that such punishment shall not exceed \$300.00 or ten days in jail.

12 (c) The municipal court may fix punishment for offenses within its jurisdiction not
13 exceeding a fine of \$3,500.00 or imprisonment for 90 days or both such fine and
14 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing as now
15 or hereafter provided by state law or local ordinance.

16 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost
17 of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and
18 caretaking of prisoners bound over to the superior courts for violations of state law.

19 (e) The municipal court shall have authority to establish bail and recognizances to ensure
20 the presence of those charged with violations before said court, and shall have discretionary
21 authority to accept cash or personal or real property as surety for the appearance of persons
22 charged with violations. Whenever any person shall give bail for his appearance and shall
23 fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge
24 presiding at such time, and an execution issued thereon by serving the defendant and the
25 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In
26 the event that cash or property is accepted in lieu of bond for security for the appearance of
27 a defendant at trial and if such defendant fails to appear at the time and place fixed for trial,
28 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
29 property so deposited shall have a lien against it for the value forfeited which lien shall be
30 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

8 (i) The municipal court is specifically vested with all the jurisdiction and powers throughout
9 the geographic area of this city granted by law to mayor's, recorder's, and police courts, and
10 particularly by such laws as authorize the abatement of nuisances and prosecution of traffic
11 violations.

12 **SECTION 4.14.**

13 Certiorari.

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

18 **SECTION 4.15.**

19 Rules for Court.

20 With the approval of the city council, the judge shall have full power and authority to make
21 reasonable rules and regulations necessary and proper to secure the efficient and successful
22 administration of the municipal court; provided, however, that the city council may adopt in
23 part or in total the rules and regulations applicable to superior courts. The rules and
24 regulations made or adopted shall be filed with the city clerk, shall be available for public
25 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
26 proceedings at least 48 hours prior to said proceedings.

27 **ARTICLE V**

28 **ELECTIONS AND REMOVAL**

29 **SECTION 5.10.**

30 Applicability of General Law.

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

3 **SECTION 5.11.**

4 Election of the City Council and Mayor.

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

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

10 **SECTION 5.12.**

11 Non-Partisan 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 designations.

14 **SECTION 5.13.**

15 Elections by Plurality.

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

17 **SECTION 5.14.**

18 Special Elections; Vacancies.

19 In the event that the office of mayor or council member shall become vacant for any cause
20 whatsoever, the city council or those remaining shall order a special election to fill the
21 balance of the unexpired term of such official; provided, however, that, if such vacancy
22 occurs within 12 months of the expiration of the term of that office, the city council or those
23 remaining shall appoint a successor for the remainder of the term. In all other respects, the
24 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
25 O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

1 **SECTION 5.15.**

2 Other Provisions.

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

6 **SECTION 5.16.**

7 Removal of Officers.

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

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

13 (1) By the vote of a majority of council members present after an investigative hearing.

14 In the event an elected officer is sought to be removed by the action of the city council,
15 such officer shall be entitled to a written notice specifying the ground or grounds for
16 removal and to a public hearing which shall be held not less than ten days after the service
17 of such written notice. Any elected officer sought to be removed from office as herein
18 provided shall have the right of appeal from the decision of the city council to the Superior
19 Court of Franklin County. Such appeal shall be governed by the same rules as govern
20 appeals to the superior court from the probate court; or

21 (2) By an order of the Superior Court of Franklin County following a hearing on a
22 complaint seeking such removal brought by any resident of the City of Franklin Springs.

23 **ARTICLE VI**

24 **FINANCE**

25 **SECTION 6.10.**

26 Property Tax.

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

SECTION 6.11.

Millage Rate; Due Dates; Payment Methods.

The city council, by ordinance, shall establish a millage rate for the city property tax, a due date, and the time period within which these taxes must be paid. The city council, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and Business Taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, professions, or callings for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18.

SECTION 6.13.

Regulatory Fees; Permits.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and pay a reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18.

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 telecommunication companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

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

6 **SECTION 6.15.**

7 Service Charges.

8 The city council by ordinance shall have the power to assess and collect fees, charges, and
9 tolls for sewers, sanitary and health services, or any other services provided or made
10 available within and without the corporate limits of the city for the total cost to the city of
11 providing or making available such services. If unpaid, such charges shall be collected as
12 provided in Section 6.18.

13 **SECTION 6.16.**

14 Special Assessments.

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

20 **SECTION 6.17.**

21 Construction, Other Taxes.

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

25 **SECTION 6.18.**

26 Collection of Delinquent Taxes and Fees.

27 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
28 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable
29 means as are not precluded by law. This shall include providing for the dates when the taxes

1 or fees are due; late penalties or interest; issuance and execution of fi. fa.'s; creation and
2 priority of liens; making delinquent taxes and fees personal debts of the persons required to
3 pay the taxes or fees imposed; revoking city licenses for failure to pay any city taxes or fees;
4 and providing for the assignment or transfer of tax executions.

5 **SECTION 6.19.**

6 General Obligations Bonds.

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

11 **SECTION 6.20.**

12 Revenue Bonds.

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

16 **SECTION 6.21.**

17 Short-Term Loans.

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

20 **SECTION 6.22.**

21 Fiscal Year.

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

SECTION 6.23.

Preparation of Budgets.

1
2
3 The city council shall provide an ordinance on the procedures and requirements for the
4 preparation and execution of an annual operating budget, a capital improvement program,
5 and a capital budget, including requirements as to the scope, content, and form of such
6 budgets and programs.

SECTION 6.24.

Submission of Operating Budget to City Council.

7
8
9 On or before a date fixed by the city council, but not later than 45 days prior to the beginning
10 of each fiscal year, the city manager shall submit to the city council a proposed operating
11 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
12 city manager containing a statement of the general fiscal policies of the city, the important
13 features of the budget, explanations of major changes recommended for the next fiscal year,
14 a general summary of the budget, and such other comments and information as the city
15 manager may deem pertinent. The operating budget and the capital improvements budget
16 provided for in Section 6.28, the budget message, and all supporting documents shall be filed
17 in the office of the city clerk and shall be open to public inspection.

SECTION 6.25.

Action by City Council on Budget.

18
19
20 (a) The city council may amend the operating budget proposed by the city manager; except
21 that the budget as finally amended and adopted must provide for all expenditures required
22 by state law or by other provisions of this charter and for all debt service requirements for
23 the ensuing fiscal year, and the total appropriations from any fund shall not exceed the
24 estimated fund balance, reserves, and revenues.
25 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
26 year not later than 30 days prior to the beginning of each fiscal year. If the city council fails
27 to adopt the budget by this date, the amounts appropriated for operation for the current fiscal
28 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
29 items prorated accordingly until such time as the city council adopts a budget for the ensuing
30 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
31 out the estimated revenues in detail by sources and making appropriations according to fund

1 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
2 adopted pursuant to Section 6.23.

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

7 **SECTION 6.26.**

8 Tax Levies.

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

15 **SECTION 6.27.**

16 Changes in Appropriations.

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

21 **SECTION 6.28.**

22 Capital Improvements Budget.

23 (a) On or before the date fixed by the city council, but no later than 45 days prior to the
24 beginning of each fiscal year, the city manager shall submit to the city council a proposed
25 capital improvements budget with the city manager's recommendations as to the means of
26 financing the improvements proposed for the ensuing fiscal year. The city council shall have
27 the power to accept, with or without amendments, or reject the proposed program and
28 proposed means of financing. The city council shall not authorize an expenditure for the
29 construction of any building, structure, work, or improvement, unless the appropriations for
30 such project are included in the capital improvements budget, except to meet a public
31 emergency as provided in Section 2.24.

1 (b) The city council shall adopt by ordinance the final capital improvements budget for the
 2 ensuing fiscal year. No appropriation provided for in a prior capital improvements budget
 3 shall lapse until the purpose for which the appropriation was made shall have been
 4 accomplished or abandoned; provided, however, that the city manager may submit
 5 amendments to the capital improvements budget at any time during the fiscal year,
 6 accompanied by the city manager's recommendations. Any such amendments to the capital
 7 improvements budget shall become effective only upon adoption by ordinance.

8 **SECTION 6.29.**

9 Independent Audit.

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

15 **SECTION 6.30.**

16 Contracting procedures.

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

- 18 (1) It is in writing;
 19 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
 20 course, is signed by the city attorney to indicate such drafting or review; and
 21 (3) It is made or authorized by the city council and such approval is entered in the city
 22 council journal of proceedings pursuant to Section 2.21.

23 **SECTION 6.31.**

24 Sale of City Property.

- 25 (a) The city council may sell and convey any real or personal property owned or held by the
 26 city for governmental or other purposes as now or hereafter provided by law.
 27 (b) The city council may quitclaim any rights it may have in property not needed for public
 28 purposes upon report by the mayor or city manager and adoption of a resolution, both finding
 29 that the property is not needed for public or other purposes and that the interest of the city
 30 has no readily ascertainable monetary value.

1 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
2 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
3 tract or boundary of land owned by the city, the city council may authorize the mayor to
4 execute and deliver in the name of the city a deed conveying said cut off or separated parcel
5 or tract of land to an abutting or adjoining property owner or owners in exchange for
6 rights-of-way of said street, avenue, alley, or public place when such swap is deemed to be
7 in the best interest of the city. All deeds and conveyances heretofore and hereafter so
8 executed and delivered shall convey all title and interest the city has in such property,
9 notwithstanding the fact that no public sale after advertisement was or is hereafter made.

10 **ARTICLE VII**

11 **GENERAL PROVISIONS**

12 **SECTION 7.10.**

13 **Bonds for Officials.**

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

17 **SECTION 7.11.**

18 **Prior Ordinances.**

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

22 **SECTION 7.12.**

23 **First Election Under This Charter.**

24 The first election under this charter shall be held on the Tuesday next following the first
25 Monday in November, 2009, at which time the positions presently held by Mayor Brian
26 James, Charles Powell, and Thomas Turner shall be filled.

SECTION 7.13.

Existing Personnel and Officers.

Except as specifically provided otherwise by this charter, all personnel and officers of the city and their rights, privileges, and powers shall continue beyond the time this charter takes effect for a period of 60 days before or during which the existing city council shall pass a transition ordinance detailing the changes in personnel and appointive officers required or desired and arranging such titles, rights, privileges, and powers as may be required or desired to allow a reasonable transition.

SECTION 7.14.

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 7.15.

Construction.

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

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

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

SECTION 7.16.

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 independent of each other.

SECTION 7.17.

Repealer.

An Act incorporating the City of Franklin Springs in the County of Franklin, enacted July 22, 1924 (Ga. L. 1924, p. 561), as amended in 1953, 1956, 1968, and 1992 is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

SECTION 7.18.

Effective Date.

This charter shall become of full force and effect on June 1, 2008."

SECTION 2.

This Act shall become effective on June 1, 2008.

SECTION 3.

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