

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1505:

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Waco; to provide for incorporation, boundaries, and
2 powers of the city within the County of Haralson; to provide for a governing authority of
3 such city and the powers, duties, authority, election, terms, method of filling vacancies,
4 compensation, qualifications, prohibitions, and removal from office relative to members of
5 such governing authority; to provide for inquiries and investigations; to provide for
6 organization and procedures; to provide for ordinances and codes; to provide for the office
7 of mayor and certain duties and powers relative to the office of mayor; to provide for
8 administrative responsibilities; to provide for boards, commissions, and authorities; to
9 provide for a city attorney, a city clerk, and other personnel; to provide for rules and
10 regulations; to provide for practices and procedures; to provide for taxation and fees; to
11 provide for franchises, service charges, and assessments; to provide for bonded and other
12 indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide
13 for the sale of property; to provide for bonds for officials; to provide for penalties; to provide
14 for definitions and construction; to provide for other matters relative to the foregoing; to
15 repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 ARTICLE I
19 INCORPORATION AND POWERS
20 SECTION 1.01.

21 Name.

22 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
23 are hereby constituted and declared a body politic and corporate under the name and style
24 "Waco, Georgia", and by that name shall have perpetual succession.

25 **SECTION 1.02.**

26 Corporate boundaries.

27 (a) The boundaries of this city shall be those existing on the effective date of the adoption
 28 of this charter with such alterations as may be made from time to time in the manner
 29 provided by law. The boundaries of this city at all times shall be shown on a map, a written
 30 description, or any combination thereof, to be retained permanently in the office of the Clerk
 31 of the City of Waco and to be designated, as the case may be: "Official Map of the Corporate
 32 Limits of the City of Waco, Georgia." Photographic, typed, or other copies of such map or
 33 description certified by the City Clerk shall be admitted as evidence in all courts and shall
 34 have the same force and effect as with the original map or description.

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

38 **SECTION 1.03.**

39 Powers and construction.

40 (a) This city shall have all powers possible for a city to have under the present or future
 41 constitution and laws of the State of Georgia as fully and completely as though they were
 42 specifically enumerated in this charter. This city shall have all the powers of
 43 self-government not otherwise prohibited by this charter or by general law.

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

47 **SECTION 1.04.**

48 Examples of powers.

49 The powers of the city shall include, but are not limited to, the power:

- 50 (1) Animal regulations. To regulate and license or to prohibit the keeping or running
 51 at-large of animals and fowl, and to provide for the impoundment of same if in violation
 52 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
 53 destruction of animals and fowl when not redeemed as provided by ordinance; and to
 54 provide punishment for violation of ordinances enacted hereunder;
- 55 (2) Appropriations and expenditures. To make appropriations for the support of the
 56 government of the city; to authorize the expenditure of money for any purposes

57 authorized by this charter and for any purpose for which a municipality is authorized by
58 the laws of the State of Georgia; and to provide for the payment of expenses of the city;

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

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

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

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

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

78 (8) Environmental protection. To protect and preserve the natural resources,
79 environment, and vital areas of this state through the preservation and improvement of
80 air quality, the restoration and maintenance of water resources, the control of erosion and
81 sedimentation, the management of solid and hazardous waste, and other necessary actions
82 for the protection of the environment;

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

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

- 93 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
94 practice, conduct, or use of property which is detrimental to health, sanitation,
95 cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the
96 enforcement of such standards;
- 97 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
98 any purpose related to powers and duties of the city and the general welfare of its
99 citizens, on such terms and conditions as the donor or grantor may impose;
- 100 (13) Health and sanitation. To prescribe standards of health and sanitation and to
101 provide for the enforcement of such standards;
- 102 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
103 work out such sentences in any public works or on the streets, roads, drains, and other
104 public property in the city, to provide for commitment of such persons to any jail, or to
105 provide for commitment of such persons to any county work camp or county jail by
106 agreement with the appropriate county officials;
- 107 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
108 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
109 of the city;
- 110 (16) Municipal agencies and delegation of power. To create, alter, or abolish
111 departments, boards, offices, commissions, and agencies of the city, and to confer upon
112 such agencies the necessary and appropriate authority for carrying out all the powers
113 conferred upon or delegated to the same;
- 114 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
115 city and to issue bonds for the purpose of raising revenue to carry out any project,
116 program, or venture authorized by this charter or the laws of the State of Georgia;
- 117 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
118 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside
119 or outside the property limits of the city;
- 120 (19) Municipal property protection. To provide for the preservation and protection of
121 property and equipment of the city, and the administration and use of same by the public;
122 and to prescribe penalties and punishment for violations thereof;
- 123 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
124 of public utilities, including, but not limited to, a system of waterworks, sewers and
125 drains, sewage disposal, gas works, electric light plants, cable television and other
126 telecommunications, transportation facilities, public airports, and any other public utility;
127 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
128 and to provide for the withdrawal of service for refusal or failure to pay the same;

- 129 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
130 private property;
- 131 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
132 the authority of this charter and the laws of the State of Georgia;
- 133 (23) Planning and zoning. To provide comprehensive city planning for development by
134 zoning; and to provide subdivision regulation and the like as the city council deems
135 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- 136 (24) Police and fire protection. To exercise the power of arrest through duly appointed
137 policemen, and to establish, operate, or contract for a police and a fire fighting agency;
- 138 (25) Public hazards: removal. To provide for the destruction and removal of any
139 building or other structure which is or may become dangerous or detrimental to the
140 public;
- 141 (26) Public improvements. To provide for the acquisition, construction, building,
142 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
143 cemeteries, markets and market houses, public buildings, libraries, public housing,
144 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
145 recreational, conservation, sport, curative, corrective, detentive, penal and medical
146 institutions, agencies, and facilities; and to provide any other public improvements, inside
147 or outside the corporate limits of the city; to regulate the use of public improvements; and
148 for such purposes, property may be acquired by condemnation under Title 22 of the
149 O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
- 150 (27) Public peace. To provide for the prevention and punishment of drunkenness, riots,
151 and public disturbances;
- 152 (28) Public transportation. To organize and operate such public transportation systems
153 as are deemed beneficial and economically feasible;
- 154 (29) Public utilities and services. To grant franchises or make contracts for, or impose
155 taxes on public utilities and public service companies; and to prescribe the rates, fares,
156 regulations, and standards and conditions of service applicable to the service to be
157 provided by the franchise grantee or contractor, insofar as not in conflict with valid
158 regulations of the Georgia Public Service Commission;
- 159 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
160 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
161 and all other structures or obstructions upon or adjacent to the rights of way of streets and
162 roads, within the corporate limits of the city; and to prescribe penalties and punishment
163 for violation of such ordinances;
- 164 (31) Retirement. To provide and maintain a retirement plan for officers and employees
165 of the city;

- 166 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
167 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
168 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
169 walkways within the corporate limits of the city; and to grant franchises and rights of way
170 throughout the streets and roads, and over the bridges and viaducts for the use of public
171 utilities; and to require real estate owners to repair and maintain in a safe condition the
172 sidewalks adjoining their lots or lands, and to impose penalties for failure to do so;
- 173 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
174 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
175 and sewerage system, and to levy on those to whom sewers and sewerage systems are
176 made available a sewer service fee, charge, or sewer tax for the availability or use of the
177 sewers; to provide for the manner and method of collecting such service charges and for
178 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
179 or fees to those connected with the system;
- 180 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
181 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
182 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
183 paper, and other recyclable materials, and to provide for the sale of such items;
- 184 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
185 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
186 firearms in accordance with state law and the Second Amendment to the United States
187 Constitution; to regulate the transportation, storage, and use of combustible, explosive,
188 and inflammable materials, the use of lighting and heating equipment, and any other
189 business or situation which may be dangerous to persons or property; to regulate and
190 control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions,
191 and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
192 professional fortunetelling, palmistry, adult bookstores, adult entertainment
193 establishments, and massage parlors;
- 194 (36) Special assessments. To levy and provide for the collection of special assessments
195 to cover the costs for any public improvements;
- 196 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
197 and collection of taxes on all property subject to taxation;
- 198 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
199 future by law;
- 200 (39) Taxicabs and other public transportation. To regulate and license vehicles operated
201 for hire in the city; to limit the number of such vehicles; to require the operators thereof

202 to be licensed; to require public liability insurance on such vehicles in the amounts to be
 203 prescribed by ordinance; and to regulate the parking of such vehicles;
 204 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 205 and
 206 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 207 and immunities necessary or desirable to promote or protect the safety, health, peace,
 208 security, good order, comfort, convenience, or general welfare of the city and its
 209 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 210 execution all powers granted in this charter as fully and completely as if such powers
 211 were fully stated herein; and to exercise all powers now or in the future authorized to be
 212 exercised by other municipal governments under other laws of the State of Georgia; and
 213 no listing of particular powers in this charter shall be held to be exclusive of others, nor
 214 restrictive of general words and phrases granting powers, but shall be held to be in
 215 addition to such powers unless expressly prohibited to municipalities under the
 216 Constitution or applicable laws of the State of Georgia.

217 **SECTION 1.05.**
 218 Exercise of powers.

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

223 **ARTICLE II**
 224 **GOVERNMENT STRUCTURE**
 225 **GENERALLY**
 226 **LEGISLATIVE BRANCH**
 227 **A. Creation.**

228 **SECTION 2.01.**
 229 City council creation; number; election.

230 The legislative authority of the government of this city, except as otherwise specifically
 231 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 232 councilmembers. The councilmembers shall be elected by city-wide, at large elections. Each
 233 duly elected councilmember will occupy a seat on the council to be designated as Post One,
 234 Post Two, Post Three, and Post Four, respectively. The city council established shall in all

235 respects be a successor to and continuation of the governing authority under prior law. The
 236 mayor and councilmembers shall be elected in the manner provided by general law and this
 237 charter.

238 B. Terms and Qualifications for Office.

239 **SECTION 2.02.**

240 City council terms and qualifications for office.

241 The members of the city council shall serve for terms of four years and until their respective
 242 successors are elected and qualified. No person shall be eligible to serve as a councilmember
 243 unless that person shall be a citizen of the United States of America; have attained the age
 244 of 21 years; and have established his or her domicile within the city, so as to be a legal
 245 resident of the city, for the 12 consecutive months prior to the first day of the period of time
 246 set for qualification as a candidate for the office of councilmember. A duly elected
 247 councilmember shall continue to reside within the city during that individual's period of
 248 service and shall continue to be registered and qualified to vote in municipal elections of this
 249 city.

250 C. Vacancies in Office.

251 **SECTION 2.03.**

252 Vacancy; filling of vacancies.

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

256 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled
 257 for the remainder of the unexpired term, if any, by appointment of the city council if less than
 258 12 months remains in the unexpired term, otherwise by an election, as provided for in
 259 Section 4.04 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other
 260 such laws as are or may hereafter be enacted.

261 D. Compensation and Expenses.

262 **SECTION 2.04.**

263 Compensation and expenses.

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

E. Prohibitions.

SECTION 2.05.

Conflicts of interest; holding other offices.

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

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

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

(2) Engage in or accept private employment, or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of the official's judgment or action in the performance of those official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

(4) Accept any valuable gift, as defined by state law, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to the official's knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which the official is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

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

(6) Vote on any contract with any business or entity in which the official has a significant financial interest.

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

302 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
303 or political entity to which this charter applies who shall have any financial interest, directly
304 or indirectly, in any contract or matter pending before or within such entity shall disclose
305 such interest to the governing body of such agency or entity.

306 (d) Use of Public Property - No elected official, appointed officer, or employee of the city
307 or any agency or entity to which this charter applies shall use property owned by such
308 governmental entity for personal benefit, convenience, or profit except in accordance with
309 policies promulgated by the city council or the governing body of such agency or entity.

310 (e) Contracts Voidable and Rescindable - Any violation of this section which occurs with
311 the knowledge, express or implied, of a party to a contract or sale shall render said contract
312 or sale voidable at the option of the city council.

313 (f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
314 any councilmember shall hold any other elective or compensated appointive office in the city
315 during the term for which that official was elected.

316 (g) Political Activities of Councilmember and Certain Officers and Employees -

317 (1) No councilmember or appointive officer of the city shall continue in such position
318 or employment upon qualifying as a candidate for nomination or election to any public
319 office. This section shall not apply to a councilmember that qualifies as an incumbent
320 seeking reelection to his or her seat on the council.

321 (2) No employee of the city shall continue in such employment upon election to any
322 public office in this city or any other public office which is inconsistent, incompatible,
323 or in conflict with the duties of the city employee. Such determination shall be made by
324 the mayor and council either immediately upon election or at any time such conflict may
325 arise.

326 (h) Penalties for Violation -

327 (1) Any city officer or employee shown to have knowingly concealed such financial
328 interest or knowingly violated any of the requirements of this section shall be guilty of
329 malfeasance in office or position and shall be deemed to have forfeited that person's
330 office or position.

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

335 F. Inquiries and Investigations.

336 **SECTION 2.06.**

337 Inquiries and investigations.

338 Following the adoption of an authorizing resolution, the city council may make inquiries and
 339 investigations into the affairs of the city and the conduct of any department, office, or agency
 340 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and
 341 require the production of evidence. Any person who fails or refuses to obey a lawful order
 342 issued in the exercise of these powers by the city council shall be punished as provided by
 343 ordinance. This provision is intended to allow the council to conduct comprehensive
 344 investigations of the city's affairs as well as the conduct of any of its departments, offices,
 345 or agencies so as to maintain proper legislative oversight of city government. The inquiries
 346 and investigations authorized may only be conducted by the council, not individual
 347 councilmembers, and only for the purposes of an official investigation.

348 G. General Power and Authority.

349 **SECTION 2.07.**

350 General power and authority of the city council.

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

353 H. Reserved

354 **SECTION 2.08.**

355 Reserved.

356 ORGANIZATION AND PROCEDURES

357 I. Meetings.

358 **SECTION 2.09.**

359 Organization.

360 (a) The city council shall hold an organizational meeting at the first regular meeting in the
 361 first full month following the passage and adoption of this charter; provided, however, that
 362 the mayor and councilmembers in office at the time of adoption of this charter shall continue
 363 in office until that date. The meeting shall be called to order by the city clerk and the oath
 364 of office shall be administered to any and all newly elected members as follows:

365 "I do solemnly swear (or affirm) that I will faithfully perform the duties of
366 (mayor)(councilmember) of this city and that I will support and defend the
367 charter thereof as well as the constitution and laws of the State of Georgia and
368 of the United States of America."

369 (b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro
370 tem. During the absence or physical or mental disability of the mayor for any cause, the
371 mayor pro tem shall be clothed with all the rights and privileges of the mayor and shall
372 perform the duties of the office of the mayor so long as such absence or disability shall
373 continue. Any such absence or disability shall be declared by majority vote of the city
374 council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has
375 a disqualifying financial interest as provided in Section 2.05 of this charter.

376 **SECTION 2.10.**
377 Regular and special meetings.

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

380 (b) Special meetings of the city council may be held on call of the mayor or two members
381 of the city council. Notice of such special meetings shall be served on all other members
382 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
383 notice to councilmembers shall not be required if the mayor and all councilmembers are
384 present when the special meeting is called. Such notice of any special meeting may be
385 waived by a councilmember in writing before or after such a meeting, and attendance at the
386 meeting shall also constitute a waiver of notice on any business transacted in such
387 councilmember's presence. Only the business stated in the call may be transacted at the
388 special meeting.

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

J. Procedures.

SECTION 2.11.

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 chairs and officers of the city council shall be nominated and appointed by the mayor with the approval of the city council and shall serve at the pleasure of the city council. The mayor shall have the power to recommend and appoint, with the approval of the city council, new members to any committee at any time.

SECTION 2.12.

Quorum: voting.

Three councilmembers, or two councilmembers and the mayor, 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 three councilmembers, or two councilmembers and the mayor only when the mayor has been counted as a member for purposes of a quorum, shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote.

K. Ordinances.

SECTION 2.13.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, that an ordinance shall not be adopted the same day it is introduced, except for emergency ordinances provided in Section 2.15 of this charter. Upon introduction of any ordinance, the

425 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and
426 shall file a reasonable number of copies in the office of the clerk and at such other public
427 places as the city council may designate.

428 **SECTION 2.14.**

429 Action requiring an ordinance.

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

431 **SECTION 2.15.**

432 Emergencies, emergency ordinances, procedures, and limitations.

433 (a) To meet a public emergency affecting life, health, property, or public peace, the city
434 council may convene on call of the mayor or two councilmembers and promptly adopt an
435 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
436 franchise; regulate the rate charged by any public utility for its services; or authorize the
437 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
438 shall be introduced in the form prescribed for ordinances generally, except that it shall be
439 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
440 a declaration stating that an emergency exists, and describing the emergency in clear and
441 specific terms. An emergency ordinance may be adopted, with or without amendment, or
442 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
443 councilmembers shall be required for adoption. It shall become effective upon adoption or
444 at such later time as it may specify. Every emergency ordinance shall automatically stand
445 repealed 30 days following the date upon which it was adopted, but this shall not prevent
446 reenactment of the ordinance in the manner specified in this section if the emergency still
447 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
448 in the same manner specified in this section for adoption of emergency ordinances.

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

SECTION 2.16.

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 Section 2.17(b) 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 clerk pursuant to Section 2.17 of this charter.

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

SECTION 2.17.

Signing; authenticating; recording; codification; printing.

(a) The 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 council.

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

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

487 L. Mayor-Council Form of Government.

488 **SECTION 2.18.**

489 Election of mayor; forfeiture; compensation.

490 The mayor shall be elected and serve for a term of four years and until a successor is elected
 491 and qualified. No person shall be eligible to serve as mayor unless that person shall be a
 492 citizen of the United States of America; have attained the age of 21 years; and have
 493 established his or her domicile within the city, so as to be a legal resident of the city, for the
 494 12 consecutive months prior to the first day of the period of time set for qualification as a
 495 candidate for the office of mayor. A duly elected mayor shall continue to reside within the
 496 city during that individual's period of service and shall continue to be registered and qualified
 497 to vote in municipal elections of this city. The mayor shall forfeit the office on the same
 498 grounds and under the same procedure as for councilmembers. The compensation of the
 499 mayor shall be established in the same manner as for councilmembers.

500 **SECTION 2.19.**

501 Powers and duties of mayor.

502 The mayor shall:

- 503 (1) Preside at all meetings of the city council;
- 504 (2) Be the chief executive officer and head of the city for the purpose of service of
 505 process and for ceremonial purposes, and be the official spokesperson for the city and the
 506 chief advocate of policy;
- 507 (3) Have power to administer oaths and to take affidavits;
- 508 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 509 ordinances, and other instruments executed by the city which by law, this charter, or city
 510 ordinances are required to be approved by the city council and to be in writing;
- 511 (5) Represent the city in intergovernmental relations;
- 512 (6) Appoint members of citizen advisory boards and commissions with the advice and
 513 consent of the council, and make recommendations to the city council concerning the
 514 appointment of members of regulatory agencies, boards, or authorities whose members
 515 are subject to appointment and approval by the city council;
- 516 (7) Present an annual state of the city message;
- 517 (8) Recommend to the city council such measures relative to the affairs of the city,
 518 improvement of the government, and promotion of the welfare of its inhabitants as the
 519 mayor may deem expedient;

- 520 (9) Call special meetings of the city council as provided for in Section 2.10(b) of this
 521 charter;
- 522 (10) Approve or disapprove ordinances as provided in Section 2.20 of this charter;
- 523 (11) Provide for an annual audit of all accounts of the city;
- 524 (12) Require any department or agency of the city to submit written reports whenever
 525 the mayor deems it expedient; and
- 526 (13) Fulfill such other executive and administrative duties as the city council shall by
 527 ordinance establish, or as may be required by law, this charter, or by ordinance.

528 **SECTION 2.20.**

529 Submission of ordinances to the mayor; veto power.

- 530 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
 531 the mayor.
- 532 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk
 533 with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has
 534 been approved by the mayor, it shall become law upon its return to the clerk; if the ordinance
 535 is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar
 536 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city
 537 council through the clerk a written statement of reasons for the veto. The clerk shall record
 538 upon the ordinance the date of its delivery to and receipt from the mayor.
- 539 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
 540 next meeting. If the city council then or at its next meeting adopts the ordinance by an
 541 affirmative vote of three members, it shall become law.
- 542 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 543 ordinance. The approved part or parts of any ordinance making appropriations shall become
 544 law, and the part or parts disapproved shall not become law unless subsequently passed by
 545 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
 546 presented to city council as though disapproved and shall not become law unless overridden
 547 by the council as provided in subsection (c) of this section.

548 **SECTION 2.21.**

549 Limitation on terms of service.

550 There shall be no limitation on the terms of election for a mayor or a member of the council.

ARTICLE III
 ADMINISTRATIVE AFFAIRS
 ORGANIZATIONAL AND GENERAL PROVISIONS

SECTION 3.01.

Administrative and service departments.

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

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

(c) All appointive officers and directors of departments shall receive such compensation as prescribed by ordinance, or as set out in the duly adopted budget for the fiscal year.

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

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

SECTION 3.02.

Boards, commissions, and authorities.

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

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

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

585 (d) Except as otherwise provided by charter or by law, no member of any board,
 586 commission, or authority shall hold any elective office in the city, unless approved by the
 587 city council.

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

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

595 (g) All board members serve at will and may be removed at any time by a vote of three
 596 members of the city council, or in the event of a tie vote, by the vote of two members of the
 597 council and the affirmative vote of the mayor, unless otherwise provided by law.

598 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 599 authority of the city shall elect one of its members as chair and one member as vice chair,
 600 and may elect as its secretary one of its own members or may appoint as secretary an
 601 employee of the city.

602 (i) Each board, commission, or authority of the city government may establish such bylaws,
 603 rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it
 604 deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs.
 605 Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

606 **ADMINISTRATIVE OFFICERS**

607 **SECTION 3.03.**

608 City attorney.

609 The mayor and city council shall appoint a city attorney, together with such assistant city
 610 attorneys as may be authorized, and shall provide for the payment of such attorney or
 611 attorneys for services rendered to the city. The city attorney shall be responsible for
 612 providing for the representation and defense of the city in all litigation in which the city is
 613 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
 614 the council as directed; shall advise the city council, mayor, and other officers and employees
 615 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
 616 as may be required by virtue of the person's position as city attorney.

617 PERSONNEL ADMINISTRATION

618 SECTION 3.04.

619 Position classification and pay plans.

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

626 SECTION 3.05.

627 Personnel policies.

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

630 ARTICLE IV
 631 ELECTIONS AND REMOVAL

632 ELECTIONS

633 A. General Law.

634 SECTION 4.01.

635 Applicability of general law.

636 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 637 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

638 B. Election of Officers.

639 SECTION 4.02.

640 Election of the city council and mayor.

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

643 (b) In order to provide for staggered terms of office, the term of office for the candidates for
 644 mayor and all councilmembers elected at the November, 2011, election only shall be as
 645 follows: the office of mayor and the positions on the council designated as Post Two
 646 (Treasurer) and Post Three (Streets and Roads) shall be for a four-year period. The

647 remaining elected councilmembers, Post One (City Clerk) and Post Four (Water and Sewer),
 648 shall be for an initial period of two years. On the Tuesday next following the first Monday
 649 in November, 2013, Post One and Post Four shall be up for election and serve a four-year
 650 term. All terms thereafter shall be for four years.

651 **SECTION 4.03.**

652 Nonpartisan elections.

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

655 **SECTION 4.04.**

656 Election by plurality.

657 The person receiving a plurality of the votes cast for any city office shall be elected, so long
 658 as the candidate receiving the most votes shall receive more than 40 percent of the votes cast
 659 in the election. In the event no candidate receives more than 40 percent of the votes cast, a
 660 special runoff election shall be called and held in accordance with provisions for notice, time,
 661 and elections procedures for runoff elections as established by Chapter 2 of Title 21 of the
 662 O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

663 C. Vacancies.

664 **SECTION 4.05.**

665 Special elections; vacancies.

666 In the event that the office of mayor or councilmember shall become vacant as provided in
 667 Section 2.03 of this charter, the city council or those remaining shall order a special election
 668 to fill the balance of the unexpired term of such official; provided, however, that if such
 669 vacancy occurs within 12 months of the expiration of the term of that office, the city council
 670 or those remaining shall appoint a successor for the remainder of the term. In all other
 671 respects, the special election shall be held and conducted in accordance with Chapter 2 of
 672 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

673 D. Other Provisions.
 674 **SECTION 4.06.**
 675 Other provisions.

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

680 **REMOVAL OF OFFICERS**
 681 **SECTION 4.07.**
 682 Removal of officers.

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

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

688 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 689 an elected officer is sought to be removed by the action of the city council, such officer
 690 shall be entitled to a written notice specifying the ground or grounds for removal and to
 691 a public hearing which shall be held not less than ten days after the service of such
 692 written notice. The city council shall provide by ordinance for the manner in which such
 693 hearings shall be held. Any elected officer sought to be removed from office as herein
 694 provided shall have the right of appeal from the decision of the city council to the
 695 Superior Court of Haralson County. Such appeal shall be governed by the same rules as
 696 govern appeals to the superior court from the probate court; or

697 (2) By an order of the Superior Court of Haralson County following a hearing on a
 698 complaint seeking such removal brought by a minimum of five residents of the city.

699 ARTICLE V
 700 FINANCE
 701 GENERALLY
 702 TAXATION AND VARIOUS FEES

703 A. Property Taxes.

704 **SECTION 5.01.**

705 Property tax.

706 The city council may levy and collect an ad valorem tax on all real and personal property
 707 within the corporate limits of the city that is subject to such taxation by the state and county
 708 within which the property is situate. This tax is for the purpose of raising revenues to defray
 709 the costs of operating the city government, of providing governmental services, for the
 710 repayment of principal and interest on general obligations, and for any other public purpose
 711 as determined by the city council in its discretion.

712 **SECTION 5.02.**

713 Millage Rate; due dates; payment methods.

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

718 B. Occupation Taxes and Regulatory Fees.

719 **SECTION 5.03.**

720 Occupation and business taxes.

721 The city council, by ordinance, shall have the power to levy such occupation or business
 722 taxes as are not denied by law. The city council may classify businesses, occupations, or
 723 professions for the purpose of such taxation in any way which may be lawful and may
 724 compel the payment of such taxes as provided in Section 5.09 of this charter.

725 **SECTION 5.04.**

726 Regulatory fees; permits.

727 The city council, by ordinance, shall have the power to require businesses or practitioners
 728 doing business within this city to obtain a permit for such activity from the city and pay a

729 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
 730 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
 731 provided in Section 5.09 of this charter.

732 **SECTION 5.05.**

733 Franchises.

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

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

750 **SECTION 5.06.**

751 Service charges.

752 The city council by ordinance shall have the power to assess and collect fees, charges, and
 753 tolls for sewers, sanitary and health services, or any other services provided or made
 754 available within and without the corporate limits of the city for the total cost to the city of
 755 providing or making available such services. If unpaid, such charges shall be collected as
 756 provided in Section 5.09 of this charter.

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SECTION 5.07.

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Special assessments.

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The city council, by ordinance, shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 5.09 of this charter.

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SECTION 5.08.

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Construction; other taxes and fees.

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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.

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C. Collection of Delinquent Taxes.

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SECTION 5.09.

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Collection of delinquent taxes and fees.

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The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 5.01 through 5.08 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.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; refusal to issue city permits or revocation of city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

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BORROWING

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SECTION 5.10.

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General obligation bonds.

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

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787 **SECTION 5.11.**

788 Revenue bonds.

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

792 **SECTION 5.12.**

793 Short-term loans.

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

796 **SECTION 5.13.**

797 Lease-purchase contracts.

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

805 **ACCOUNTING AND BUDGETING**806 **SECTION 5.14.**

807 Fiscal year.

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

811 **SECTION 5.15.**

812 Preparation of budgets.

813 The city council shall provide an ordinance on the procedures and requirements for the
 814 preparation and execution of an annual operating budget, a capital improvement plan, and

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

817 **SECTION 5.16.**

818 Submission of operating budget to city council.

819 On or before a date fixed by the mayor and city council but not later than 45 days prior to the
820 beginning of each fiscal year, the treasurer shall submit to the city council a proposed
821 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
822 from the treasurer containing a statement of the general fiscal policies of the city, the
823 important features of the budget, explanations of major changes recommended for the next
824 fiscal year, a general summary of the budget, and such other pertinent comments and
825 information. The operating budget and the capital budget hereinafter provided for, the
826 budget message, and all supporting documents shall be filed in the office of the city clerk and
827 shall be open to public inspection.

828 **SECTION 5.17.**

829 Action by city council on budget.

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

835 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
836 year not later than the last day of the month prior to the beginning of a new fiscal year. If the
837 city council fails to adopt the budget by this date, the amounts appropriated for operation for
838 the current fiscal year shall be deemed adopted for the ensuing fiscal year on a
839 month-to-month basis, with all items prorated accordingly until such time as the city council
840 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an
841 appropriations ordinance setting out the estimated revenues in detail by sources and making
842 appropriations according to fund and by organizational unit, purpose, or activity as set out
843 in the budget preparation ordinance adopted pursuant to Section 5.15 of this charter.

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

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SECTION 5.18.

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.

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SECTION 5.19.

Changes in appropriations.

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

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SECTION 5.20.

Capital Budget.

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(a) On or before the date fixed by the city council but no later than 45 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 proposed 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 2.15 of this charter.

(b) The city council shall adopt by resolution or ordinance the final capital budget for the ensuing fiscal year not later than the last day of the month prior to the beginning of a new 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 ordinance.

880 **SECTION 5.21.**

881 Independent audit.

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

887 **PROCUREMENT AND PROPERTY MANAGEMENT**

888 **SECTION 5.22.**

889 Contracting procedures.

890 Except in an emergency situation, no contract with the city in excess of \$15,000.00 shall be
 891 binding on the city unless:

- 892 (1) It is in writing;
- 893 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
 894 course, is signed by the city attorney to indicate such drafting or review; and
- 895 (3) It is made or authorized by the city council and such approval is entered in the city
 896 council journal of proceedings pursuant to Section 2.11 of this charter; provided,
 897 however, that in the event of an emergency, the contract may be submitted to the city
 898 council at the next regularly scheduled meeting of mayor and city council for review
 899 and ratification.

900 **SECTION 5.23.**

901 Centralized purchasing.

902 The city council shall by ordinance prescribe procedures for a system of centralized
 903 purchasing and contracting for the city.

904 **SECTION 5.24.**

905 Sale and lease of city property.

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

909 (b) The city council may quitclaim any rights it may have in property not needed for public
 910 purposes upon report by the mayor and adoption of a resolution, both finding that the

911 property is not needed for public or other purposes and that the interest of the city has no
 912 readily ascertainable monetary value.

913 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 914 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
 915 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 916 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 917 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 918 highest and best use of the abutting owner's property. Included in the sales contract shall be
 919 a provision for the rights of way of said street, avenue, alley, or public place. Each abutting
 920 property owner shall be notified of the availability of the property and given the opportunity
 921 to purchase said property under such terms and conditions as set out by ordinance. All deeds
 922 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 923 interest the city has in such property, notwithstanding the fact that no public sale after
 924 advertisement was or is hereafter made.

925 **ARTICLE VI**
 926 **GENERAL PROVISIONS**
 927 **BONDS FOR OFFICIALS**

928 **SECTION 6.01.**
 929 Bonds for officials.

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

933 **SECTION 6.02.**
 934 Existing ordinances, resolutions, rules, and regulations.

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

938 **SECTION 6.03.**
 939 Existing personnel and officers.

940 Except as specifically provided otherwise by this charter, all personnel and officers of the
 941 city and their rights, privileges, and powers shall continue beyond the time this charter takes

942 effect for a period of 90 days before or during which the existing city council shall pass a
 943 transition ordinance detailing the changes in personnel and appointive officers required or
 944 desired and arranging such titles, rights, privileges, and powers as may be required or desired
 945 to allow a reasonable transition.

946 **SECTION 6.04.**

947 Pending matters.

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

952 **SECTION 6.05.**

953 Construction.

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

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

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

959 **SECTION 6.06.**

960 Severability.

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

967 **SECTION 6.07.**

968 Repealer.

969 An Act incorporating the Town of Waco in the County of Haralson, approved August 16,
 970 1915 (Ga. L.1915, p. 941), is hereby repealed in its entirety and all amendatory acts thereto

971 are likewise repealed in their entirety. All other laws and parts of laws in conflict with this
972 charter are hereby repealed.

973 **SECTION 6.08.**

974 Effective date.

975 This Act shall become effective upon its approval by the Governor or upon its becoming law
976 without such approval.

977 **SECTION 6.09.**

978 General repealer.

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