

House Bill 1489 (AS PASSED HOUSE AND SENATE)

By: Representative Carter of the 175th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 **ARTICLE I.**

24 **INCORPORATION, POWERS, AND NAME**

25 **SECTION 1.10.**

26 Name.

27 The city and inhabitants thereof, are reincorporated by the enactment of this charter and are
 28 hereby constituted and declared a body politic and corporate under the name and style
 29 Remerton, Georgia and by that name shall have perpetual succession.

30 **SECTION 1.11.**

31 Corporate boundaries.

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

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

43 **SECTION 1.12.**

44 Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

54 The city shall have the following powers:

55 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
56 pollutes the air and to prevent the pollution of natural streams or bodies of water within
57 the corporate limits of the city.

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

63 (3) Appropriations and expenditures. To make appropriations for the support of the
64 government of the city; to authorize the expenditure of money for any purposes
65 authorized by this charter and for any purpose for which a municipality is authorized by
66 the laws of the state of Georgia; and to provide for the payment of expenses of the city.

67 (4) Building regulation. To regulate and to license the erection and construction of
68 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
69 and heating and air conditioning codes; and to regulate all housing and building trades.

70 (5) Business regulation and taxation. To levy and to provide for collection of license
71 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
72 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
73 license and regulate the same; to provide for the manner and method of payment of such
74 licenses and taxes; and to revoke such licenses after due process for failure to pay any
75 city taxes or fees.

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

80 (7) Contracts. To enter into contracts and agreements with other governmental entities
81 and with private persons, firms, and corporations.

82 (8) Emergencies. To establish procedures for determining and proclaiming that an
83 emergency situation exists within or outside the city and to make and carry out all
84 reasonable provisions deemed necessary to deal with or meet such an emergency for the
85 protection, safety, health, or well-being of the citizens of the city.

86 (9) Eminent domain. To acquire, construct, operate, and maintain public ways, parks,
87 public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers,

88 drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals,
89 and charitable, educational, recreational, sport, curative, corrective, detentional, penal,
90 and medical institutions, agencies, and facilities, and any other public improvements
91 inside or outside the city and to regulate the use thereof and, for such purposes, property
92 may be condemned under procedures established under general law applicable now or as
93 provided in the future.

94 (10) Environmental protection. To protect and preserve the natural resources,
95 environment, and vital areas of the state through the preservation and improvement of air
96 quality, the restoration and maintenance of water resources, the control of erosion and
97 sedimentation, the management of solid and hazardous waste, and other necessary actions
98 for the protection of the environment.

99 (11) Fire regulations. To fix and establish fire districts and from time to time to extend,
100 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
101 general law, relating to both fire prevention and detection and to fire fighting; and to
102 prescribe penalties and punishment for violations thereof.

103 (12) Garbage fees. To levy, fix assess, and collect a garbage, refuse, and trash collection
104 and disposal and other sanitary service charge, tax, or fee for such services as may be
105 necessary in the operation of the city from all individuals, firms, and corporations
106 residing in or doing business in the city benefiting from such services; to enforce the
107 payment of such charges, taxes, or fees; and to provide for the manner and method of
108 collection such services charges.

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

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

116 (15) Health and sanitation. To prescribe standards of health and sanitation and to
117 provide for the enforcement of such standards.

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

123 (17) Motor vehicles. To regulate the operation of motor vehicles and exercise control
124 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
125 of the city.

126 (18) Municipal agencies and delegation of power. To create, alter, or abolish
127 departments, boards, offices, commissions, and agencies of the city and to confer upon
128 such agencies the necessary and appropriate authority for carrying out all the powers
129 conferred upon or delegated to the same.

130 (19) Municipal debts. To appropriate and borrow money for the payment of debts of the
131 city and to issue bonds for the purpose of raising revenue to carry out any project,
132 program, or venue authorized by this charter or the laws of the State of Georgia.

133 (20) Municipal property ownership. To acquire, dispose of, and hold in trust or
134 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
135 outside the property limits of the city.

136 (21) Municipal property protection. To provide for the preservation and protection of
137 property and equipment of the city and the administration and use of same by the public;
138 and to prescribe penalties and punishment for violations thereof.

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

145 (23) Telecommunications. To acquire, own, hold, lease, sell, resell, build, maintain,
146 operate and contract with respect to a telecommunications system network in order to
147 provide telecommunications services and other similar services, including cable
148 television services (CATV), internet services; to establish and charge rates, fees, tolls and
149 charges for the services, facilities or commodities furnished or made available by such
150 undertaking; to interconnect its system or services or both with the systems or services
151 of consumers and other providers, to use telecommunications to respond to community
152 needs, encourage the development of information-based organizations in the City of
153 Remerton, Georgia, to finance from time to time any such telecommunications systems
154 through the issuance of revenue bonds as then permitted by the Constitution and laws of
155 the State of Georgia; and to make any contract with respect to and furnish the services of
156 any said systems to consumers within or outside the corporate limits of the city.

157 (24) Nuisance. To define a nuisance and provide for its abatement whether on public or
158 private property.

- 159 (25) Penalties. To provide penalties for violation of any ordinance adopted pursuant to
160 the authority of this charter and the laws of the State of Georgia.
- 161 (26) Planning and zoning. To provide comprehensive city planning for development by
162 zoning; and to provide subdivision regulation and the like as the city council deems
163 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.
- 164 (27) Police and fire protection. To exercise the power of arrest through duly appointed
165 police officers and to establish, operate, or contract for a police and a firefighting agency.
- 166 (28) Public hazards; removal. To provide for the destruction and removal of any
167 building or other structure which is or may become dangerous or detrimental to the
168 public.
- 169 (29) Public improvements. To provide for the acquisition, construction, building,
170 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
171 cemeteries, markets and market houses, public buildings, libraries, public housing,
172 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
173 recreational, conservation, sports, curative, corrective, detention, penal, and medical
174 institutions, agencies, and facilities; and to provide any other public improvements, inside
175 or outside the corporate limits of the city; to regulate the use of public improvements;
176 and, for such purposes, property may be acquired by condemnation under Title 22 of the
177 O.C.G.A. or such other applicable laws as are now or may hereafter be enacted.
- 178 (30) Public peace. To provide for the prevention and punishment of drunkenness, riots,
179 and public disturbances.
- 180 (31) Public transportation. To organize and operate or contract for such public
181 transportation systems as are deemed beneficial.
- 182 (32) Public utilities and services. To grant franchises or make contracts for public
183 utilities and public services and to prescribe the rates, fares, regulations, and standards
184 and conditions of service applicable to the service to be provided by the franchise grantee
185 or contractor, insofar as not in conflict with valid regulations of the Georgia Public
186 Service Commission.
- 187 (33) Regulation of roadside areas. To prohibit or regulate and control the erection,
188 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
189 and all other structures or obstructions upon or adjacent to the rights of way of streets and
190 roads or within view thereof, within or abutting the corporate limits of the city; and to
191 prescribe penalties and punishment for violation of such ordinances.
- 192 (34) Retirement. To provide and maintain a retirement plan for officers and employees
193 of the city.
- 194 (35) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
195 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise

196 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
197 walkways within the corporate limits of the city; and to grant franchises and rights of way
198 throughout the streets and roads and over the bridges and viaducts for the use of public
199 utilities; and to require real estate owners to repair and maintain in a safe condition the
200 sidewalks adjoining their lots or lands and to impose penalties for failure to do so.

201 (36) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
202 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
203 and sewerage system and to levy on those to whom sewers and sewerage systems are
204 made available a sewer service fee, charge, or sewer tax for the availability or use of the
205 sewers; to provide for the manner and method of collecting such service charges and for
206 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
207 or fees to those connected with the system.

208 (37) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
209 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
210 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
211 paper, and other recyclable materials and to provide for the sale of such items.

212 (38) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
213 the manufacture, sale or transportation of intoxicating liquors or alcoholic beverages, and
214 the use and sale of firearms; to regulate the transportation, storage, and use of
215 combustible, explosive, and inflammable materials, the use of lighting and heating
216 equipment, and any other business or situation which may be dangerous to persons or
217 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
218 performers, exhibitors, and shows of any kind, by taxation or otherwise; and to license,
219 tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and
220 massage parlors.

221 (39) Special assessments. To levy and provide for the collection of special assessments
222 to cover the costs for any public improvements.

223 (40) Taxes: ad valorem. To levy and provide for assessment, valuation, revaluation, and
224 collection of taxes on all property subject to taxation.

225 (41) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
226 future by law.

227 (42) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
228 number of such vehicles; to require the operators thereof to be licensed; to require public
229 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
230 regulate the parking of such vehicles.

231 (43) Urban redevelopment. To organize and operate an urban redevelopment program.

232 (44) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 233 and immunities necessary or desirable to promote or protect the safety, health, peace,
 234 security, good order, comfort, convenience, or general welfare of the city and its
 235 inhabitants; and to exercise all implied powers necessary to execute all powers granted
 236 in this charter as fully and completely as if such powers were fully stated in this charter;
 237 and to exercise all powers now or in the future authorized to be exercised by other
 238 municipal governments under other laws of the State of Georgia; and no listing of
 239 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 240 general words and phrases granting powers, but shall be held to be in addition to such
 241 powers unless expressly prohibited to municipalities under the Constitution or applicable
 242 laws of the State of Georgia.

243 **SECTION 1.14.**

244 Exercise of powers.

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

249 **ARTICLE II**

250 **GOVERNMENT STRUCTURE**

251 **SECTION 2.10.**

252 City council; creation; number; election.

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

258 **SECTION 2.11.**

259 City councilmembers; terms and qualifications for office.

260 The mayor and councilmembers shall be elected to four-year staggered terms of office and
 261 shall serve until their respective successors are elected and qualified. No person shall be
 262 eligible to serve as mayor or councilmember unless:

- 263 (1) That person is a minimum of 21 years of age;
 264 (2) That person has been a resident of the city for one year prior to the date of being
 265 sworn in to office; and
 266 (3) That person is a registered and qualified voter of the city at the time of qualifying for
 267 office.

268 **SECTION 2.12.**

269 Vacancy; filling of vacancies; suspensions.

270 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such
 271 person's failing or ceasing to reside in the city or upon the occurrence of any event specified
 272 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may be
 273 hereafter enacted.

274 (b) Filling of Vacancies. A vacancy in the office of mayor or councilmember shall be filled
 275 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
 276 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter
 277 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.
 278 Appointments made hereunder shall be by majority vote of the remaining members of the
 279 city council.

280 (c) Suspension. Upon the suspension from the office of mayor or councilmember in any
 281 manner authorized by the general laws of the State of Georgia, the city council or those
 282 remaining shall appoint a successor for the duration of the suspension. If the suspension
 283 becomes permanent, then the office shall become vacant and shall be filled for the remainder
 284 of the unexpired term, if any, as provided for in this charter.

285 **SECTION 2.13.**

286 Compensation and expenses.

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

289

SECTION 2.14.

290

Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

316 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
 317 any business or entity in which that person has a financial interest.

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

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

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

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

335 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 336 any councilmember shall hold any other elective or compensated appointive office in the city
 337 or otherwise be employed by said government or any agency thereof during the term for
 338 which that person was elected. No former councilmember and no former mayor shall hold
 339 any compensated appointive office in the city until one year after the expiration of the term
 340 for which that person was elected.

341 (g) Political activities of certain officers and employees. No appointed officer and no
 342 employee of the city shall continue in such employment upon qualifying as a candidate for
 343 nomination or election to any public office. No employee of the city shall continue in such
 344 employment upon election to any public office in this city of any other public office which
 345 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 346 determination shall be made by the mayor and the city council either immediately upon
 347 election or at any time such conflict may arise.

348 (h) Penalties for violation. Any city officer or employee who knowingly conceals such
 349 financial interest or knowingly violates any of the requirements of this section shall be guilty
 350 of malfeasance in office or position and shall be deemed to have forfeited that person's office
 351 or position.

352 (i) Any officer or employee of the city who shall forfeit that person's office or position shall
 353 be ineligible for appointment or election to or employment in a position in the city
 354 government for a period of three years hereafter.

355 **SECTION 2.15.**

356 Inquiries and investigations.

357 Following the adoption of an authorizing resolution, the city council may make inquiries and
 358 investigations into the affairs of the city and conduct of any department, office, or agency
 359 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and

360 require the production of evidence. Any person who fails or refuses to obey a lawful order
361 issued in the exercise of these powers by the city council shall be punished as may be
362 provided by ordinance.

363 **SECTION 2.16.**

364 General power and authority of the city council.

365 (a) Except as otherwise provided by law or this charter, the city council shall be vested with
366 all the powers of government of this city.

367 (b) In addition to all other powers conferred upon it by law, the council shall have the
368 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
369 regulations, not inconsistent with this charter and the Constitution and the laws of the State
370 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
371 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
372 or well-being of the inhabitants of the City of Remerton and may enforce such ordinances
373 by imposing penalties for violation thereof.

374 **SECTION 2.17.**

375 Organizational meetings.

376 The city council shall hold an organizational meeting on the first Tuesday in January
377 following the election of city officials. The meeting shall be called to order by the city
378 attorney and the oath of office shall be administered to the newly elected members as
379 follows:

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

384 **SECTION 2.18.**

385 Meetings.

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

388 (b) Special meetings of the city council may be held on the call of the mayor or three
389 members of the city council. Notice of such special meeting shall be served on all other

390 members personally, or by telephone personally, at least 24 hours in advance of the meeting.
391 Such notice to councilmembers shall not be required if the mayor and all councilmembers
392 are present when the special meeting is called. Such notice of any special meeting may be
393 waived by a councilmember in writing before or after such a meeting and attendance at the
394 meeting shall also constitute a waiver of notice on any business transacted in such
395 councilmember's presence. Only the business stated in the call may be transacted at the
396 special meeting.

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

401 **SECTION 2.19.**

402 Rules of procedure.

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

406 (b) All committees and committee chairpersons and officers of the city council shall be
407 appointed by the city council and shall serve at the pleasure of the city council, all
408 determined by majority vote of the city council.

409 **SECTION 2.20.**

410 Quorum; voting.

411 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
412 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
413 the vote shall be recorded in the journal, but councilmembers shall have the right to request
414 a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided
415 in this charter, the affirmative vote of three councilmembers shall be required for the
416 adoption of any ordinance, resolution, or motion.

417 (b) No member of the city council shall abstain from voting on any matter properly brought
418 before the council for official action except when such councilmember has a conflict of
419 interest which is disclosed in writing prior to or at the meeting and made a part of the
420 minutes. Any member of the city council present and eligible to vote on a matter and
421 refusing to do so for any reason other than a properly disclosed and recorded conflict of

422 interest shall be deemed to have acquiesced or concurred with the members of the majority
423 who did vote on the question involved.

424 (c) In the case of a tie vote by council members, the mayor shall cast the deciding vote.

425 **SECTION 2.21.**

426 Ordinance form; procedures.

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

431 (b) An ordinance may be introduced by any councilmember and be read at a regular, special,
432 or work meeting of the city council where an agenda applies. Ordinances shall be considered
433 and adopted or rejected by the city council in accordance with the rules which it shall
434 establish; provided, however, an ordinance shall not be adopted the same day it is introduced,
435 except for emergency ordinances provided for in Section 2.23 of this charter. Upon
436 introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the
437 mayor and each councilmember and shall file a reasonable number of copies in the office of
438 the clerk and at such other public places as the city council may designate.

439 **SECTION 2.22.**

440 Action requiring an ordinance.

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

442 **SECTION 2.23.**

443 Emergencies.

444 (a) To meet a public emergency affecting life, health, property, or public peace, the city
445 council may convene on the call of the mayor, city manager, or three councilmembers and
446 may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant,
447 renew, or extend a franchise; regulate the rate charged by any public utility for its services;
448 or authorize the borrowing of money except for loans to be repaid within 30 days. An
449 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
450 except that it shall be plainly designated as an emergency ordinance and shall contain, after
451 the enacting clause, a declaration stating that an emergency exists and describing the
452 emergency in clear and specific terms. An emergency ordinance may be adopted, with or

453 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
 454 vote of at least three councilmembers shall be required for adoption. It shall become
 455 effective upon adoption or at such later time as it may specify. Every emergency ordinance
 456 shall automatically stand repealed 30 days following the date upon which it was adopted, but
 457 this shall not prevent reenactment of the ordinance in the manner specified in this section if
 458 the emergency continues to exist. An emergency ordinance may also be repealed by
 459 adoption of a repealing ordinance in the same manner specified in this section for adoption
 460 of emergency ordinances.

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

465 **SECTION 2.24.**

466 Codes of technical regulations.

467 (a) The city council may adopt any standard code of technical regulations by reference
 468 thereto in adopting an ordinance. The procedure and requirements governing such adopting
 469 ordinance shall be as prescribed for ordinances generally except that:

470 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 471 filing of copies of the ordinance shall be construed to include copies of any code of
 472 technical regulations, as well as the adopting ordinance; and

473 (2) A copy of each adopted code of technical regulations, as well as the adopting
 474 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.25
 475 of this charter.

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

478 **SECTION 2.25.**

479 Signing; authenticating; recording; codification; printing.

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

482 (b) The city council shall provide for the preparation of a general codification of all the
 483 ordinances of the city having the force and effect of law. The general codification shall be
 484 adopted by the city council by ordinance and shall be published promptly, together with all
 485 amendments thereto and such codes of technical regulations and other rules and regulations

486 as the city council may specify. This compilation shall be known and cited officially as "The
 487 Code of the City of Remerton, Georgia." Copies of the code shall be furnished to all officers,
 488 departments, and agencies of the city and made available for purchase by the public at a
 489 reasonable price as fixed by the city council.

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

499 **SECTION 2.26.**

500 City manager; appointment; qualifications; compensation.

501 The city council shall appoint a city manager for an indefinite term and shall fix the city
 502 manager's compensation. The city manager shall be appointed solely on the basis of that
 503 person's executive and administrative qualifications.

504 **SECTION 2.27.**

505 Powers and duties of the city manager.

506 The city manager shall be the chief executive and administrative officer of the city. The city
 507 manager shall be responsible to the city council for the administration of all city affairs
 508 placed in the city manager's charge by or under this charter. The city manager shall:

- 509 (1) Appoint and, when the city manager deems it necessary for the good of the city,
 510 suspend or remove all city employees and administrative officers the city manager
 511 appoints; provided, however, any department head suspended or removed by the city
 512 manager shall have the right to appeal said suspension or removal in accordance with
 513 Section 3.10 of this charter. The city manager may authorize any administrative officer
 514 who is subject to the city manager's direction and supervision to exercise these powers
 515 with respect to subordinates in that officer's department, office, or agency;
- 516 (2) Direct and supervise the administration of all departments, office and agencies of the
 517 city, except as otherwise provided by this charter or by law;

- 518 (3) Attend all city council meetings except for closed meetings held for the purposes of
 519 deliberating on the appointment, discipline or removal of the city manager and have the
 520 right to take part in discussion but not vote;
- 521 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 522 enforcement by the city manager or by officers subject to the city manager's direction and
 523 supervision, are faithfully executed;
- 524 (5) Prepare and submit the annual operating budget and capital budget to the city
 525 council;
- 526 (6) Submit to the city council and make available to the public a complete report on the
 527 finances and administrative activities of the city as of the end of each fiscal year;
- 528 (7) Make such other reports as the city council may require concerning the operations
 529 of the city departments, offices, and agencies subject to the city manager's direction and
 530 supervision;
- 531 (8) Keep the city council fully advised as to the financial condition and future needs of
 532 the city, and make such recommendations to the city council concerning the affairs of the
 533 city as the city manager deems desirable;
- 534 (9) Notwithstanding the powers and duties enumerated in this Section, specifically
 535 excepted from the powers and duties of the city manager is the power and duty to direct,
 536 supervise, or oversee, in any fashion, the administration of the police department of the
 537 City of Remerton, which shall, in all respects, be governed by the chief of police, under
 538 the direction and supervision of the city council. The chief of police shall be appointed
 539 by the city council from time to time and shall be removed pursuant to the same
 540 procedure for removal of the city manager under Section 2.28 of this charter; and
- 541 (10) Perform other such duties as are specified in this charter or as may be required by
 542 the city council.

543 **SECTION 2.28.**

544 Removal of city manager.

545 The city council may remove the city manager from office or otherwise terminate the city
 546 manager's employment at will for any reason or for no reason at all, provided that the city
 547 council shall provide the city manager written notice of its decision to remove or terminate
 548 the city manager at least ten days in advance of the date set for removal or termination. The
 549 city council may suspend the city manager, with or without pay, simultaneous with its
 550 decision until the removal or termination date.

551 **SECTION 2.29.**

552 Acting city manager.

553 The mayor shall exercise the powers and perform the duties of city manager:

554 (1) Upon the removal of the city manager pursuant to Section 2.28 of this charter; or

555 (2) During the city manager's temporary absence or disability.

556 During such period of removal or absence or disability, the city council may revoke the

557 mayor's authority to act as city manager, upon the vote of at least three councilmembers, and

558 appoint another officer of the city to serve as acting city manager until a new city manager

559 is appointed or until the city manager shall return or the city manager's disability shall cease.

560 **SECTION 2.30.**

561 Council's interaction with administration.

562 Except for the purpose of inquiries and investigations under Section 2.15 of this charter,

563 neither the city council nor its individual members shall give orders or instructions to any

564 city officer or employee who is subject to and subordinate to the direction and supervision

565 of the city manager. The mayor and each individual council member may inquire and seek

566 information from any city officer or employee at any time, but all orders and instructions to

567 city officers and city employees from the mayor and council shall be directed to the city

568 manager.

569 **SECTION 2.31.**

570 Election of Mayor; qualifications; forfeiture; compensation.

571 The mayor shall be elected and serve for a term of four years and until the mayor's successor

572 is elected and qualified. The mayor is subject to the same qualifications of councilmembers

573 as set forth in Section 2.11 of this charter. The mayor shall forfeit that office on the same

574 grounds and under the same procedure as for council members. The compensation of the

575 mayor shall be established in the same manner as for councilmembers.

576 **SECTION 2.32.**

577 Powers and duties of mayor.

578 The mayor shall:

579 (1) Preside at all meetings of the city council, but the mayor shall have a vote only in the

580 case of a tie vote by council members;

- 581 (2) Be the head of the city for the purpose of service of process and for ceremonial
 582 purposes, and be the official spokesperson for the city and the chief advocate of policy;
 583 (3) Have power to administer oaths and to take affidavits;
 584 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 585 ordinances, and other instruments executed by the city which by law are required to be
 586 in writing; and
 587 (5) Serve as acting city manager under the terms and conditions as specified in Section
 588 2.29 of this charter.

589 **SECTION 2.33.**

590 Mayor pro tempore.

591 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
 592 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
 593 the mayor's physical or mental disability, suspension from office, or absence. Any such
 594 disability or absence shall be declared by a majority vote of the city council. The mayor pro
 595 tempore shall sign all contracts and ordinances in which the mayor has a disqualifying
 596 financial interest as provided in Section 2.14. When acting as mayor, the mayor pro tempore
 597 shall continue to have only one vote as a member of the council.

598 **ARTICLE III**

599 **ADMINISTRATIVE AFFAIRS**

600 **SECTION 3.10.**

601 Administrative and service departments.

- 602 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
 603 the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
 604 nonelective offices, positions of employment, departments, and agencies of the city as
 605 necessary for the proper administration of the affairs and government of this city.
 606 (b) Except as otherwise provided by this charter or by law, the directors of departments and
 607 other appointed officers of the city shall be appointed solely on the basis of their respective
 608 administrative and professional qualifications.
 609 (c) All appointed officers and directors of departments shall receive such compensation as
 610 prescribed by the budget resolution or ordinance establishing position classifications and pay
 611 plans.

612 (d) There shall be a director or department head of each department or agency who shall be
613 its principal officer. Each director or department head shall, subject to the direction and
614 supervision of the city manager or the city council, as the case may be, be responsible for the
615 administration and direction of the affairs and operations of that director or department head's
616 department or agency.

617 (e) A director or department head removed or suspended by the city manager pursuant to
618 Section 2.27 of this charter shall have the right to appeal said suspension or removal by filing
619 with the city council an appeal, in writing, fully stating the reasons for said appeal, no later
620 than 15 days after the date such suspension or removal is to take effect. If the appeal is
621 timely filed, the city council shall have 15 days after the date of filing to consider the appeal
622 and set a hearing, which shall be open to the public and presided over by the city attorney;
623 provided, however, the hearing shall in no event be set later than 30 days after the date such
624 suspension or removal is to take effect. The city council shall have 15 days following the
625 hearing to make a final determination. Any director or department head who appeals
626 pursuant to this section is determined to be suspended with pay.

627 **SECTION 3.11.**

628 **Boards, commissions, and authorities.**

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

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

637 (c) The city council by ordinance may provide for the compensation and reimbursement for
638 actual and necessary expenses of the members of any board, commission, or authority. The
639 city council may also by ordinance provide for liability coverage for all members of any
640 board, commission, or authority while such members are conducting official business of the
641 city.

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

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

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

651 (g) Any member of a board, commission, or authority may be removed from office at will
 652 by a majority vote of the members of the city council.

653 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 654 authority of the city shall elect one of its members as chair and one member as vice-chair and
 655 may elect as its secretary one of its own members or may appoint as secretary an employee
 656 of the city. Each board, commission, or authority of the city government may establish such
 657 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
 658 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
 659 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the
 660 city.

661 **SECTION 3.12.**

662 City attorney.

663 The city council shall appoint a city attorney, together with such assistant city attorneys as
 664 may be authorized, and shall provide for the payment of such attorney or attorneys for
 665 service rendered to the city. The city attorney shall be responsible for providing for the
 666 representation and defense of the city in all litigation in which the city is a party; may be the
 667 judge of the municipal court or may be the prosecuting officer in the municipal courts, but
 668 may not be both; shall attend the meetings of the city council as directed; shall advise the city
 669 council and other officers and employees of the city concerning legal aspects of the city's
 670 affairs; shall administer the oath of office to each member of the city council, including the
 671 mayor; shall draft or review every ordinance submitted to the city council and, as a matter
 672 of course, shall sign each such ordinance indicating such drafting or review; and shall
 673 perform such other duties as may be required of the city attorney by virtue of such person's
 674 position as city attorney.

675 **SECTION 3.13.**

676 City clerk.

677 The city manager shall appoint a city clerk who shall:

678 (1) Be responsible for keeping and preserving the city seal and all records of the city
 679 council;

- 680 (2) Attend all meetings of the city council and keep minutes of the proceeding at such
 681 meetings;
- 682 (3) Perform such other duties as may be required by the city council or the city manager;
 683 and
- 684 (4) Collect taxes, licenses, fees, and other moneys belonging to the city subject to the
 685 provisions of this charter and the ordinances of the city and to enforce all laws of Georgia
 686 relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of
 687 taxes by the city.

688 **SECTION 3.14.**

689 City auditor.

690 The city council may appoint a city auditor to perform the duties of an accountant.

691 **SECTION 3.15.**

692 Position classification and pay plans.

693 The city manager shall be responsible for the preparation of a position classification and pay
 694 plan which shall be submitted to the city council for approval. Such plan may apply to all
 695 employees of the city and any of its agencies, departments, boards, commissions, or
 696 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 697 the salary range applicable to any position except by amendment of such pay plan. For
 698 purposes of this section, elected and appointed city officials are not city employees. The city
 699 manager, city attorney, and city auditor shall receive such compensation as provided by the
 700 city council which appoints them to their respective offices.

701 **SECTION 3.16.**

702 Personnel policies.

703 All employees serve at will and may be removed from office at any time unless otherwise
 704 provided by ordinance. The city manager shall be responsible for the preparation of
 705 personnel policies which shall be submitted to the city council for approval. Personnel
 706 policies shall be adopted consistent with this charter concerning:

- 707 (1) The method of employee selection and probationary periods of employment;
- 708 (2) The administration of the position classification and pay plan, methods of promotion
 709 and application of service rating thereto, and transfer of employees within the
 710 classification plan;

- 711 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 712 the order and manner in which layoffs shall be effected;
 713 (4) Such dismissal hearings as due process may require; and
 714 (5) Such other personnel notices as may be necessary to provide for adequate and
 715 systematic handling of personnel affairs.

716 **ARTICLE IV**
 717 **JUDICIAL BRANCH**

718 **SECTION 4.10.**
 719 **Creation; name.**

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

721 **SECTION 4.11.**
 722 **Chief judge; associate judge.**

- 723 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 724 or stand-by judges as shall be provided by ordinance.
 725 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 726 that person shall have attained the age of 21 years. All judges shall be appointed by the city
 727 council and shall serve until a successor is appointed and qualified.
 728 (c) Compensation of the judges shall be fixed by ordinance.
 729 (d) Judges serve at will and may be removed from office at any time by the city council
 730 unless otherwise provided by ordinance.
 731 (e) Before assuming office, each judge shall take an oath, given by the city clerk, that such
 732 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
 733 judge's ability and without fear, favor, or partiality. The oath shall be entered in the minutes
 734 of the city council journal.

735 **SECTION 4.12.**
 736 **Convening.**

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

738

SECTION 4.13.

739

Jurisdiction; powers.

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

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

744 The municipal court may fix punishment for offenses within its jurisdiction not exceeding
745 a fine of \$1,000.00 or imprisonment for 12 months or both, or may fix punishment by fine,
746 imprisonment, or alternative sentencing, in the maximum amount as is now and hereafter
747 provided by law.

748 (c) The municipal court shall have authority to establish a schedule of fees to defray the cost
749 of operations and shall be entitled to reimbursement of the cost of meals, transportation, and
750 caretaking of prisoners bound over to superior courts for violations of state law.

751 (d) The municipal court shall have authority to establish bail and recognizances to ensure
752 the presence of those charged with violations before such court and shall have discretionary
753 authority to accept cash or personal or real property as surety for the appearance of persons
754 charged with violations. Whenever any person shall give bail for that person's appearance
755 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
756 judge presiding at such time and an execution issued thereon by serving the defendant and
757 the defendant's sureties with a rule nisi at least two days before the hearing on the rule nisi.
758 In the event that cash or property is accepted in lieu of bond for security for the appearance
759 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
760 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
761 property so deposited shall have a lien against it for the value forfeited which lien shall be
762 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

773 **SECTION 4.14.**

774 Certiorari.

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

779 **SECTION 4.15.**

780 Rules for court.

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

788 **ARTICLE V**

789 **ELECTIONS**

790 **SECTION 5.10.**

791 Applicability of general law.

792 All primaries and elections shall be held and conducted in accordance with O.C.G.A. Section
 793 21-2-1 et seq., the "Georgia Municipal Election Code," as now or hereafter amended.

794 **SECTION 5.11.**

795 Election of the city council and mayor.

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

798 (b) The mayor and five councilmembers elected at the general municipal election in
 799 November 2007, shall serve for and during the four-year terms for which they were elected
 800 and until their successors are elected and qualified. Of the five persons elected as
 801 councilmembers for terms beginning January 1, 2012, at the general municipal election in

802 2011, the three elected councilmembers who receive the least number of votes shall serve for
 803 terms of two years each and until their successors are elected and qualified; and the two other
 804 councilmembers and the mayor elected at the general municipal election in 2011 shall serve
 805 for terms of four years each and until their successors are elected and qualified; and all shall
 806 take office on the first day of January following their elections. Thereafter, all successors
 807 to the mayor and five councilmembers shall serve for terms of four years each and until their
 808 successors are elected and qualified, and all shall take office on the first day of January
 809 following their elections.

810 **SECTION 5.12.**

811 Nonpartisan elections.

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

814 **SECTION 5.13.**

815 Election by majority vote.

816 The mayor and city council shall be elected by a majority vote of the votes cast for each
 817 position.

818 **SECTION 5.14**

819 Special elections; vacancies.

820 In the event that the office of mayor or councilmember shall become vacant for any cause
 821 whatsoever, the city council or a majority of those remaining shall order a special election
 822 to fill the balance of the unexpired term of such official; provided, however if such vacancy
 823 occurs within 12 months of the expiration of the term of that office, the city council or a
 824 majority of those members remaining shall appoint a successor for the remainder of the term.
 825 In all other aspects, the special election shall be held and conducted in accordance with
 826 O.C.G.A. Section 21-2-1 et seq., the "Georgia Municipal Election Code," as now or hereafter
 827 amended.

828 **SECTION 5.15.**

829 Other provisions.

830 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
 831 such rules and regulations as it deems appropriate to fulfill any options and duties under
 832 O.C.G.A. Section 21-2-1 et seq., the "Georgia Municipal Election Code."

833 **SECTION 5.16.**

834 Removal of officers.

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

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

840 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 841 an elected officer is sought to be removed by the action of the city council, such officer
 842 shall be entitled to a written notice specifying the ground or grounds for removal and to
 843 a public hearing which shall be held not less than ten days after the service of such
 844 written notice. The City council shall provide by ordinance for the manner in which such
 845 hearing shall be held. Any elected officer sought to be removed from office as provided
 846 in this section shall have the right to appeal from the decision of the city council to the
 847 Superior Court of Lowndes County. Such appeal shall be governed by the same rules as
 848 govern appeals to the superior court from the probate court; or

849 (2) By an order of the Superior Court of Lowndes County following a hearing on a
 850 complaint seeking such removal brought by any resident of the City of Remerton.

851 **ARTICLE VI**852 **FINANCE**853 **SECTION 6.10.**

854 Property tax.

855 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 856 property within the corporate limits of the city that is subject to such taxation by the state and
 857 county. This tax is for the purpose of raising revenues to defray the costs of operating the
 858 city government, of providing governmental services, for the repayment of principal and

859 interest on general obligations, and for any other public purpose as determined by the city
860 council in its discretion.

861 **SECTION 6.11.**

862 Millage rate; due dates; payment methods.

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

867 **SECTION 6.12.**

868 Occupation and business taxes.

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

873 **SECTION 6.13.**

874 Licenses; permits; fees.

875 The city council by ordinance shall have the power to require any individuals or corporations
876 who transact business in this city to obtain a permit for such activity from the city and pay
877 a regulatory fee for such permit as provided by general law. Such fees may reflect the total
878 cost to the City of Remerton of regulating the activity and, if unpaid, shall be collected as
879 provided in Section 6.18 of this charter.

880 **SECTION 6.14.**

881 Franchises.

882 (a) The city council shall have the power to grant franchises for the use of this city's streets
883 and alleys for the purposes of railroads, street railways, telephone companies, electric
884 companies, electric membership companies, cable television and other telecommunications
885 companies, gas companies, transportation companies, and other similar organizations. The
886 city council shall determine the duration, terms, whether the same shall be exclusive or
887 nonexclusive, and the consideration for such franchises; provided, however, no franchise

888 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
889 the city receives just and adequate compensation therefor. The city council shall provide for
890 the registration of all franchises with the city clerk in a registration book kept by the city
891 clerk. The city council may provide by ordinance for the registration within a reasonable
892 time of all franchises previously granted.

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

898 **SECTION 6.15.**

899 Services charges.

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

905 **SECTION 6.16.**

906 Special Assessments.

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

912 **SECTION 6.17.**

913 Construction; other taxes.

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

917 **SECTION 6.18.**

918 Collection of delinquent taxes and fees.

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

926 **SECTION 6.19.**

927 General obligation bonds.

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

932 **SECTION 6.20.**

933 Revenue bonds.

934 Revenue bonds may be issued by the city council as state law or hereafter provides. Such
 935 bonds are to be paid out of any revenue produced by the project, program, or venue for which
 936 they were issued.

937 **SECTION 6.21.**

938 Short-term loans.

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

941 **SECTION 6.22.**

942 Lease-purchase contracts.

943 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
 944 acquisition of goods, materials, real and personal property, services, and supplies, provided

945 the contract terminates without further obligation on the part of the municipality at the close
946 of the calendar year in which it was executed and at the close of each succeeding calendar
947 year for which it may be renewed. Contracts must be executed in accordance with the
948 requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable law as are
949 or may hereafter be enacted.

950 **SECTION 6.23.**

951 Fiscal year.

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

955 **SECTION 6.24.**

956 Budget ordinance.

957 The city council shall provide an ordinance on the procedures and requirements for the
958 preparation and execution of an annual operating budget, a capital improvement plan, and
959 a capital budget, including requirements as to the scope, content, and form of such budgets
960 and plans. The city council shall also comply with the budgeting and auditing provisions of
961 Chapter 81 of Title 36 of the O.C.G.A.

962 **SECTION 6.25.**

963 Operating budget.

964 On or before the date fixed by the city council but not later than 15 days prior to the
965 beginning of each fiscal year, the city manager shall submit to the city council a proposed
966 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
967 from the city manager containing a statement of general fiscal policies of the city, the
968 important features of the budget, explanations of major changes recommended for the next
969 fiscal year, a general summary of the budget, and such other comments and information as
970 the city manager may deem pertinent. The operating budget and the capital budget provided
971 for in Section 6.29 of this charter, the budget message, and all supporting documents shall
972 be filed in the office of the city clerk and shall be open to public inspection.

973

SECTION 6.26.

974

Action by city council on budget.

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

980 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 981 year not later than May 15 of each year. If the city council fails to adopt the budget by said
 982 date, the amounts appropriated for operation of the then current fiscal year shall be deemed
 983 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
 984 accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.
 985 Adoption of the budget shall take the form of an appropriations ordinance setting out the
 986 estimated revenues in detail by sources and making appropriations according to fund and by
 987 organizational unit, purpose, or activity as set out in the budget preparation ordinance.

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

992

SECTION 6.27.

993

Levy of taxes.

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

1000

SECTION 6.28

1001

Changes in appropriations.

1002 The city council by ordinance may make changes in the appropriations contained in the
 1003 current operating budget at any regular meeting or special or emergency meeting called for

1004 such purpose, but any additional appropriations may be made only from an existing
1005 unexpended surplus.

1006 **SECTION 6.29.**

1007 Capital improvements.

1008 (a) On or before the date fixed by the city council, but not later than 30 days prior to the
1009 beginning of each fiscal year, the councilmembers shall consider a capital improvements plan
1010 with a recommended capital budget containing the means of financing the improvements
1011 proposed for the ensuing fiscal year.

1012 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1013 year not later than March 15 of each year. No appropriation provided for in a prior capital
1014 budget shall lapse until the purpose for which the appropriation was made shall have been
1015 accomplished or abandoned; provided, however, the city manager may submit amendments
1016 to the capital budget at any time during the fiscal year, accompanied by recommendations.
1017 Any such amendments to the capital budget shall become effective only upon adoption by
1018 ordinance.

1019 **SECTION 6.30.**

1020 Audits.

1021 There shall be an annual independent audit of all city accounts, funds, and financial
1022 transactions by a certified public accountant selected by the city council. The audit shall be
1023 conducted according to generally accepted auditing principles. Any audit of any funds by
1024 the state or federal governments may be accepted as satisfying the requirements of this
1025 charter. Copies of annual audit reports shall be available at printing costs to the public.

1026 **SECTION 6.31.**

1027 Contracts.

1028 The city manager shall examine all proposed contracts to which the City of Remerton may
1029 be a party and shall prepare for the mayor's signature any contract authorized by the city
1030 council. No contract with the city shall be binding on the city unless:

1031 (1) It is in writing;

1032 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
1033 course, is signed by the city attorney to indicate such drafting or review; and

1034 (3) It is made or authorized by the city council and such approval is entered in the city
1035 council journal of proceedings.

1036 **SECTION 6.32.**

1037 Purchasing.

1038 The city council shall by ordinance prescribe procedures for a system of centralized
1039 purchasing for the city.

1040 **SECTION 6.33.**

1041 Sale and lease of property.

1042 (a) The city council may sell and convey or lease any real or personal property owned or
1043 held by the city for governmental or other purposes as now or hereafter provided by law.

1044 (b) The city council may quitclaim any rights it may have in property not needed for public
1045 purposes upon report by the city manager and adoption of a resolution, both finding that the
1046 property is not needed for public or other purposes and that the interest of the city has no
1047 readily ascertainable monetary value.

1048 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1049 of the city a small parcel or tract of land is cut off or separated by such work from a larger
1050 tract or boundary of land owned by the city, the city council may sell and convey said cut-off
1051 or separated parcel or tract of land to an abutting or adjoining property owner or owners
1052 where such sale and conveyance facilitates the highest and best use of the abutting owner's
1053 property. Included in the sales contract shall be a provision for the rights of way of said
1054 street, avenue, alley, or public place. Each abutting property owner shall be notified of the
1055 availability of the property and given the opportunity to purchase said property under such
1056 terms and conditions as set out by ordinance. All deeds and conveyances heretofore and
1057 hereafter so executed and delivered shall convey all title and interest the city has in such
1058 property, notwithstanding the fact that no public sale after advertisement was or is hereafter
1059 made.

1060 **ARTICLE VII**

1061 MISCELLANEOUS

1062 **SECTION 7.10.**

1063 Bonds for officials.

1064 The officers and employees of this city, both elected and appointed, shall execute such surety
 1065 or fidelity bonds in such amounts and upon such terms and conditions as the city council
 1066 shall from time to time require by ordinance or as may be provided bylaw.

1067 **SECTION 7.11.**

1068 Prior ordinances.

1069 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
 1070 with this charter are declared valid and of full effect and force until amended or repealed by
 1071 the city council.

1072 **SECTION 7.12.**

1073 Existing personnel and officers.

1074 Except as specifically provided otherwise by this charter, all personnel and officers of this
 1075 city and their rights, privileges, and powers shall continue beyond the time this charter takes
 1076 effect for a period of 90 days before or during which time the existing city council shall pass
 1077 a transition ordinance detailing the changes in personnel and appointed officers required or
 1078 desired and arranging such titles, rights, privileges, and powers as may be required or desired
 1079 to allow a reasonable transition.

1080 **SECTION 7.13.**

1081 Pending matters.

1082 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 1083 contracts, and legal or administrative proceedings shall continue and any such ongoing work
 1084 or cases shall be completed by such city agencies, personnel, or offices as may be provided
 1085 by the city council.

SECTION 7.14.

1086

1087

Definitions and construction.

1088 (a) Section captions in this charter are informative only and shall not be considered as a part
1089 thereof.

1090 (b) The word "shall" is mandatory and the word " may" is permissive.

1091 (c) The singular shall include the plural the masculine shall include the feminine and vice
1092 versa.

1093 (d) Except as specifically provided otherwise by this charter, the terms "city council" and
1094 "councilmember" mean the members of the city council.

SECTION 7.15.

1095

1096

Specific repealer.

1097 An act incorporating the Town of Remerton, Georgia, approved May 17, 2004 (Ga. L. 2004
1098 p. 4088), is repealed in it entirety.

SECTION 7.16.

1099

1100

Effective date.

1101 This Act shall become effective upon its approval by the Governor or upon its otherwise
1102 becoming law without such approval.

SECTION 7.17.

1103

1104

General repealer.

1105 All laws and parts of laws in conflict with this Act are repealed.