

House Bill 265

By: Representative Pruett of the 144th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

The Town of Rhine, in Dodge County, Georgia, is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name and style City of Rhine, Georgia, and by that name shall have perpetual succession.

SECTION 1.11.

Corporate boundaries.

(a) The corporate boundaries of this city shall be as described and set forth in Appendix A attached to this charter.

(b) The city council may provide for changes in Appendix A by ordinance to reflect lawful changes in the corporate boundaries.

SECTION 1.12.

Powers and construction.

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

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

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

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

- 54 (3) Building regulation. To regulate and to license the erection and construction of
55 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
56 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 57 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
58 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
59 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
60 permit and regulate the same; to provide for the manner and method of payment of such
61 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
62 any city taxes or fees;
- 63 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
64 city, for present or future use and for any corporate purpose deemed necessary by the
65 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
66 other applicable laws as are now or may hereafter be enacted;
- 67 (6) Contracts. To enter into contracts and agreements with other governmental entities
68 and with private persons, firms, and corporations;
- 69 (7) Emergencies. To establish procedures for determining and proclaiming that an
70 emergency situation exists within or outside the city and to make and carry out all
71 reasonable provisions deemed necessary to deal with or meet such an emergency for the
72 protection, safety, health, or well-being of the citizens of the city;
- 73 (8) Environmental protection. To protect and preserve the natural resources,
74 environment, and vital areas of the state through the preservation and improvement of air
75 quality, the restoration and maintenance of water resources, the control of erosion and
76 sedimentation, the management of solid and hazardous waste, and other necessary actions
77 for the protection of the environment;
- 78 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
79 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
80 general law, relating to both fire prevention and detection and to fire fighting; and to
81 prescribe penalties and punishment for violations thereof;
- 82 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
83 and disposal and other sanitary service charge, tax, or fee for such services as may be
84 necessary in the operation of the city from all individuals, firms, and corporations
85 residing in or doing business in the city benefitting from such services; to enforce the
86 payment of such charges, taxes, or fees; and to provide for the manner and method of
87 collecting such service charges;
- 88 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
89 practice, conduct, or use of property which is detrimental to health, sanitation,

90 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
91 enforcement of such standards;

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

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

97 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
98 may work out such sentences in any public works or on the streets, roads, drains, and
99 other public property in the city; to provide for commitment of such persons to any jail;
100 or to provide for commitment of such persons to any county work camp or county jail by
101 agreement with the appropriate county officials;

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

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

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

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

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

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

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

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

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

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

213 **SECTION 1.13.**

214 Exercise of powers.

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

219 **ARTICLE II**

220 **GOVERNMENT STRUCTURE**

221 **SECTION 2.10.**

222 City council creation; number; election.

223 The city council established in this charter shall in all respects be a successor to and
 224 continuation of the city governing authority under prior law. The mayor and
 225 councilmembers shall be elected in the manner provided by this charter.

226 **SECTION 2.11.**

227 City councilmembers; terms and qualifications for office.

228 The members of the city council shall serve for terms of four years and until their respective
229 successors are elected and qualified. The term of office of each member of the city council
230 shall begin on the first day of January immediately following the election of such member.
231 No person shall be eligible to serve as mayor or councilmember unless that person shall have
232 been a resident of the city for 12 months prior to the date of the election of mayor or
233 members of the city council; each shall continue to reside therein during that person's period
234 of service and to be registered and qualified to vote in municipal elections of this city.

235 **SECTION 2.12.**

236 Vacancy; filling of vacancies; suspensions.

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

241 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
242 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
243 in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter
244 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

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

250 **SECTION 2.13.**

251 Compensation and expenses.

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

254

SECTION 2.14.

255

Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

313 (h) Penalties for violation.

314 (1) Any city officer or employee who knowingly conceals such financial interest or
 315 knowingly violates any of the requirements of this section shall be guilty of malfeasance
 316 in office or position and shall be deemed to have forfeited that person's office or position.

317 (2) Any officer or employee of the city who shall forfeit that person's office or position
 318 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 319 election to or employment in a position in the city government for a period of three years
 320 thereafter.

321 **SECTION 2.15.**

322 Inquiries and investigations.

323 Following the adoption of an authorizing resolution, the city council may make inquiries and
 324 investigations into the affairs of the city and conduct of any department, office, or agency

325 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
326 require the production of evidence. Any person who fails or refuses to obey a lawful order
327 issued in the exercise of these powers by the city council shall be punished as may be
328 provided by ordinance.

329 **SECTION 2.16.**

330 General power and authority of the city council.

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

333 **SECTION 2.17.**

334 Organizational meetings.

335 The city council shall hold an organizational meeting on the first meeting in January of each
336 year. The meeting shall be called to order by the city clerk and the oath of office shall be
337 administered to the newly elected members as follows:

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

341 **SECTION 2.18.**

342 Meetings.

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

345 (b) Special meetings of the city council may be held on call of the mayor or three members
346 of the city council. Notice of such special meeting shall be served on all other members
347 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
348 notice to councilmembers shall not be required if the mayor and all councilmembers are
349 present when the special meeting is called. Such notice of any special meeting may be
350 waived by a councilmember in writing before or after such a meeting and attendance at the
351 meeting shall also constitute a waiver of notice on any business transacted in such
352 councilmember's presence. Only the business stated in the call may be transacted at the
353 special meeting.

354 (c) All meetings of the city council shall be public to the extent required by law, and notice
355 to the public of special meetings shall be made as fully as is reasonably possible as provided

356 by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may
357 hereafter be enacted.

358 **SECTION 2.19.**

359 Rules of procedure.

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

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

366 **SECTION 2.20.**

367 Quorum; voting.

368 Three members of the city council shall constitute a quorum and shall be authorized to
369 transact business of the city council. Voting on the adoption of ordinances shall be by voice
370 vote and the vote shall be recorded in the journal, but any member of the city council shall
371 have the right to request a roll-call vote and such vote shall be recorded in the journal.
372 Except as otherwise provided in this charter, the affirmative vote of three members of the city
373 council shall be required for the adoption of any ordinance, resolution, or motion. An
374 abstention shall be counted as an affirmative vote.

375 **SECTION 2.21.**

376 Ordinance form; procedures.

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

381 (b) An ordinance may be introduced by any member of the city council and be read at a
382 regular or special meeting of the city council. Ordinances shall be considered and adopted
383 or rejected by the city council in accordance with the rules which it shall establish; provided,
384 however, an ordinance shall not be adopted the same day it is introduced, except for
385 emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any
386 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each

387 councilmember and shall file a reasonable number of copies in the office of the clerk and at
388 such other public places as the city council may designate.

389 **SECTION 2.22.**

390 Action requiring an ordinance.

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

392 **SECTION 2.23.**

393 Emergencies.

394 (a) To meet a public emergency affecting life, health, property, or public peace, the city
395 council may convene on call of the mayor or two councilmembers and may promptly adopt
396 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
397 franchise; regulate the rate charged by any public utility for its services; or authorize the
398 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
399 shall be introduced in the form prescribed for ordinances generally, except that it shall be
400 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
401 a declaration stating that an emergency exists and describing the emergency in clear and
402 specific terms. An emergency ordinance may be adopted, with or without amendment, or
403 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
404 councilmembers shall be required for adoption. It shall become effective upon adoption or
405 at such later time as it may specify. Every emergency ordinance shall automatically stand
406 repealed 30 days following the date upon which it was adopted, but this shall not prevent
407 reenactment of the ordinance in the manner specified in this section if the emergency still
408 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
409 in the same manner specified in this section for adoption of emergency ordinances.

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

414 **SECTION 2.24.**

415 Codes of technical regulations.

416 (a) The city council may adopt any standard code of technical regulations by reference
417 thereto in an adopting ordinance. The procedure and requirements governing such adopting

418 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
419 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
420 ordinance shall be construed to include copies of any code of technical regulations, as well
421 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
422 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
423 Section 2.25 of this charter.

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

426 **SECTION 2.25.**

427 Signing; authenticating;
428 recording; codification; printing.

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

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

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

448 **SECTION 2.26.**

449 Election of mayor; forfeiture; compensation.

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

457 **SECTION 2.27.**

458 Mayor pro tempore.

459 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
 460 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
 461 the mayor's physical or mental disability or absence. Any such disability or absence shall
 462 be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all
 463 contracts and ordinances in which the mayor has a disqualifying financial interest as
 464 provided in Section 2.14 of this charter.

465 **SECTION 2.28.**

466 Powers and duties of mayor.

467 The mayor shall:

- 468 (1) Preside at all meetings of the city council;
- 469 (2) Be the head of the city for the purpose of service of process and for ceremonial
 470 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 471 (3) Have the power to administer oaths and to take affidavits;
- 472 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 473 ordinances, and other instruments executed by the city which by law are required to be
 474 in writing;
- 475 (5) Vote on matters before the city council and be counted toward a quorum as any other
 476 councilmember;
- 477 (6) Prepare and submit to the city council a recommended annual operating budget and
 478 recommended capital budget; and

479 (7) Fulfill such other executive and administrative duties as the city council shall by
480 ordinance establish.

481 **ARTICLE III**
482 **ADMINISTRATIVE AFFAIRS**

483 **SECTION 3.10.**

484 Administrative and service departments.

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

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

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

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

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

502 **SECTION 3.11.**

503 Boards, commissions, and authorities.

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

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

- 512 (c) The city council by ordinance may provide for the compensation and reimbursement for
513 actual and necessary expenses of the members of any board, commission, or authority.
- 514 (d) Except as otherwise provided by charter or by law, no member of any board,
515 commission, or authority shall hold any elective office in the city.
- 516 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
517 unexpired term in the manner prescribed in this charter for original appointment, except as
518 otherwise provided by this charter or by law.
- 519 (f) No member of a board, commission, or authority shall assume office until that person has
520 executed and filed with the clerk of the city an oath obligating that person to perform
521 faithfully and impartially the duties of that person's office, such oath shall be prescribed by
522 ordinance and administered by the mayor.
- 523 (g) All members of boards, commissions, or authorities of the city serve at will and may be
524 removed at any time by the city council unless otherwise provided by law.
- 525 (h) Except as otherwise provided by this charter or by law, each board, commission, or
526 authority of the city shall elect one of its members as chairperson and one member as vice
527 chairperson and may elect as its secretary one of its own members or may appoint as
528 secretary an employee of the city. Each board, commission, or authority of the city
529 government may establish such bylaws, rules, and regulations, not inconsistent with this
530 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
531 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
532 regulations shall be filed with the clerk of the city.

533 **SECTION 3.12.**

534 City attorney.

535 The councilmembers shall appoint a city attorney, together with such assistant city attorneys
536 as may be authorized, and shall provide for the payment of such attorney or attorneys for
537 services rendered to the city. The city attorney shall be responsible for providing for the
538 representation and defense of the city in all litigation in which the city is a party; may be the
539 prosecuting officer in the municipal court; shall attend the meetings of the city council as
540 directed; shall advise the councilmembers, mayor and other officers and employees of the
541 city concerning legal aspects of the city's affairs; and shall perform such other duties as may
542 be required by virtue of such person's position as city attorney.

543 **SECTION 3.13.**

544 City clerk.

545 The councilmembers shall appoint a city clerk who shall not be a councilmember. The city
546 clerk shall be custodian of the official city seal and city records; maintain city council records
547 required by this charter; and perform such other duties as may be required by the city
548 council.

549 **SECTION 3.14.**

550 Position classification and pay plans.

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

557 **SECTION 3.15.**

558 Personnel policies.

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

561 **ARTICLE IV**

562 **JUDICIAL BRANCH**

563 **SECTION 4.10.**

564 Creation; name.

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

566 **SECTION 4.11.**

567 Chief judge; associate judge.

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

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

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

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

577 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
578 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
579 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
580 minutes of the city council journal required in Section 2.19 of this charter.

581 **SECTION 4.12.**

582 Convening.

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

584 **SECTION 4.13.**

585 Jurisdiction; powers.

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

588 (b) The municipal court shall have authority to punish those in its presence for contempt,
589 provided that such punishment shall not exceed \$200.00 or ten days in jail.

590 (c) The municipal court may fix punishment for offenses within its jurisdiction not
591 exceeding a fine of \$5,000.00 or imprisonment for 365 days or both such fine and
592 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
593 now or hereafter provided by law.

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

597 (e) The municipal court shall have authority to establish bail and recognizances to ensure
598 the presence of those charged with violations before such court and shall have discretionary
599 authority to accept cash or personal or real property as surety for the appearance of persons
600 charged with violations. Whenever any person shall give bail for that person's appearance
601 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
602 judge presiding at such time and an execution issued thereon by serving the defendant and

603 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
604 In the event that cash or property is accepted in lieu of bond for security for the appearance
605 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
606 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
607 property so deposited shall have a lien against it for the value forfeited, which lien shall be
608 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

619 **SECTION 4.14.**

620 Certiorari.

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

625 **SECTION 4.15.**

626 Rules for court.

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

634 ARTICLE V
635 ELECTIONS AND REMOVAL
636 **SECTION 5.10.**

637 Applicability of general law.
638 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
639 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

640 **SECTION 5.11.**
641 Regular elections; time for holding.

642 In odd-numbered years, on the Tuesday next following the first Monday in November there
643 shall be an election for the mayor and the councilmembers.

644 **SECTION 5.12.**
645 Nonpartisan elections.

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

648 **SECTION 5.13.**
649 Election by plurality vote.

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

651 **SECTION 5.14.**
652 Special elections; vacancies.

653 In the event that the office of mayor or councilmember shall become vacant as provided in
654 Section 2.12 of this charter, the city council or those remaining shall order a special election
655 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
656 occurs within 12 months of the expiration of the term of that office, the city council or those
657 members remaining shall appoint a successor for the remainder of the term. In all other
658 respects, the special election shall be held and conducted in accordance with Chapter 2 of
659 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

660 **SECTION 5.15.**

661 Other provisions.

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

665 **SECTION 5.16.**

666 Removal of officers.

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

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

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

681 (2) By an order of the Superior Court of Dodge County following a hearing on a
 682 complaint seeking such removal brought by any resident of the City of Rhine.

683 **ARTICLE VI**684 **FINANCE**685 **SECTION 6.10.**

686 Property tax.

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

693

SECTION 6.11.

694

Millage rate; due dates; payment methods.

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

699

SECTION 6.12.

700

Occupation and business taxes.

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

705

SECTION 6.13.

706

Licenses; permits; fees.

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

712

SECTION 6.14.

713

Franchises.

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

723 clerk. The city council may provide by ordinance for the registration within a reasonable
724 time of all franchises previously granted.

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

730 **SECTION 6.15.**

731 Service charges.

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

737 **SECTION 6.16.**

738 Special assessments.

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

744 **SECTION 6.17.**

745 Construction; other taxes.

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

749 **SECTION 6.18.**

750 Collection of delinquent taxes and fees.

751 The city council by ordinance may provide generally for the collection of delinquent taxes,
 752 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 753 whatever reasonable means as are not precluded by law. This shall include providing for the
 754 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.
 755 fa.; creation and priority of liens; making delinquent taxes and fees personal debts of the
 756 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 757 city taxes or fees; and providing for the assignment or transfer of tax executions.

758 **SECTION 6.19.**

759 General obligation bonds.

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

764 **SECTION 6.20.**

765 Revenue bonds.

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

769 **SECTION 6.21.**

770 Short-term loans.

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

773 **SECTION 6.22.**

774 Lease-purchase contracts.

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

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

782 **SECTION 6.23.**

783 Fiscal year.

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

787 **SECTION 6.24.**

788 Budget ordinance.

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

793 **SECTION 6.25.**

794 Operating budget.

795 On or before a date fixed by the city council but not later than thirty days prior to the
796 beginning of each fiscal year, the mayor shall submit to the city council a proposed operating
797 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
798 mayor containing a statement of the general fiscal policies of the city, the important features
799 of the budget, explanations of major changes recommended for the next fiscal year, a general
800 summary of the budget, and other pertinent comments and information. The operating
801 budget and the capital budget provided for in Section 6.29 of this charter, the budget
802 message, and all supporting documents shall be filed in the office of the city clerk and shall
803 be open to public inspection.

804

SECTION 6.26.

805

Action by city council on budget.

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

811 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
812 year not later than the 31st day of December of each year. If the city council fails to adopt
813 the budget by said date, the amounts appropriated for operation for the then current fiscal
814 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
815 items prorated accordingly, until such time as the city council adopts a budget for the ensuing
816 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
817 out the estimated revenues in detail by sources and making appropriations according to fund
818 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
819 adopted pursuant to Section 6.24 of this charter.

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

824

SECTION 6.27.

825

Levy of taxes.

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

832

SECTION 6.28.

833

Changes in appropriations.

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

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

838 **SECTION 6.29.**

839 Capital improvements.

840 (a) On or before the date fixed by the city council, but not later than thirty days prior to the
841 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
842 improvements plan with a recommended capital budget containing the means of financing
843 the improvements proposed for the ensuing fiscal year. The city council shall have power
844 to accept, with or without amendments, or reject the proposed plan and budget. The city
845 council shall not authorize an expenditure for the construction of any building, structure,
846 work, or improvement unless the appropriations for such project are included in the capital
847 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

848 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
849 year not later than the 31st day of December of each year. No appropriation provided for in
850 a prior capital budget shall lapse until the purpose for which the appropriation was made
851 shall have been accomplished or abandoned; provided, however, the mayor may submit
852 amendments to the capital budget at any time during the fiscal year, accompanied by
853 recommendations. Any such amendments to the capital budget shall become effective only
854 upon adoption by ordinance.

855 **SECTION 6.30.**

856 Audits.

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

862 **SECTION 6.31.**

863 Procurement and property management.

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

865 (1) It is in writing;

- 866 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
867 course, is signed by the city attorney to indicate such drafting or review; and
868 (3) It is made or authorized by the city council and such approval is entered in the city
869 council journal of proceedings pursuant to Section 2.19 of this charter.

870 **SECTION 6.32.**

871 Purchasing.

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

874 **SECTION 6.33**

875 Sale and lease of property.

- 876 (a) The city council may sell and convey or lease any real or personal property owned or
877 held by the city for governmental or other purposes as now or hereafter provided by law.
878 (b) The city council may quitclaim any rights it may have in property not needed for public
879 purposes upon report by the mayor and adoption of a resolution, both finding that the
880 property is not needed for public or other purposes and that the interest of the city has no
881 readily ascertainable monetary value.
882 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
883 of the city a small parcel or tract of land is cut off or separated by such work from a larger
884 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
885 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
886 property owner or owners where such sale and conveyance facilitates the highest and best
887 use of the abutting owner's property. Included in the sales contract shall be a provision for
888 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
889 shall be notified of the availability of the property and given the opportunity to purchase said
890 property under such terms and conditions as set out by ordinance. All deeds and
891 conveyances heretofore and hereafter so executed and delivered shall convey all title and
892 interest the city has in such property, notwithstanding the fact that no public sale after
893 advertisement was or is hereafter made.

894 ARTICLE VII
 895 GENERAL PROVISIONS
 896 **SECTION 7.10.**
 897 Bonds for officials.

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

901 **SECTION 7.11.**
 902 Prior ordinances.

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

906 **SECTION 7.12.**
 907 Existing personnel and officers.

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

914 **SECTION 7.13.**
 915 Pending matters.

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

920

SECTION 7.14.

921

Construction and definitions.

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

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

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

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

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

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

930

SECTION 7.15.

931

Specific repealer.

932 An act incorporating the Town of Rhine in the County of Dodge approved August 18, 1917,
933 (Ga. L. 1917, p. 791), as amended, is hereby repealed in its entirety and all amendatory acts
934 thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict
935 with this charter are hereby repealed.

936

SECTION 7.16.

937

Effective date.

938 This Act shall become effective on July 1, 2009.

939

SECTION 7.17.

940

General repealer.

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

942

APPENDIX A

943 All that tract or parcel of land lying and being in the City of Rhine, County of Dodge, located
944 in the 14th Land District of Dodge County, Georgia, and being more particularly described
945 as follows: To establish the POINT OF BEGINNING, BEGIN at a spike located in the
946 center of the intersection formed by U. S. Highway 280 and State Road 117; thence run
947 South 05 degrees 00 minutes 09 seconds East a distance of 247.25 feet to a point located in
948 Land Lot No. 248 in said Land District, which point is also identified as the East corner of
949 a brick building formerly owned by Ms. Mamie Maloy and once occupied by King & Brown
950 Bankers and, later, Williams Banking Company, this point being identified as the center
951 point of the City of Rhine and from said center point, run in all directions a distance of one
952 (1) mile (5,280 feet) to form a circle measuring two (2) miles in diameter (10,560 feet). The
953 center or radius point of said described property is shown on a plat of survey prepared by
954 Ronny Barron, Georgia Registered Land Surveyor No. 2532, dated December 11, 2008, and
955 recorded in the Office of the Clerk of Dodge Superior Court in Plat Book 37, Page 106, said
956 plat and the recording thereof being incorporated herein and made a part hereof by reference
957 for descriptive and all other legal purposes.