

House Bill 297

By: Representatives Bryant of the 160<sup>th</sup>, Stephens of the 164<sup>th</sup>, Carter of the 159<sup>th</sup>, Stephens of the 161<sup>st</sup>, and Gordon of the 162<sup>nd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a new charter for the City of Garden City, approved April 17, 1973  
2 (Ga. L. 1973, p. 3581), as amended, so as to reconstitute the governing authority of the city;  
3 to provide for council districts; to provide for definitions and inclusions; to provide for  
4 continuation in office of the mayor and current council members; to change the provisions  
5 relating to the regular expiration of terms of office of certain council members; to provide  
6 for election and terms of office of subsequent council members; to provide for a  
7 council-manager form of government vesting all powers of the city in a popularly elected  
8 council that appoints a professional city manager who is continuously responsible and  
9 removable at will by the council; to provide compensation for council members; to provide  
10 for the operation of administrative and service departments; to provide for the appointment  
11 of boards, commissions, authorities, and the city attorney; to change the effect of abstention  
12 voting by council members; to provide for elections; to provide for qualification, nomination,  
13 and election of candidates; to provide for districting; to provide for qualifications; to provide  
14 for the submission of the city's operating and capital budgets to the city council by the city  
15 manager; to provide for action on the budget; to provide for submission of this Act for  
16 preclearance under the federal Voting Rights Act of 1965, as amended; to provide for  
17 severability; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **SECTION 1.**

20 An Act creating a new charter for the City of Garden City, approved April 17, 1973 (Ga. L.  
21 1973, p. 3581), as amended, is amended by striking in its entirety Article II and inserting in  
22 lieu thereof the following:

## "ARTICLE II

## LEGISLATIVE BRANCH

## SECTION 2.01.

## Power and Authority Vested in the City Council.

All powers of the city shall be vested in the city council except as otherwise provided by law or this charter, and the city council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

## SECTION 2.02.

## Eligibility, Terms, and Composition.

(a) Eligibility. No person shall be eligible to serve as mayor or council member unless he or she has been a resident of the city for a period of one year immediately prior to the date of the election of the mayor or member of council; continues to reside therein during his or her period of service; is registered and qualified to vote in municipal elections of Garden City; and meets the qualifications required of members of the Georgia House of Representatives, as are now or may in the future be prescribed by the Constitution of Georgia.

(b) Terms. The term of office of elected officials shall be four years. Elections shall be in accordance with Article VI of this charter.

(c) Composition. The council shall be composed of one member, excluding the mayor, elected by the voters of the city at large and one member from each of the five the city council districts elected by the voters of those districts, as provided in Article VI of this charter. The mayor shall be elected as provided in subsection (b) of Section 2.03 of this charter.

## SECTION 2.03.

## Mayor.

(a) Powers and duties. The mayor shall be a voting member of the city council and shall attend and preside at meetings of the city council, represent the city in intergovernmental relationships, appoint with the advice and consent of the city council the members of citizen advisory boards and commissions, present an annual state of the city message, appoint the members and officers of the city council committees, assign subject to the consent of the city council agenda items to committees, and perform other duties specified by the city council.

The mayor shall be recognized as head of the city government for all ceremonial purposes and by the Governor for purposes of military law but shall have no administrative duties.

(b) Election. Commencing with the general election on the Tuesday following the first Monday in November, 2011, the city shall elect a mayor at large for a term of four years. After each regular election, the city council shall meet for organization at its first regular meeting next following the meeting where the oath of office has been administered. If the at-large city council member has been elected at the recent election, such member shall be appointed as mayor pro tempore and shall serve in such capacity for a term of four years and until his or her successor is elected and qualified. The mayor pro tempore shall act as mayor during any absence or disability of the mayor but shall only vote once on matters before the council, and, if a vacancy occurs in the office of mayor, shall become mayor for the remainder of the unexpired term. The city council shall also, by majority vote of all the members, elect one of their number, other than the mayor or mayor pro tempore, to be president of council who shall temporarily assume the mayor's position in the event that the mayor and mayor pro tempore are both unavailable, but who shall not, by virtue of being president of council, become mayor in the event that any vacancy occurs in such office. The president of council shall serve for a term of two years and until his or her successor is elected and qualified. If either the mayor pro tempore or president of council leaves office before his or her respective term has expired, he or she shall be replaced by a majority vote of the city council at any regular meeting of council.

#### SECTION 2.04.

##### Compensation and Expenses.

(a) Effective January 1, 2010, the mayor shall receive monthly compensation in the amount of \$500.00 and council members shall each receive monthly compensation in the amount of \$300.00 for their respective services which may thereafter be increased or decreased by ordinance passed pursuant to the applicable provisions of the O.C.G.A..

(b) The mayor and the city council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

#### SECTION 2.05.

##### Prohibitions.

(a) Holding other office. Except where authorized by law, no city council member shall hold any other elected public office during the term for which the member was elected to the council. No city council member shall hold any other city office or employment during the

term for which the member was elected to the city council. No former the city council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to the city council, unless granted a waiver by the city's ethics board. Nothing in this section shall be construed to prohibit the city council from selecting any current or former the city council member to represent the city on the governing board of any regional or other intergovernmental agency.

(b) Appointments and removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the city council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with administration. Except for the purpose of inquiries and investigations under Section 2.09 of this charter, the city council and its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

(d) Conflict of interest. No member of the city council shall vote upon any question in which he or she is financially interested.

#### SECTION 2.06.

##### Vacancies; Forfeiture of Office; Filling of Vacancies.

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

(b) Forfeiture of office. A council member shall forfeit that office if the council member:

(1) Fails to meet the residency requirements;

(2) Violates any express prohibition of this charter;

(3) Is convicted of a crime involving moral turpitude; or

(4) Fails to attend three consecutive regular meetings of the city council without being excused by the council.

(c) Removal from office.

(1) A council member shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(2) Removal of a council member pursuant to paragraph (1) of this subsection shall be accomplished one of the following methods:

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

(B) By an order of the Superior Court of Chatham County, Georgia, following a hearing on a complaint seeking such removal brought by any resident of the city.

(d) Filling of vacancies. Subject to Section 2.03 of this charter providing that the mayor pro tempore shall fill any vacancy in the mayor's office, in the event that the office of a council member shall become vacant for any cause whatsoever, said vacancy in office shall be filled by appointment by the remaining members of council.

#### SECTION 2.07.

##### Judge of Qualifications.

The city council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office. In order to exercise these powers, the city council shall have power to subpoena witnesses, administer oaths, take testimony, and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the city at least one week in advance of the hearing.

#### SECTION 2.08.

##### Clerk of Council.

The city manager shall appoint, subject to confirmation by the city council, an officer of the city who shall have the title of clerk of council. The clerk of council shall give notice of the city council meetings to its members and the public, keep the journal of its proceedings, and perform such other duties as are assigned by this charter or by the council or by state law.

## SECTION 2.09.

## Investigations.

Following the adoption of an authorizing resolution, the city council is authorized to make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The inquiries and investigations authorized may only be conducted by the council, not individual council members, and only for the purpose of an official investigation. Additionally, these powers shall be limited to use by the city council and shall not be delegated to boards or panels composed of private citizens. A person's failure or refusal to obey a lawful order issued in the exercise of these powers by the council shall be punished as provided by ordinance.

## SECTION 2.10.

## Independent Audit.

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Code Section 36-81-7 of the O.C.G.A..

## SECTION 2.11.

## General Power and Authority of the Council.

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of Garden City as provided in Article I of this charter.

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

(c) The city council may by ordinance create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

(d) The city council may, by ordinance or resolution, delegate or assign to a city manager such powers, functions, and duties as are conferred upon the council by this charter and such

delegation of powers may, by ordinance or resolution, be terminated, altered, or otherwise changed as the city council shall deem necessary, expedient, or helpful in the conduct of the affairs of the city.

## SECTION 2.12.

### Organization.

(a) On the first Monday after January 1 following each regular city election, the city council shall hold a special meeting at which the oath of office shall be administered to the mayor and council members as follows:

'I do solemnly (swear)( affirm) that I will faithfully perform the duties of (mayor) (council member) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the United States of America. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident [of my district and] of the City of Garden City for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Garden City to the best of my ability without fear, favor, affection, reward, or expectation thereof.'

(b) The city council shall meet for organization at its first regular meeting next following the meeting where the oath of office has been administered. If the at-large the city council member has been elected at the recent election, such member shall be designated mayor pro tempore who shall serve for a term of four years and until his or her successor is elected and qualified. In addition, the city council by majority vote of all the members thereof shall elect one of their number to be president of council who shall serve for a term of two years and until his or her successor is elected and qualified.

(c) The city manager, subject to confirmation by city council, shall appoint a clerk of council to keep a journal of its proceedings and to maintain in a safe place all records and documents pertaining to the affairs of the city and to perform such other duties as may be required by law or as the council may direct.

(d) The city council may appoint a tax collector to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city consistent therewith. The tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

222 (e) The city council may appoint a city accountant to perform the duties of an accountant.

223 SECTION 2.13.

224 Regular and Special Meetings.

225 (a) The city council shall hold regular meetings at such times and places as prescribed by  
226 ordinance. The council may recess any regular meeting and continue such meeting on any  
227 weekday or hour it may fix and may transact any business at such continued meeting that  
228 may be transacted at any regular meeting.

229 (b) Special meetings of the city council may be held on call of the mayor or four members  
230 of the city council. Notice of such meetings shall be served on all other members personally,  
231 or by telephone personally, or shall be left at their residence at least 24 hours in advance of  
232 the meeting. Such notice shall not be required if the mayor and all council members are  
233 present when the special meeting is called. Notice of any special meeting may be waived in  
234 writing before or after such a meeting, and attendance at the meeting shall also constitute a  
235 waiver of notice of any special meeting. Only the business stated in the call may be  
236 transacted at the special meeting.

237 (c) All meetings of the council shall be public, except where otherwise provided by law, and  
238 notice to the public of special meetings shall be made fully as is reasonably possible pursuant  
239 to Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may  
240 hereafter be enacted.

241 SECTION 2.14.

242 Rules of Procedure.

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

246 SECTION 2.15.

247 Quorum; Voting.

248 (a) Four council members shall constitute a quorum and shall be authorized to transact  
249 business of the city council. Voting on the adoption of ordinances shall be taken by voice  
250 vote and the ayes and nays shall be recorded in the journal, but any member of council shall  
251 have the right to request a roll-call vote. Except as otherwise provided in this charter, a

252 majority vote of the quorum shall be required for the adoption of any ordinance, resolution,  
253 or motion.

254 (b) No member of the city council shall abstain from voting on any matter properly brought  
255 before the council for official action except when such council member has a conflict of  
256 interest which is disclosed in writing prior to or at the meeting and made a part of the  
257 minutes. Any member of the city council present and eligible to vote on a matter and  
258 refusing to do so for any reason other than a properly disclosed and recorded conflict of  
259 interest shall be deemed to have acquiesced or concurred with the members of the majority  
260 who did vote on the question involved.

261 SECTION 2.16.

262 Action Requiring an Ordinance.

263 (a) Except as herein provided, every official action of the city council which is to become  
264 law shall be by ordinance. Each proposed ordinance or resolution shall be introduced in  
265 writing and in the form required for final adoption. No ordinance shall contain a subject  
266 which is not expressed in its title. The enacting clause shall be 'The council of Garden City  
267 hereby ordains....'

268 (b) An ordinance may be introduced by any member of the city council and read at a regular  
269 or special meeting of the city council. Ordinances shall be considered and adopted or  
270 rejected by the council in accordance with the rules which it shall establish; provided,  
271 however, ordinances shall not be adopted until the next regular meeting of the council  
272 following the meeting of their initial introduction, except ordinances may be adopted at the  
273 first meeting where they are originally introduced upon the affirmative vote of all council  
274 members present. The clerk of council shall read the heading of the ordinance and shall file  
275 a copy in the office of the clerk of council. As soon as practicable after adoption, the clerk  
276 of council shall have the ordinance and a notice of its adoption published and made available  
277 to the public at a reasonable price.

278 (c) Except as otherwise provided in this charter, every adopted ordinance shall become  
279 effective upon adoption or at any later date specified therein.

280 (d) As used in this section, the term 'publish' means to print in the contemporary means of  
281 information sharing, which includes but is not limited to, one or more newspapers of general  
282 circulation in the city, and, if available, in a website: (1) the ordinance or a brief summary  
283 thereof and (2) the places where copies of it have been filed and the times when they are  
284 available for public inspection and purchase at a reasonable price.

## SECTION 2.17.

## Emergency Ordinances.

(a) To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one authorizing the borrowing the money shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

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

## SECTION 2.18.

## Codes of Technical Regulations.

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

- (1) The requirements of Section 2.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and
- (2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk of council pursuant to Section 2.19 of this charter.

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

321 **SECTION 2.19.**

322 Authentication and Recording;

323 Codification; Printing of Ordinances and Resolutions.

324 (a) Authentication and recording. The clerk of council shall authenticate by signing and  
325 shall record in full in a properly indexed book kept for the purpose all ordinances and  
326 resolutions adopted by the city council.

327 (b) Codification. The city council shall provide for the preparation of a general codification  
328 of all city ordinances and resolutions having the force and effect of law. The general  
329 codification shall be adopted by the council by ordinance and shall be published together  
330 with this charter and any amendments thereto, pertinent provisions of the Constitution and  
331 other laws of the state, and such codes of technical regulations and other rules and  
332 regulations as the council may specify. This compilation shall be known and cited officially  
333 as the Garden City Code. Copies of the code shall be furnished to city officers, placed in  
334 libraries and public offices, and, if available, on a website for free public reference and made  
335 available for purchase by the public at a reasonable price fixed by the council.

336 (c) Printing of ordinances and resolutions. The city council shall cause each ordinance and  
337 resolution having the force and effect of law and each amendment to this charter to be printed  
338 promptly following its adoption, and the printed ordinances, resolutions, and charter  
339 amendments shall be distributed or sold to the public at reasonable prices as fixed by the  
340 council. Following publication of the first city code and at all times thereafter, the  
341 ordinances, resolutions, and charter amendments shall be printed in substantially the same  
342 style as the code currently in effect and shall be suitable in form for integration therein. The  
343 council shall make such further arrangements as it deems desirable with respect to  
344 reproduction and distribution of any current changes in or additions to the codes of technical  
345 regulations and other rules and regulations included in the code."

346 **SECTION 2.**

347 Said Act is further amended by striking in its entirety Article III and inserting in lieu thereof  
348 the following:

349 "ARTICLE III  
350 EXECUTIVE BRANCH  
351 SECTION 3.01.

352 Appointment of the City Manager; Qualifications; Compensation.

353 The city council by a majority vote of its total membership shall appoint a city manager for  
354 an indefinite term and fix the manager's compensation. The city manager shall be appointed  
355 solely on the basis of education and experience in the accepted competencies and practices  
356 of local government management. Minimum qualifications for the city manager shall be a  
357 master's degree with a concentration in public administration, public affairs, or public policy  
358 and two years' experience in an appointed managerial or administrative position in a local  
359 government or a bachelor's degree and five years of such experience. The manager need not  
360 be a resident of the city or state at the time of appointment but may reside outside the city  
361 while in office only with the approval of the council.

362 SECTION 3.02.  
363 Removal of City Manager.

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

366 SECTION 3.03.  
367 Acting City Manager.

368 By letter filed with the clerk of council, the city manager shall designate a city officer or  
369 employee to exercise the powers and perform the duties of city manager during the manager's  
370 temporary absence or disability; the city council may revoke such designation at any time  
371 and appoint another officer of the city to serve until the city manager returns.

372 SECTION 3.04.  
373 Powers and Duties of the City Manager.

374 The city manager shall be the chief executive officer of the city, responsible to the city  
375 council for the management of all city affairs placed in the manager's charge by or under this  
376 charter. The city manager shall:

377 (1) Appoint and suspend or remove all city employees and appointed administrative  
378 officers provided for by or under this charter, except as otherwise provided by law, this

379 charter, or personnel rules adopted pursuant to this charter. The city manager may  
380 authorize any administrative officer subject to the manager's direction and supervision  
381 to exercise these powers with respect to subordinates in that officer's department, office,  
382 or agency;

383 (2) Direct and supervise the administration of all departments, offices and agencies of  
384 the city, except as otherwise provided by this charter or by law;

385 (3) Attend all the city council meetings. The city manager shall have the right to take  
386 part in discussion but shall not vote;

387 (4) See that all laws, provisions of this charter, and acts of the city council, subject to  
388 enforcement by the city manager or by officers subject to the manager's direction and  
389 supervision, are faithfully executed;

390 (5) Prepare and submit the annual budget to the city council and implement the final  
391 budget approved by the city council to achieve the goals of the city;

392 (6) Submit to the city council and make available to the public a complete report on the  
393 finances and administrative activities of the city as of the end of each fiscal year;

394 (7) Make such other reports as the city council may require concerning operations;

395 (8) Keep the city council fully advised as to the financial condition and future needs of  
396 the city;

397 (9) Make recommendations to the city council concerning the affairs of the city and  
398 facilitate the work of the city council in developing policy;

399 (10) Provide staff support services for the mayor and council members;

400 (11) Assist the council to develop long term goals for the city and strategies to  
401 implement these goals;

402 (12) Encourage and provide staff support for regional and intergovernmental  
403 cooperation;

404 (13) Promote partnerships among council, staff, and citizens in developing public policy  
405 and building a sense of community; and

406 (14) Perform such other duties as are specified in this charter or may be required by the  
407 city council.

#### 408 SECTION 3.05.

#### 409 Administrative and Service Departments.

410 (a) Except as otherwise provided in this charter, the city council may establish, abolish,  
411 merge, alter, leave vacant, or consolidate offices, positions of employment, departments, and  
412 agencies of the city as it shall deem necessary for the proper administration of the affairs and  
413 government of the city. The council shall prescribe the functions and duties of existing

departments, offices, and agencies or of any departments, offices, and agencies hereafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the function or duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by the council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance consistent therewith and shall be subject to the general supervision and guidance of the city manager.

(c) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall serve at the pleasure of the appointing authority. Vacancies occurring in an appointive office shall be filled in the same manner as prescribed by this charter for an original appointment.

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

(e) All appointed officers and directors of departments shall receive such compensation as prescribed by the city council.

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

(g) All appointed officers and directors under the supervision of the city manager shall be selected by the city manager and shall be employees at will and subject to removal or suspension at any time by the city manager unless otherwise provided by law or ordinance.

### SECTION 3.06.

#### Boards, Commissions, and Authorities.

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

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

- 449 (c) No member of any board, commission, or authority of the city shall hold any elective  
450 office in the city.
- 451 (d) Any vacancy in office of any member of a board, commission, or authority of the city  
452 shall be filled for the unexpired term in the manner prescribed herein for original  
453 appointment, except as otherwise provided by this charter or any applicable state law.
- 454 (e) No member of any board, commission, or authority shall assume office until he or she  
455 shall have executed and filed with the clerk of council an oath obligating himself or herself  
456 to faithfully and impartially perform the duties of his or her office, such oath to be  
457 administered by the mayor.
- 458 (f) All members of a board, commission, or authority serve at will and may be removed from  
459 office for cause by a vote of four members of the council.
- 460 (g) Members of boards, commissions, and authorities may receive expenses in the  
461 performance of their official duties as approved by the council.
- 462 (h) The qualifications required of members of boards, commissions, and authorities shall be  
463 as prescribed by ordinance.
- 464 (i) Except as otherwise provided by this charter or by applicable state law, each board,  
465 commission, and authority of the city government shall elect one of its members as  
466 chairperson and one member as vice chairperson for terms of one year and may elect as its  
467 secretary one of its own members or may appoint as secretary as employee of the city. Each  
468 board, commission, or authority of the city government may establish such bylaws, rules, and  
469 regulations, not inconsistent with this charter, ordinances of the city, or applicable state law,  
470 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be  
471 filled with the clerk of council.

472 SECTION 3.07.

473 City Attorney.

474 The city council shall appoint a city attorney, together with such assistant city attorneys as  
475 may be authorized by ordinance, and shall provide for the payment of such attorney or  
476 attorneys for services rendered to the city. The city attorney shall be responsible for  
477 representing and defending the city in all litigation in which the city is a party; may be the  
478 judge in the municipal court; shall attend the meetings of the council as directed; shall advise  
479 the council, mayor, and other officers and employees of the city concerning legal aspects of  
480 the city's affairs; and shall perform such other duties as may be required of him or her by  
481 virtue of his or her position as city attorney.

482                                   SECTION 3.08.  
483                                   Consolidation of Functions.

484   The city council may consolidate any two or more of the positions of clerk of council, city  
485   tax collector, and city accountant or any other positions or may assign the functions of any  
486   one or more of such positions to the holder or holders of any other positions.

487                                   SECTION 3.09.  
488                                   Personnel Policies.

489   All employees serve at will and may be removed from office at any time unless otherwise  
490   provided by ordinance. The council shall adopt rules and regulations consistent with the  
491   charter concerning personnel policies as may be necessary to provide for adequate and  
492   systematic handling of the personnel affairs of Garden City."

493                                   **SECTION 3.**

494   Said Act is further amended by striking in its entirety Article V and inserting in lieu thereof  
495   the following:

496                                   ARTICLE V

497                                   ELECTIONS

498                                   SECTION 5.10.

499                                   Applicability of General Laws.

500   The procedures and requirements for election of all elected officials of Garden City as to  
501   primary, special, or general elections shall be in conformity with the provisions of Chapter  
502   2 of Title 21, the 'Georgia Election Code.'

503                                   SECTION 5.11.

504                                   Qualifying; Nomination and Election of Candidates; Absentee Ballots.

505   The city council may, by ordinance, prescribe rules and regulations consistent with law  
506   governing qualifying fees, nomination of candidates, absentee ballots, write-in votes,  
507   challenge of votes, purging of registration lists, and such other rules and regulations as may  
508   be necessary for the conduct of elections in Garden City.

## SECTION 5.12.

## Effect of 2009 Charter Amendment on Current and Future Elections.

(a) The method of electing the mayor and the city council which existed immediately prior to the effective date of this Act shall stay in effect, but on and after the first Monday after January 1, 2012, the mayor and council shall be constituted as provided in this Act. The mayor and the city council of Garden City, Georgia, so constituted shall continue to have the same powers, duties, rights, obligations, and liabilities as existed immediately prior to the first Monday after January 1, 2012, subject to the provisions in this section.

(b) At the municipal election in November, 2009, those four candidates receiving the most votes for the four at-large council member positions which are to be filled pursuant to the terms of the charter in effect immediately prior to the effective date of this Act shall be elected to serve terms of two years or until the election and qualification of their respective successors.

(c) The mayor whose term regularly expires on December 31, 2011, and any person selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of that term of office and upon the election and qualification of the mayor's successor.

(d) Those members of the city council whose terms regularly expire on December 31, 2011, and any persons selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors.

(e) On and after the first Monday after January 1, 2012, the city council shall consist of seven members, one being the mayor. Five members shall be elected from council districts described in Section 5.13 of this charter. One member shall be elected at large as provided in Sections 5.14 and 5.15 of this charter. The mayor shall be elected at large as provided in Sections 5.13 and 5.15 of this charter.

## SECTION 5.13.

## Districting.

(a) For purposes of electing members of the city council other than the mayor and the at-large council member, the city shall be divided into five council districts. One member of the council shall be elected from each such district. The five council districts shall be and correspond to those five numbered districts described in the plan attached to and made a part of this Act and further identified as Plan Name: gc08p5 Plan Type: Local User: Staff Administrator: Garden City.

542 (b) When used in the above-mentioned attachment, the terms 'Tract' and 'BG (Block Group)'  
543 shall mean and describe the same geographical boundaries as provided in the report of the  
544 Bureau of the Census for the United States decennial census of 2000 for the State of Georgia.  
545 The separate numeric designations in a Tract description which are underneath a 'BG'  
546 heading shall mean and describe individual Blocks within a Block Group as provided in the  
547 report of the Bureau of the Census for the United States decennial census of 2000 for the  
548 State of Georgia. Any part of the City of Garden City which is not included in any such  
549 district described in that attachment shall be included within that district contiguous to such  
550 part which contains the least population according to the United States decennial census of  
551 2000 for the State of Georgia. Any part of the City of Garden City which is described in that  
552 attachment as being in a particular district shall nevertheless not be included within such  
553 district if such part is not contiguous to such district. Such noncontiguous part shall instead  
554 be included within the district contiguous to such part which contains the least population  
555 according to the United States decennial census of 2000 for the State of Georgia.

556 SECTION 5.14.

557 Qualifications for mayor and the city council members.

558 (a) No persons shall be mayor or a member of the city council if that person is ineligible for  
559 such office pursuant to O.C.G.A. Code Section 45-2-1 of the O.C.G.A., any other general  
560 law applicable to that office, or any provision of this charter.

561 (b) In order to be elected or appointed as a member of the city council from a district, that  
562 person must have resided in that council district for at least six months prior to the election  
563 or appointment thereto and, if elected, must receive a plurality of votes cast for that office  
564 in that district only and not at large. Only electors who are residents of the council district  
565 may vote for a member of the council for that district. At the time of qualifying for election  
566 as a member of the city council for a council district, each candidate for such office shall  
567 specify the council district for which that person is a candidate. A person elected or  
568 appointed as a member of the city council from a council district must continue to reside in  
569 that district during that person's term of office or that office shall become vacant.

570 (c) In order to be elected or appointed as an at-large member of the city council, a person  
571 must have resided in the city for at least one year prior to the election or appointment thereto  
572 and, if elected, must receive a plurality of votes cast in the entire city. Only electors who are  
573 residents of the city may vote for an at-large member of the council. A person elected or  
574 appointed as an at-large member of the city council must continue to reside in the city during  
575 that person's term of office or that office shall become vacant.

(d) In order to be elected or appointed as mayor, a person must have resided in the city for at least one year prior to election or appointment thereto and, if elected, must receive a plurality of votes cast for that office in the entire city. The mayor must continue to reside within the city during that person's term of office or that office shall become vacant.

#### SECTION 5.15.

Election of the City Council Reconstituted Pursuant to the 2009 Charter Amendment.

The mayor and members of council reconstituted pursuant to this Act shall be elected as follows:

(1) The first members from Council Districts 1, 2, 3, 4, and 5 shall be elected at the general election on the Tuesday following the first Monday in November, 2011. Those members of the city council elected thereto from Council Districts 1 and 5 in 2011 shall take office the first Monday after the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2013, and upon the election and qualification of their respective successors;

(2) Members of the city council elected thereto from Council Districts 2, 3, and 4 in 2011 shall take office the first Monday after the first day of January immediately following an election and shall serve for initial terms of office which expire December 31, 2015, and upon the election and qualification of their respective successors;

(3) The first at-large member shall be elected at the general election on the Tuesday following the first Monday in November, 2011. The at-large member so elected shall take office the first Monday after the first day of January immediately following that election. The at-large member shall serve for an initial term of office which expires on December 31, 2013;

(4) The mayor shall be elected at the general election on the Tuesday following the first Monday in November, 2011. The mayor shall take office on the first Monday after the first day of January immediately following that election and shall serve for an initial term of office which expires on December 31, 2015, and upon the election and qualification of the mayor's successor; and

(5) Those and all future successors to the mayor and members of the city council whose terms of office are to expire shall be elected at the time of the municipal general election immediately preceding the expiration of such terms, shall take office the first Monday after the first day of January immediately following that election and shall serve for terms of office of four years each. The mayor and members of the city council shall serve for the terms of office specified in this section and until their respective successors are elected and qualified.

**SECTION 5.16.****Registration of Electors.**

(a) The council may elect either to maintain its own registration or provide for the registration of electors by resolution or other appropriate measure stating that any person who is a resident of the city and who is registered as an elector with the Board of Registrars of Chatham County and meets the municipal residency requirements shall be eligible to vote in a primary or election.

(b) In the event the council does not elect to maintain its own registration, it may nevertheless appoint registrars as provided by law whose duties shall include the purging of the city's list of electors under the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(c) No person shall vote in any Garden City primary or election unless he or she shall be a registered voter, qualified to vote in Chatham County elections, and qualified as required by law to vote in municipal elections in Garden City.

**SECTION 5.17.****Primary Election for Selection of Mayor and Council by Political Parties Prohibited.**

No political party shall conduct primaries for the purpose of nominating candidates for the municipal election to elect the mayor and council members. Any person having the qualifications prescribed to be eligible to serve as mayor or council member shall become a candidate in the regular general election by filing his or her notice of candidacy with the municipal superintendent of elections in accordance with Section 21-2-132 of the O.C.G.A.

**SECTION 5.18.****Voter qualifications.**

Any person who is a resident of the city and who is registered as an elector with the Board of Registrars of Chatham County and meets the municipal residency requirements shall be eligible to vote in the regular city election. No person shall vote in any city election unless he or she is a registered voter, qualified to vote in Chatham County elections, and qualified as required by law to vote in municipal elections in the city."

**SECTION 4.**

Said Act is further amended by striking in their entirety Sections 6.31 and 6.32 of Article VI and inserting in lieu thereof the following:

## "SECTION 6.31.

## Submission of Operating Budget to the City Council.

On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this charter, shall be in such form as the city manager deems desirable or the city council may require for effective management and an understanding of the relationship between the budget and the city's strategic goals. The budget shall begin with a clear general summary of its contents; shall show in detail all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and shall be so arranged as to show comparative figures for actual and estimated income and expenditures of the current fiscal year and actual income and expenditures of the preceding fiscal year. It shall indicate in separate sections the following:

(1) The proposed goals and expenditures for current operations during the ensuing fiscal year, detailed for each fund by department or by other organization group, and program, purpose or activity, method of financing such expenditures, and methods to measure outcomes and performance related to the goals;

(2) Proposed longer term goals and capital expenditures during the ensuing fiscal year, detailed for each fund by department or by other organization unit when practicable, the proposed method of financing each such capital expenditure, and methods to measure outcomes and performance related to the goals; and

(3) The proposed goals, anticipated income and expense, and profit and loss for the ensuing year for each utility or other enterprise fund or internal service fund operated by the city and methods to measure outcomes and performance related to the goals. For any fund, the total of proposed expenditures shall not exceed the total of estimated income plus carried forward fund balances exclusive of reserves.

## SECTION 6.32.

## The City Council Action on Budget.

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

676 (b) The city council shall adopt the final operating budget for the ensuing fiscal year not  
677 later than seven days prior to the beginning thereof. If the city council fails to adopt the  
678 budget by this date, the amounts appropriated for operation for the current fiscal year shall  
679 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items  
680 prorated accordingly, until such time as the council adopts the budget for the ensuing fiscal  
681 year. Adoption of the budget shall take the form of an appropriations ordinance or resolution  
682 setting out the estimated revenues in detail by sources and making appropriations according  
683 to fund and by organizational unit, purpose, or activity.

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

688 (d) Prior to council's adoption of the budget, the requirements for advertising and public  
689 hearings on the proposed budget shall be as follows:

690 (1) On the day the proposed budget is submitted to the city council for consideration, a  
691 copy of the budget shall be placed in a public location which is convenient to the  
692 residents of the city. The city council shall provide convenient access to the location  
693 during reasonable business hours so as to provide the public with ample opportunity to  
694 review the budget prior to its adoption. A copy of the proposed budget must also be  
695 made available, upon request, to the news media;

696 (2) A statement advising the city's residents of the availability of the proposed budget  
697 shall be published during the week in which the proposed budget is submitted to the city  
698 council. The statement shall advise the residents that a public hearing will be held on the  
699 proposed budget at which time any persons wishing to be heard on the budget may  
700 appear. The statement published in the newspaper having general circulation within the  
701 city shall be a prominently displayed advertisement or news article, and it shall not be  
702 placed merely in the section of the newspaper reserved for legal notices;

703 (3) At least one week prior to the meeting of the city council at which adoption of the  
704 budget ordinance or resolution shall be considered, the city council shall conduct a public  
705 hearing, at which time any person wishing to be heard on the budget may appear; and

706 (4) The city council shall publish notice of the time and place of the required budget  
707 hearing at least one week before the hearing date. The notice which is published in a  
708 newspaper having general circulation within the city shall be a prominently displayed  
709 advertisement or news article, and it shall not be placed in the section of the newspaper  
710 reserved for legal notices.

711 (e) On a date after the conclusion of the hearing required in paragraph (3) of subsection (c)  
712 of this section, the city council shall adopt a budget ordinance or resolution setting out the

713 estimated revenues in detail by sources and making appropriations according to fund and by  
714 organizational unit, purpose, or activity in such sums as the council may deem sufficient,  
715 whether greater or less than the sums presented in the proposed budget. The budget  
716 ordinance or resolution shall be adopted at a public meeting which shall be advertised in  
717 accordance with the procedures set forth in such paragraph at least one week prior to the  
718 meeting.

719 (f) The budget may be prepared in any form that the city council deems most efficient in  
720 enabling it to make the fiscal policy decisions embodied in the budget, but such budget shall  
721 be subject to the provisions of this charter, any applicable city ordinance, and state law."

722 **SECTION 5.**

723 Said Act is further amended by adding to Article VI a new section to read as follows:

724 "SECTION 6.35.

725 Capital Budget.

726 (a) On or before the date fixed by the city council but no later than 30 days prior to the  
727 beginning of each fiscal year, the city manager shall submit to the city council a proposed  
728 capital improvements plan with a recommended capital budget containing the means of  
729 financing the improvements proposed for the ensuing fiscal year. The city council shall have  
730 power to accept, with or without amendments, or reject the proposed plan and proposed  
731 budget. The city council shall not authorize an expenditure for the construction of any  
732 building, structure, work, or improvement, unless the appropriations for such project are  
733 included in the capital budget, except to meet a public emergency.

734 (b) The city council shall adopt by ordinance or resolution the final capital budget for the  
735 ensuing fiscal year not later than seven days prior to the beginning thereof. No appropriation  
736 provided for in a prior capital budget shall lapse until the purpose for which the appropriation  
737 was made shall have been accomplished or abandoned; provided, however, the city manager  
738 may submit amendments to the capital budget at any time during the fiscal year,  
739 accompanied by recommendations. Any such amendments to the capital budget shall  
740 become effective only upon adoption by ordinance or resolution."

741 **SECTION 6.**

742 All ordinances, resolutions, and rules and regulations now in force in the city not inconsistent  
743 with this Act hereby declared valid and of full effect and force until amended or repealed by  
744 the city council.

745 **SECTION 7.**

746 If any article, section, subsection, paragraph, sentence, or part thereof of this Act shall be  
747 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
748 or impair other parts of this Act unless it clearly appears that such other parts are wholly and  
749 necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
750 legislative intent in enacting this Act that each article, section, subsection, paragraph,  
751 sentence, or part thereof be enacted separately and independent of each other.

752 **SECTION 8.**

753 The governing authority of Garden City shall through its legal counsel cause this Act to be  
754 submitted for preclearance under the federal Voting Rights Act of 1965, as amended; such  
755 submission shall be made to the United States Department of Justice or filed with the  
756 appropriate court no later than 45 days after the date on which this Act is approved by the  
757 Governor or otherwise becomes law without such approval.

758 **SECTION 9.**

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