

House Bill 800

By: Representatives Rynders of the 152nd and Fullerton of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To provide for the consolidation and unification of the existing governments of the City of
2 Albany and Dougherty County, Georgia; to provide for the creation of the consolidated and
3 unified government of Albany-Dougherty County, Georgia; to provide for the status,
4 boundaries, and powers of the consolidated and unified government; to provide for the form
5 of, administration of, and affairs of the consolidated and unified government; to provide for
6 officers and employees, elections, courts, taxation, and finance; to provide for other related
7 matters; to provide for a referendum election with respect to the effectiveness of the
8 foregoing; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **ARTICLE I**
11 **CONSOLIDATION AND UNIFICATION, CREATION, BOUNDARIES, STATUS,**
12 **AND POWERS OF ALBANY-DOUGHERTY COUNTY**

13 **Section 1-101.**

14 Consolidation and unification of county and city;
15 creation of consolidated government; name.

16 (a) The governmental and corporate powers, duties, and functions now vested in the
17 governing authority of the City of Albany, a municipal corporation incorporated by an Act
18 of the General Assembly of Georgia, approved August 18, 1923 (Ga. L. 1923, p. 370), as
19 amended, are hereby consolidated and unified with the governmental and corporate powers,
20 duties, and functions of Dougherty County. This consolidation and unification shall result
21 in the creation and establishment of a single county-wide government with powers and
22 jurisdiction throughout the territorial limits of Dougherty County. Said county-wide
23 government shall be a new political entity, a body politic and corporate, and a political
24 subdivision of the state to be known as Albany-Dougherty County, Georgia having all the
25 governmental and corporate powers, duties, and functions previously held by and vested in

26 the City of Albany and in Dougherty County, and also the powers, duties, and functions
27 provided in this charter.

28 (b) Albany-Dougherty County, Georgia shall be a public corporation; shall have perpetual
29 existence; shall adopt a common seal; shall, without the necessity or formality of a deed, bill
30 of sale, or other instrument of transfer, own, possess, and hold all the properties of
31 whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities,
32 and real and personal property theretofore owned, possessed, enjoyed, or held by the City of
33 Albany or Dougherty County; and by the name of Albany-Dougherty County, Georgia shall
34 be capable of suing and being sued when authorized by this charter and by the Constitution
35 and laws of the State of Georgia.

36 (c) On the effective date of this charter, the political subdivision known as Dougherty
37 County, Georgia, and the municipal corporation known as the City of Albany, Georgia, shall
38 be consolidated, unified, and merged into the new political entity created by this charter.

39 (d) The consolidation and unification of the governments of the City of Albany and
40 Dougherty County is authorized pursuant to the provisions of Article IX, Section III,
41 Paragraph II(a) of the Constitution of the State of Georgia of 1983, as amended.

42 **Section 1-102.**

43 Boundaries.

44 Albany-Dougherty County, Georgia shall embrace the total area included within the existing
45 territorial limits of Dougherty County as such limits are established on the effective date of
46 this charter, provided that such limits may be altered and changed from time to time as
47 provided by the Constitution and laws of the State of Georgia pertaining to counties.

48 **Section 1-103.**

49 Status as municipal corporation and county.

50 Albany-Dougherty County, Georgia shall be deemed to be both a municipal corporation and
51 a county throughout the total territorial limits of said government.

52 **Section 1-104.**

53 Powers of the consolidated and unified government.

54 (a) Albany-Dougherty County, Georgia shall have all rights, powers, duties, privileges, and
55 authority, whether express or implied, that may now be vested in or hereafter granted to
56 counties, municipal corporations, or both by the Constitution and laws of Georgia.

57 (b) In addition to the rights, duties, powers, privileges, and authority expressly conferred by
58 this charter, the consolidated and unified government of Albany-Dougherty County, Georgia
59 shall have the right, duty, power, privilege, and authority to exercise and enjoy all other

60 powers, duties, functions, rights, privileges, and immunities necessary and proper to promote
61 or protect the safety, health, peace, security, and general welfare of the government and its
62 inhabitants and to exercise all implied powers necessary to carry into execution all powers
63 granted in this charter as fully and completely as if such powers were fully enumerated in this
64 charter and to do and perform all of the acts pertaining to its property, affairs, and local
65 government which are necessary or proper in the legitimate exercise of its corporate powers
66 and governmental duties and functions.

67 (c) The consolidated and unified government shall have and be vested with, to the same
68 extent as if repeated in this charter, all rights, powers, duties, privileges, and authority that
69 the Mayor and Board of Commissioners of the City of Albany or the Board of
70 Commissioners of Dougherty County, or both, had under the Constitution and general and
71 local laws of the State of Georgia at the time of the adoption of this charter. This authority
72 shall include, but not be limited to, the authority to adopt home rule ordinances and
73 resolutions as provided in Article IX, Section II of the Constitution of the State of Georgia.

74 (d) No enumeration of any right, power, privilege, or authority shall be construed as limiting
75 or abolishing any right, power, privilege, or authority set forth in this charter.

76 (e) In addition to and supplementary to all other powers which it may possess, and by way
77 of illustration and not of limitation, the consolidated and unified government shall have the
78 powers specifically enumerated in Section 8-108 of this charter.

79

Section 1-105.

80

Establishment of services districts.

81 (a) Albany-Dougherty County, Georgia will initially be divided into two services districts.
82 At least one of such districts shall be known as the general services district. The general
83 services district shall consist of the total area of Dougherty County. In addition, there shall
84 be an urban services district which shall initially include the territory of the former City of
85 Albany. The purpose of establishing services districts is to ensure that the citizens of
86 Albany-Dougherty County, Georgia shall pay for the services that they receive but will not
87 pay for a service that they are not receiving. The boundaries of the urban and general
88 services districts; taxation, fees, and services within those districts; and the methods for
89 changing district boundaries or services and for creating new districts shall be as set forth in
90 this charter.

91 (b) Taxes and service fees shall be assessed, levied, and collected in accordance with the
92 kind, character, type, degree, and level of services provided by the government within said
93 service districts, and the rate and manner of taxation and service fees may vary in any one
94 district from that in another or other districts.

95 (c) The consolidated and unified government may also establish special services districts
96 which shall embrace such territory or territories for which provision is made by the
97 commission for different types and levels of services or additional or higher levels of services
98 provided by the consolidated government. In the establishment of special services districts,
99 the commission shall hold one or more public hearings thereon at which all interested
100 persons affected thereby shall have an opportunity to be heard. Notice of the time, place, and
101 date of such hearings shall be published in the official legal organ of Albany-Dougherty
102 County at least once a week during the two weeks immediately preceding the date of hearing.

103 (d) The consolidated and unified government shall perform within the general services
104 district those governmental duties, functions, and services which are generally available and
105 accessible to all residents throughout the total area of said government.

106 (e) The consolidated and unified government shall perform within its urban services districts
107 those additional, more comprehensive and intensive, and higher levels of governmental
108 duties, functions, and services which benefit primarily the residents of such urban services
109 districts.

110 (f) The consolidated and unified government shall perform within its special services
111 districts those different or additionally selected, more comprehensive, intensive, and higher
112 levels of governmental duties, functions, and services which benefit primarily the residents
113 of such special services districts.

114 (g) Except as otherwise provided by this charter, urban and special services districts of the
115 consolidated and unified government shall be created, expanded, merged, consolidated, or
116 reduced only by an ordinance duly adopted by the commission under such general rules,
117 procedures, regulations, requirements, and specifications as established by the commission;
118 provided, however, that no new urban or special service district shall be created or any
119 existing urban or special services district expanded, abolished, merged, consolidated, or
120 reduced without providing an opportunity for interested persons to be heard by publishing
121 a notice of a public hearing on the proposed expansion, consolidation, reduction, or creation
122 of an urban or special services district in the official legal organ of Albany-Dougherty
123 County, Georgia, at least once a week during the two weeks immediately preceding the date
124 of hearing. Such rules and regulations adopted by the commission shall set forth the manner
125 and method for the creation of new urban and special services districts; the expansion,
126 consolidation, reduction, or merger of existing urban or special services districts;
127 requirements for defining functions and policies for rendering services; changes in levels of
128 services within existing services districts; the transfer of territory from one services district
129 to another; requirements for defining boundaries of services districts; procedures for the
130 expansion, reduction, or consolidation of existing services districts; and requirements for
131 defining boundaries of services districts.

132 (h) The consolidated and unified government is empowered to create new services and
 133 eliminate existing services by the same procedures and methods stated above.

134 (i) Citizens of any area in the county may request additional services by petitioning the
 135 consolidated and unified government according to the rules, procedures, and guidelines
 136 established by the consolidated and unified government.

137 **Section 1-106.**

138 Construction.

139 The powers of the consolidated and unified government shall be construed liberally in favor
 140 of the consolidated and unified government. The specific mention or failure to mention
 141 particular powers in this charter shall not be construed as limiting in any way the general
 142 powers of the consolidated and unified government as provided in this article. It is the
 143 intention hereof to grant to the consolidated and unified government full power and right to
 144 exercise all governmental authority authorized by the Constitution and laws of Georgia
 145 which is necessary for the effective operation and conduct of the consolidated and unified
 146 government within its territory and for the conduct of all of its affairs.

147 **ARTICLE II**

148 **LEGISLATIVE BODY**

149 **Chapter 1 - The Commission**

150 **Section 2-101.**

151 Name.

152 There is hereby created the "Commission of Albany-Dougherty County, Georgia."

153 **Section 2-102.**

154 Composition and election.

155 The Commission of Albany-Dougherty County, Georgia shall consist of eight members, who
 156 shall be elected from eight single-member districts as provided in Appendix A of this charter.
 157 Each member of the commission shall be elected by the voters of the district which he or she
 158 represents.

159 **Section 2-103.**

160 Term of office; qualifications; disqualifications.

161 (a) The term of office of all members of the commission shall be four years with members
 162 serving staggered terms and until their successors are elected and qualified, except that a
 163 commissioner appointed to fill a vacancy shall serve only for the balance of the unexpired
 164 term as provided in Section 2-108 of this charter. All terms of office following the initial

165 terms shall commence at the first regular meeting in January next following the election.
 166 There shall be no limit on the number of terms an individual may serve as a commissioner.
 167 (b) A candidate for the commission shall specify the single-member district for which such
 168 person is offering for election. Each candidate shall be nominated and elected by a majority
 169 of the qualified electors voting in such single-member district. No person shall be eligible
 170 for election or appointment to the commission unless such person shall, on or before the date
 171 of election or appointment, have attained the age of 21, be a qualified voter of
 172 Albany-Dougherty County, Georgia, and have resided within the county and within the
 173 district from which elected for at least one year prior to the election. For purposes of the first
 174 election only, a candidate is required to have resided within the county for at least one year
 175 prior to election and within the territorial limits of the district from which elected on the date
 176 of qualifying for election. A member of the commission shall continue to reside within the
 177 district from which elected during such member's term of office. Failure of a member to
 178 continue to reside within the district from which elected or appointed during such member's
 179 term of office shall result in forfeiture of office.
 180 (c) No member of the commission, during that member's term of office, shall hold any other
 181 federal, state, or local government elective office.

182 **Section 2-104.**

183 Salary and expenses of the commission.

184 (a) The members of the commission shall be compensated at the rate of \$9,600.00 per year
 185 from funds of Albany-Dougherty County, Georgia. Upon attaining certification as either a
 186 certified county commissioner or as a certified municipal official pursuant to completion of
 187 a voluntary course of training administered by the Carl Vinson Institute of Government, each
 188 commissioner shall be compensated at the rate of \$10,800.00 per year. A commissioner who
 189 is certified at the time of taking office shall automatically receive the higher rate of
 190 compensation.
 191 (b) In addition to the salary provided, any commissioner shall be reimbursed for actual
 192 expenses incurred by such member in carrying out the responsibilities of the consolidated
 193 government of Albany-Dougherty County, Georgia. Procedures governing the
 194 reimbursement of expenses shall be set by the commission.
 195 (c) The salary and expenses of members of the commission may be changed by ordinance,
 196 subject to the following conditions:
 197 (1) No action to increase the salary or expenses of commissioners shall be taken until
 198 notice of intent to take the action has been published in the official legal organ of
 199 Albany-Dougherty County, Georgia at least once a week for three successive weeks
 200 immediately preceding the week during which the action is taken;

201 (2) Any action to increase the salary of commissioners shall not become effective until the
202 date of commencement of the terms of those commissioners elected at the next regular
203 election following such action; and

204 (3) No action to increase the salary of commissioners shall be taken during the period
205 between the date when candidates for election to the commission may first qualify as
206 candidates and the date when members of the commission take office following their
207 election.

208 **Section 2-105.**

209 Organization; oath; rules; meetings; quorum; records.

210 (a) The commission shall hold its organizational meetings on the second Monday in January
211 following the general election. At such meetings, the newly elected or reelected
212 commissioners shall each take the following oath of office, to be administered by the judge
213 of the probate court:

214 "I do solemnly swear or affirm that I will well and truly perform the duties of the office of
215 commissioner of Albany-Dougherty County, Georgia and that I will support and defend
216 the charter thereof and the Constitution and laws of the State of Georgia and of the United
217 States."

218 (b) The commission shall, by majority vote, adopt rules of procedure governing the conduct
219 of meetings and the transaction of its business consistent with the provisions of this charter.
220 The commission shall comply with the open and public meeting requirements of Chapter 14
221 of Title 50 of the O.C.G.A. The commission shall provide for the keeping of minutes of its
222 proceedings which shall be a public record.

223 (c) The commission shall hold at least one regular meeting each month. The commission
224 shall, at its first organization meeting, adopt by ordinance the time, date, and place for
225 regular meetings.

226 (d) Special meetings of the commission may be called by the CEO or by any two
227 commissioners upon no less than 24 hours' written notice to each member served personally
228 or left at the usual place of business or residence of such member. Notice of a special
229 meeting may be waived in writing by any member either before or after the meeting, and the
230 requirement of notice of such meeting shall be deemed waived as to those commissioners
231 attending such meeting. Special meetings must be preceded by a minimum of 24 hours
232 notice to the public of the time, place, and subject matter of the special meeting.

233 (e) Five members of the commission shall constitute a quorum for the transaction of
234 business. No official act which is to have the force and effect of law shall be valid or binding
235 unless adopted by the affirmative vote of at least five members of the board.

236 (f) All meetings of the commission, except for those exceptions provided for in general law,
 237 shall be public and any citizen shall have access to the minutes and records thereof at
 238 reasonable times.

239 **Section 2-106.**

240 Powers of the commission.

241 (a) All legislative powers of the consolidated and unified government of Albany-Dougherty
 242 County, Georgia, including any such powers which may hereafter be conferred by law upon
 243 said government, shall be vested exclusively in and exercised by the commission in
 244 accordance with the provisions of this charter.

245 (b) In addition to its legislative powers, the commission shall specifically have the power
 246 to:

247 (1) Approve, amend, or reject the budget;

248 (2) Appoint the manager, attorney, and judge of the municipal court;

249 (3) Remove from office the manager, attorney, and judge of the municipal court by
 250 majority vote of the entire commission; and

251 (4) Call special meetings of the commission upon agreement of any two commissioners.

252 (c) Except as otherwise provided by the Constitution or general or local law, the commission
 253 may appoint members to any external advisory committee, commission, or other body. Any
 254 commissioner may recommend appointments to such external committees, commissions, or
 255 other bodies of the consolidated and unified government.

256 (d) In the exercise of its powers, the commission shall adopt and provide for the execution
 257 of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter, as
 258 may be necessary or proper for the purpose of carrying into effect the powers conferred by
 259 this charter and for the promotion and protection of the safety, health, peace, security, and
 260 general welfare of the inhabitants of the consolidated and unified government and may
 261 enforce such ordinances, resolutions, rules, and regulations by imposing penalties for
 262 violations thereof, as prescribed by ordinance, by a fine not exceeding \$1,000.00.

263 (e) Except as otherwise provided by the Constitution, general or local law, or this charter,
 264 the commission may by ordinance create, change, alter, combine, abolish, consolidate, and
 265 redefine the manner of appointment, membership, powers, and duties of bureaus, boards,
 266 commissions, departments, divisions, authorities, offices, and agencies of the consolidated
 267 government, including positions of public employment, and may transfer and delete
 268 functions and assign additional functions to any bureaus, offices, agencies, departments,
 269 divisions, boards, authorities, commissions, and positions of public employment existing
 270 under this charter. The commission may by ordinance transfer all the assets, liabilities, and
 271 obligations thereof to a department, a division, or other unit of a department of the

272 consolidated and unified government, which shall have the power, and its duty shall be, to
273 perform and exercise all the functions and powers theretofore performed and exercised by
274 such board, commission, authority, division, agency, bureau, office, department, or position
275 of public employment.

276 (f) Subsection (e) of this section shall not apply to any authorities or boards which were
277 created by either a local constitutional amendment or by a local Act of the General
278 Assembly.

279 (g) The commission shall have the power to conduct or cause to be conducted inquiries and
280 investigations of the operations of any office, department, or agency or the conduct of any
281 officer or employee thereof administering the affairs of the consolidated and unified
282 government. In conducting inquiries and investigations, the commission shall have the right
283 to administer oaths; subpoena witnesses, documents, records, or other evidence; take
284 testimony; and require the production of evidence. The conduct of proceedings at
285 commission inquiries and investigations shall be subject to such rules and regulations as the
286 commission may prescribe by general ordinance.

287 (h) The commission shall provide for the form of oaths and the amount and condition of
288 surety bonds as may be required of any officer or employee of the consolidated and unified
289 government.

290 (i) The commission shall have and exercise such other powers as conferred upon it by this
291 charter and the laws of Georgia.

292 **Section 2-107.**

293 **Filling of vacancies.**

294 (a) The office of commissioner shall become vacant if a member ceases to reside in the
295 district from which elected or upon a member's death, resignation, or removal from office
296 or forfeiture of office upon the occurrence of any event specified by the Constitution of the
297 State of Georgia, Title 45 of the O.C.G.A., or any other applicable law, now existing or
298 hereafter enacted.

299 (b)(1) In the event that the office of commissioner becomes vacant for any reason, a
300 successor shall be selected as provided in paragraphs (2) and (3) of this subsection.

301 (2) If there are more than six months remaining in the unexpired term, the position shall
302 be filled by special election at the next permissible date for a special election. The special
303 election shall be called by the judge of the probate court as provided by general law. Any
304 person so elected must possess the same qualifications for election as set forth in
305 subsection (b) of Section 2-103 of this charter.

306 (3) If less than six months remain in the unexpired term, the remaining members of the
307 commission shall appoint a successor to fill the unexpired term. Any person so appointed

308 must possess the same qualifications as for election as set forth in subsection (b) of
309 Section 2-103 (b) of this charter.

310 **Chapter 2 - Legislative Procedure**

311 **Section 2-201.**

312 Legislation by ordinance.

313 Every official act of the commission which is to have the force and effect of law shall be by
314 ordinance and shall begin with the words: "The Commission of Albany-Dougherty County,
315 Georgia hereby ordains". All other acts of the commission shall be by resolution or shall
316 take such other form as prescribed by its rules.

317 **Section 2-202.**

318 Introduction, consideration, and passage of ordinances and resolutions.

319 (a) Every proposed ordinance and every amendment shall contain not more than one subject
320 which shall be clearly expressed in its title.

321 (b) Every proposed ordinance and every amendment shall be introduced in writing.

322 (c) Prior to the introduction of any ordinance, copies of it shall be prepared by the Clerk and
323 distributed to each member of the commission and to the attorney. It shall be the duty of the
324 attorney to review the draftsmanship and impact of each ordinance. All proposed ordinances
325 shall be filed with the clerk not later than noon of the prior business day before the meeting
326 at which the ordinance is to be read for the first time.

327 (d) Before any ordinance shall be passed, the caption or title of the ordinance shall be read
328 twice, and each reading shall be at separate meetings, regular or special, on separate days;
329 provided that, by unanimous consent of the members of the commission present, the second
330 reading may be waived and the ordinance considered and voted upon at the first meeting at
331 which the caption is read. Notwithstanding the foregoing, any commissioner may require
332 the ordinance to be read in whole or in part prior to its passage.

333 (e) The adoption of any ordinance shall require an affirmative vote of at least five members
334 of the commission.

335 (f) The passage of all ordinances shall be contingent upon the recording of the "ayes" and
336 "nays" of each commissioner, and the names of the commissioners voting for and against
337 each proposed ordinance or amendment, those abstaining, and those absent shall be entered
338 upon the minutes of the proceedings of the commission.

339 (g) The provisions of this section shall also apply to resolutions, except that resolutions, or
340 their captions or titles, need only be read one time and may be considered and voted upon at
341 the same meeting.

342 **Section 2-203.**

343 Emergency ordinances.

344 To meet a public emergency threatening life, health, property, or public safety, the
345 commission may adopt emergency ordinances; provided, however, that such ordinances may
346 not be enacted to levy taxes; to grant, renew, or extend a franchise; to regulate the rate
347 charged for any public utility or service; or to authorize the borrowing of money unless it
348 shall be repaid in 30 days or less. An emergency ordinance shall be in the form prescribed
349 for ordinances generally, except that it shall be plainly designated as an emergency ordinance
350 and shall contain a declaration stating what emergency exists. An emergency ordinance may
351 be adopted with or without amendment or it may be rejected at the meeting at which it is
352 introduced, but the affirmative vote of at least five members of the commission shall be
353 required for adoption. An emergency ordinance shall become effective upon adoption or at
354 such later time as it may specify. Every emergency ordinance shall automatically stand
355 repealed on the sixteenth day following the date on which it was adopted; but, if the
356 emergency still exists, this shall not prevent reenactment of the ordinance in the manner
357 specified in this section. An emergency ordinance may also be repealed by adoption of a
358 repealing ordinance in the same manner specified in this section for adoption of emergency
359 ordinances.

360 **Section 2-204.**

361 Authentication; recording; effective date.

362 All ordinances which have become law shall immediately be deposited in the official
363 archives of the clerk. The clerk shall note on the face of the ordinance the date and time it
364 has become law and the ordinance shall become effective at noon on the day following its
365 becoming law or at such later time as it may specify. The clerk shall authenticate by his or
366 her signature each ordinance which has become law.

367 **Section 2-205.**

368 Codes of technical regulations.

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

372 (1) The requirements of subsection (c) of Section 2-202 of this charter for distribution of
373 copies of the ordinance to each commissioner and to the attorney shall be construed to
374 include copies of the code of technical regulations which shall be maintained in the clerk's
375 office, as well as the adopting ordinance; and

376 (2) A copy of each adopted code of technical regulations, as well as the adopting
 377 ordinance, shall be authenticated and recorded by the clerk as provided in Section 2-204
 378 of this charter.

379 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
 380 for public inspection and for purchase at a reasonable price as fixed by the commission.

381 **Section 2-206.**

382 Codification and printing of ordinances.

383 (a) The commission shall, within two years of the effective date of this charter, provide for
 384 the preparation of a general codification of all ordinances of a general or permanent nature.
 385 Such code shall be adopted by the commission by ordinance and shall be published promptly
 386 in loose-leaf form, together with all amendments thereto, this charter, any amendments
 387 hereto, and such codes of technical regulations and other rules and regulations as the
 388 commission may specify. This compilation shall be known and cited officially as the "Code
 389 of Albany-Dougherty County, Georgia." As determined by the commission, copies of the
 390 code shall be furnished to officers, departments, and agencies of the consolidated and unified
 391 government; placed in libraries and public offices for public reference; and made available
 392 for purchase by the public at a reasonable price.

393 (b) Following publication of the first Code of Albany-Dougherty County, Georgia, and from
 394 time to time thereafter, the ordinances and charter amendments shall be printed in
 395 substantially the same style as the code then in effect and shall be suitable in form for
 396 integration therein.

397 **Section 2-207.**

398 Prima-facie evidence.

399 A record or entry made by the clerk or a copy of such record or entry, duly certified by the
 400 clerk, shall be prima-facie evidence of the terms of every ordinance and its due publication.

401 **Chapter 3 - Ethics and Prohibited Practices**

402 **Section 2-301.**

403 Conflict of interest.

404 No elected official, appointed officer, or employee of Albany-Dougherty County, Georgia
 405 or any agency or political entity to which this charter applies shall knowingly:

406 (1) Engage in any business or transaction in which the person has a financial interest
 407 which is incompatible with the proper discharge of official duties;

- 408 (2) Disclose confidential information concerning the property, government, or affairs of
409 the governmental body by which such person is engaged or is a member of without proper
410 legal authorization or use that information to advance the financial or other private interest
411 of such person or others;
- 412 (3) Accept any gift that has a value of \$100.00 or more from any person, firm, or
413 corporation which to his or her knowledge is interested, directly or indirectly, in business
414 dealings with the governmental body that he or she is a member of or by which such person
415 is engaged; provided, however, that an elected official who is a candidate for public office
416 may accept campaign contributions and services in connection with any campaign;
- 417 (4) Represent private interests other than his or her own in any action or proceeding
418 against Albany-Dougherty County, Georgia or any portion of its government; or
- 419 (5) Vote or otherwise actively participate in the negotiation or the making of any contract
420 between Albany-Dougherty County, Georgia and any business or entity in which he or she
421 has a financial interest.

422 **Section 2-302.**

423 Disclosure.

424 Any elected official, appointed officer, or employee of the consolidated and unified
425 government or of any board, commission, authority, or agency thereof who shall have any
426 private financial interest, direct or indirect, in any contract or matter pending before or within
427 any department of the consolidated and unified government shall disclose such private
428 interest to the commission. Any commissioner who has a private interest in any matter
429 pending before the commission shall disclose such private interest and such disclosure shall
430 be entered on the records of the commission, and he or she shall disqualify himself or herself
431 from participating in any decision or vote relating thereto.

432 **Section 2-303.**

433 Testimony of public officials relating to public affairs.

434 Any officer or employee of the consolidated and unified government or of any board,
435 commission, authority, or agency thereof who is duly and properly called as a witness before
436 any consolidated and unified government, state, or federal judicial or administrative tribunal,
437 and who shall before such tribunal fail to answer any proper question concerning the
438 performance of his or her official duties shall be guilty of a violation of this charter.

439 **Section 2-304.**

440 Contracts voidable and rescindable.

441 Any contract between the consolidated and unified government or any board, commission,
442 authority, agency, or entity thereof made in violation of the provisions of this charter shall
443 be voidable or rescindable at the option of the commission at any time if any elected official,
444 appointed officer, or employee of such consolidated government or board, commission,
445 authority, or agency thereof has any interest in such contract and does not disclose such
446 interest in accordance with Section 2-302 of this charter.

447 **Section 2-305.**

448 Hearings and determinations penalties for violation.

449 (a) Upon the sworn complaint of any person alleging facts which if true would constitute a
450 violation of this charter, the commission may conduct a public hearing at which the accused
451 shall be given an opportunity to be heard, either personally or through counsel. At the
452 conclusion of such hearing, the commission shall, in written findings of fact and conclusions
453 based thereon, make a determination concerning the propriety of the conduct of the official
454 or employee in question.

455 (b) Any officer or employee of the consolidated and unified government or of any board,
456 commission, authority, or agency thereof who is found to have knowingly concealed his or
457 her personal financial interest or who is found to have knowingly violated any of the
458 requirements of this charter shall be deemed guilty of malfeasance in office or position. If
459 such decision is upheld after all reviews and appeals provided by the merit system of the
460 consolidated government have been exhausted, the officer or employee shall be subject to
461 such punishment as may be deemed appropriate by the commission and which may include
462 forfeiture of office or position.

463 (c) Any officer or employee of the consolidated and unified government or of any board,
464 commission, authority, or agency thereof who shall forfeit his or her office or position as
465 described in subsection (b) of this section shall be ineligible for appointment or election to
466 or employment in a position in the consolidated and unified government or of any board,
467 commission, authority, or agency thereof for a period of five years thereafter.

468

ARTICLE III

469

CHIEF ELECTED OFFICIAL

470

Section 3-101.

471

Election; term; name.

472 (a) There is hereby created the office of "Chief Elected Official (CEO) of Albany-Dougherty

473 County, Georgia." The CEO shall be elected from the consolidated and unified government

474 at-large and shall serve for a term of four years and until a successor is elected and qualified.

475 The office of CEO shall be part-time. There shall be no limit on the number of terms an

476 individual may serve as CEO.

477 (b) The CEO of Albany-Dougherty County, Georgia is authorized and empowered to use

478 the titles of "mayor" and "chairperson" at the discretion of the CEO.

479

Section 3-102.

480

Qualifications of office.

481 (a) To be eligible for election as CEO, a person on the date of election must:

482 (1) Have attained the age of 21 years;

483 (2) Have resided in the territory of the consolidated and unified government for at least

484 one year immediately preceding the date of election and must continue such residence

485 therein during the term of office;

486 (3) Be a registered voter of the consolidated and unified government; and

487 (4) Meet any other requirements as established by law.

488 (b) No person elected as CEO shall, during that person's term of office, hold any other

489 federal, state, or local government office.

490

Section 3-103.

491

Compensation.

492 (a) The CEO shall receive as compensation for the services of this office an annual salary

493 of \$11,600.00 per year, payable in equal monthly installments from funds of

494 Albany-Dougherty County, Georgia. Upon attaining certification as either a certified county

495 commissioner or as a certified municipal official pursuant to completion of a voluntary

496 course of training administered by the Carl Vinson Institute of Government, the CEO shall

497 be compensated at the rate of \$12,800.00 per year. A CEO who is certified at the time of

498 taking office, shall automatically receive the higher rate of compensation.

499 (b) In addition to the salary provided, the CEO shall be reimbursed for actual expenses

500 incurred in carrying out the responsibilities of the consolidated government of

501 Albany-Dougherty County, Georgia. Procedures governing the reimbursement of expenses
502 shall be set by the commission.

503 (c) The salary and expenses of the CEO may be changed by ordinance, subject to the
504 following conditions:

505 (1) No action to increase the salary or expenses of the CEO shall be taken until notice of
506 intent to take the action has been published in the official legal organ of Albany-Dougherty
507 County, Georgia at least once a week for three successive weeks immediately preceding
508 the week during which the action is taken;

509 (2) Any action to increase the salary of the CEO shall not become effective until the date
510 of commencement of the term of the CEO elected at the next regular election following
511 such action; and

512 (3) No action to increase the salary of the CEO shall be taken during the period between
513 the date when candidates for election to the office of CEO may first qualify as candidates
514 and the date when the newly elected CEO takes office following the election.

515 **Section 3-104.**

516 Powers and duties.

517 (a) The CEO shall have the power and the duty to:

518 (1) Serve as the official representative of the consolidated and unified government,
519 including serving as the consolidated and unified government's representative to federal,
520 state, and local governmental bodies and officials;

521 (2) Set the agenda, after receiving input from members of the commission, the manager,
522 and the public, for meetings of the commission;

523 (3) Preside over meetings of the commission;

524 (4) Execute all deeds, contracts, and obligations of the consolidated and unified
525 government, provided such execution shall be attested to by the manager;

526 (5) Call special meetings of the commission as provided by this charter and by rules of the
527 commission;

528 (6) Recommend to the commission the adoption of such measures as deemed necessary
529 or expedient;

530 (7) Recommend to the commission the creation of and appointments to legislative
531 committees and external committees or commissions;

532 (8) Vote on all matters before the commission in the same manner as any other
533 commissioner. The CEO's authority and duty to vote shall specifically not be limited to
534 voting only in the event of a tie and any reference in this charter or in the ordinances of the
535 consolidated and unified government to a vote of the commission shall be construed to
536 mean a vote of the commission and the CEO; and

- 537 (9) Perform any other duties and exercise any other powers required by state or federal law
538 or authorized by a duly adopted ordinance that is not in conflict with this charter.
- 539 (b) The CEO shall not have the power to veto any ordinance or resolution duly enacted or
540 adopted by the commission.

541 **Section 3-105.**

542 Vacancy in office of CEO.

- 543 (a) In the event that the office of CEO shall become vacant by reason of death, resignation,
544 or any other cause, the vacancy shall be filled by the CEO pro tempore who shall serve as
545 CEO with all powers of the CEO until a new CEO is selected as provided in this section.
- 546 (b) If the term of the CEO will expire in less than six months, the CEO pro tempore shall
547 serve as the CEO until the next general election when a new CEO will be elected.
- 548 (c) If the term of the CEO will continue for more than six months, a special election shall
549 be held as provided in general law to elect a new CEO for the remainder of the vacant CEO's
550 term.

551 **Section 3-106.**

552 Chief elected official pro tempore.

- 553 (a) The position of chief elected official (CEO) pro tempore shall rotate annually among the
554 membership of the commission, beginning with the commissioner elected from District 1,
555 in January immediately following the first election. The term of CEO pro tempore shall be
556 of one year beginning at the first regular meeting of the commission each year. Whenever
557 it becomes necessary to fill a vacancy in the office, the next commissioner in the rotation
558 shall fill the vacancy for the remainder of that year. A commissioner who fills a vacancy of
559 less than six months shall be eligible to serve the next full year term as CEO pro tempore.
- 560 (b) In the absence of the CEO for any cause, the CEO pro tempore shall preside over
561 meetings and discharge the duties of CEO until either the return of the CEO or the election
562 of a new CEO.

563

ARTICLE IV

564

ADMINISTRATION

565

Chapter 1 - Officers

566

Section 4-101.

567

Manager; appointment; qualifications; compensation; residence.

568

(a) The manager shall be appointed by the commission. The appointment shall be by a

569

majority vote of the entire commission. The manager shall be prohibited from engaging in

570

any political activity, and the manager shall not be eligible to qualify as a candidate for an

571

elective office in Albany-Dougherty County, Georgia for two years after leaving office. The

572

manager shall serve at the pleasure of the commission and may be removed from office by

573

a majority vote of the entire commission. The compensation of the manager shall be set by

574

resolution or ordinance.

575

(b) The commission shall, prior to the appointment of a manager, establish and adopt

576

qualifications for appointment as manager specifically including, but not limited to,

577

minimum standards of education and professional experience.

578

(c) The manager need not be a resident of the consolidated and unified government or of the

579

State of Georgia at the time of appointment but must establish residence in the consolidated

580

and unified government within six months after appointment and must retain residence in the

581

consolidated and unified government during his or her tenure as manager.

582

Section 4-102.

583

Powers and duties of the manager.

584

(a) The manager shall be responsible for:

585

(1) Appointment and removal of department heads;

586

(2) Management and supervision of the administration of all departments, offices, and

587

agencies of the consolidated and unified government except as otherwise provided by law,

588

this charter, or ordinance;

589

(3) Preparation, with the assistance of department heads, of the proposed annual operating

590

and capital budget and capital improvement program and submission to the commission;

591

(4) Submitting to the commission and making available to the public a complete report of

592

the finances and administrative activities of the consolidated and unified government as of

593

the end of the fiscal year and at such other times as the commission directs;

594

(5) Preparation and presentation of reports to the commission concerning the operations

595

of those departments, offices, and agencies of the consolidated and unified government

596 subject to the manager's management and supervision as may be required by the
597 commission;

598 (6) Keeping the commission fully advised as to the financial condition and future needs
599 of the consolidated and unified government and make such recommendations to the
600 commission as he or she deems desirable;

601 (7) Having care and responsibility of all buildings and of all real and personal property of
602 the consolidated and unified government;

603 (8) Direction and supervision of the administration of the construction, maintenance, and
604 operation of public streets, roads, bridges, drains, and buildings and other public works;

605 (9) Conferring with and assisting department directors of those departments not directly
606 under the control of the commission but dependent upon appropriations from the
607 commission;

608 (10) Conferring with and assisting department directors of those departments not directly
609 under the control of the commission but who receive financial support from the
610 consolidated and unified government, such as the constitutional county officers;

611 (11) Examining the accounts, records, and operations of every board, commission,
612 authority, department, office, and agency which receives appropriations from or which
613 contributes revenue to the consolidated and unified government;

614 (12) Prescribing, requiring, publishing, and implementing standards of administrative,
615 management, and operating practices and procedures to be adhered to by all offices,
616 departments, boards, commissions, authorities, and other agencies of the consolidated and
617 unified government;

618 (13) Acting as purchasing agent of the consolidated and unified government and
619 overseeing the administration of the purchasing ordinance and purchasing system;

620 (14) Attending all meetings of the commission with the right to take part in discussions,
621 but no right to vote. The manager is entitled to notice of all special meetings;

622 (15) Resolving all disputes or differences between departments, agencies, offices, and
623 commissions, except the commission, with all departments, agencies, offices, and
624 commissions directed to abide by decisions of the manager; and

625 (16) Performing such other duties as may be required by law, ordinance, or resolution of
626 the commission.

627 (b) Except for purposes of inquiry and investigation, the commission shall deal with
628 employees of the consolidated and unified government who are subject to appointment and
629 removal by the manager solely through the manager and shall not give directions or orders
630 to any employee, publicly or privately, directly or indirectly.

631 **Section 4-103.**

632 Attorney.

633 (a) The attorney for Albany-Dougherty County, Georgia shall be appointed and removed by
634 vote of a majority of the commission. The attorney shall act as the chief legal adviser to the
635 commission, the manager, and all departments and agencies of Albany-Dougherty County,
636 Georgia and shall represent said government in all legal proceedings and perform such other
637 duties prescribed by general law, by this charter, or by ordinance or resolution of the
638 commission.

639 (b) The commission shall set the qualifications and compensation of the attorney and any
640 other matters relative to the selection of the attorney.

641 **Section 4-104.**

642 Clerk.

643 (a) The clerk shall be appointed and removed by a majority vote of the commission.

644 (b) The clerk shall be responsible for maintaining all required records of the operations and
645 activities of Albany-Dougherty County, Georgia, including the minutes of all meetings of the
646 Albany-Dougherty County Commission. All additional duties of the clerk shall be
647 prescribed by the commission.

648 (c) The qualifications and compensation of the clerk shall be as prescribed by the
649 commission in a duly adopted ordinance or resolution.

650 **Section 4-105.**

651 Law enforcement; chief of police.

652 (a) The police departments of the City of Albany and Dougherty County shall be
653 consolidated and unified on the effective date of the consolidation and unification of the City
654 of Albany and Dougherty County. The chief of police of the consolidated and unified
655 government shall be appointed and removed by and subject to the jurisdiction of the
656 manager.

657 (b) The chief of police shall discharge and perform the duties with reference to enforcement
658 of the laws and ordinances of the consolidated and unified government and shall perform
659 such other duties as the commission may prescribe by ordinance or resolution.

660 **Section 4-106.**

661 Sheriff.

662 The sheriff of Dougherty County in office on the effective date of this charter shall be the
663 sheriff of Albany-Dougherty County, Georgia. The sheriff shall serve for the same term as
664 provided by law, and the compensation shall be fixed as provided by law. Subsequent

665 elections for sheriff shall be on the same basis as provided by law for the election of sheriffs
666 generally. The sheriff shall be responsible for the operation of the jail, the transport of
667 prisoners, the service of process, and such other duties as are required of sheriffs by the
668 Constitution and laws of Georgia.

669 **Section 4-107.**

670 Judge of the probate court.

671 The judge of the probate court of Dougherty County in office on the effective date of this
672 charter shall be the judge of the probate court of Albany-Dougherty County, Georgia. The
673 judge of probate court of Albany-Dougherty County, Georgia shall serve for the same term
674 as provided by law, and the compensation shall be fixed as provided by law. Subsequent
675 elections for judge of the probate court shall be on the same basis as provided by law for the
676 election of probate judges generally. The judge of the probate court shall perform the same
677 duties and exercise the same powers as conferred on probate judges generally by the
678 Constitution and laws of Georgia.

679 **Section 4-108.**

680 Clerk of Superior Court.

681 The clerk of superior court of Dougherty County in office on the effective date of this charter
682 shall be the clerk of superior court of Albany-Dougherty County, Georgia. The clerk of
683 superior court shall serve for the same term as provided by law, and the compensation shall
684 be fixed as provided by law. Subsequent elections for clerk of superior court shall be on the
685 same basis as provided by law for the election of clerks of superior court generally. The
686 clerk of the superior court shall perform the same duties and exercise the same powers as
687 conferred on clerks of superior court generally by the Constitution and laws of Georgia.

688 **Section 4-109.**

689 Tax department; director.

690 (a) The tax department for Dougherty County, as authorized by local constitutional
691 amendment (Ga. L. 1974, p. 1654) and continued in force and effect by an Act approved
692 March 6, 1987 (Ga. L. 1987, p. 3835) shall continue to function as the tax department of the
693 consolidated and unified government of Albany-Dougherty County, Georgia and shall have
694 all of the duties and responsibilities as now provided by the laws of the state, or as hereafter
695 provided by the laws of the state, pertaining to county tax collectors, county tax receivers,
696 and county tax commissioners, except as provided in this charter.

697 (b) The head of the tax department shall be the tax director. The tax director in office on the
698 effective date of this charter shall continue to serve as tax director of Albany-Dougherty

699 County, Georgia. The tax director shall be appointed by the manager and shall serve at the
700 pleasure of the manager. The compensation of the tax director shall be set in the same
701 manner as other employees of the consolidated and unified government.

702 **Section 4-110.**

703 Coroner.

704 The coroner of Dougherty County in office on the effective date of this charter shall be the
705 coroner of Albany-Dougherty County, Georgia. The coroner shall serve for the same term
706 as provided by law, and compensation shall be fixed as provided by law. Subsequent
707 elections for coroner shall be on the same basis as provided by law for the election of
708 coroners generally. The coroner shall perform the same duties and exercise the same powers
709 as conferred on coroners generally by the Constitution and laws of Georgia.

710 **Section 4-111.**

711 Departments under state law.

712 All departments, which are created pursuant to state or federal law and which administer
713 various state and federal programs and services, shall continue their operations without
714 interruption resulting from the adoption of this charter.

715 **Chapter 2 - Personnel**

716 **Section 4-201.**

717 Establishment of personnel system.

718 The commission shall establish a personnel system and pay plan for all employees under the
719 control of the consolidated and unified government. The system shall be consistent with all
720 state and federal laws. The manager shall oversee the administration of the personnel system
721 and pay plan.

722 **Section 4-202.**

723 Existing pension rights protected.

724 Persons who, at the time this charter takes effect, are employed by any office, department,
725 board, commission, or agency of the former City of Albany or of the former Dougherty
726 County shall retain all pension rights which have accrued to them under any existing pension
727 system. The consolidated and unified government shall continue in force and effect any
728 existing pension system for city employees and any existing pension system for county
729 employees covered thereby who are employed by Albany-Dougherty County, Georgia, and

730 the services of such employees shall not be deemed to have been interrupted by the adoption
731 of this charter.

732 **Section 4-203.**

733 Establishment of new pension systems.

734 The commission is authorized and empowered to establish and maintain a new pension
735 system or pension systems affecting new employees and such other employees as desire to
736 be covered thereby and to revise, combine, consolidate, and unify any pension system in
737 effect on the effective date of this charter; provided, however, that in no event shall any
738 revision, combination, consolidation, or unification of any existing pension system in effect
739 when this charter is adopted result in the curtailment or diminishment of any right accrued
740 under any existing pension system to any person heretofore employed by the City of Albany,
741 Dougherty County, or of any agency of such former governments.

742 **Chapter 3 - Boards, Commissions, and Authorities**

743 **Section 4-301.**

744 Certain boards, commissions, and authorities continued.

745 All existing boards, commissions, and authorities of either the City of Albany, Dougherty
746 County, or both are continued without interruption on the effective date of this charter. As
747 used in the Acts and amendments creating the existing boards, commissions, and authorities,
748 the terms Albany City Commission and Dougherty County Board of Commissioners shall
749 mean the Commission of Albany-Dougherty County, Georgia, and the terms Mayor of the
750 City of Albany and Chairman of the Dougherty County Board of Commissioners shall mean
751 the CEO of Albany-Dougherty County, Georgia.

752 **Section 4-302.**

753 Boards, commissions, and authorities; appointments thereto.

754 Whenever general or local law provides for appointments to boards, commissions, or
755 authorities from both the city and the county, all appointments shall be made by the
756 Albany-Dougherty County Commission and all appointees shall come from
757 Albany-Dougherty County, Georgia.

758 **Section 4-303.**

759 Water, gas, and light board.

760 (a) There shall be a board of water, gas, and light commissioners of Albany-Dougherty
761 County, Georgia, of which the CEO shall be ex officio chairperson. In addition to the CEO,

762 the board shall consist of four members elected by the commission from the citizens of
763 Albany-Dougherty County, Georgia. No member of the board shall sell any goods or
764 services to the water, gas, and light department. Citizen members of the board shall be
765 elected for a term of two years beginning on the second Monday in January. Those members
766 in office on the effective date of this charter shall continue to serve for the remainder of the
767 term for which they were elected. Successors to these commissioners shall be elected at the
768 expiration of each term for a term of two years. In the event of a vacancy, the commission
769 of Albany-Dougherty County, Georgia shall elect a person to fill the unexpired term within
770 15 days after the vacancy occurs.

771 (b) The board of water, gas, and light commissioners shall take and subscribe an oath to
772 faithfully and impartially discharge their duties during their continuance in office. The board
773 shall keep a record of its acts and decisions and shall make a full report to the commission
774 of Albany-Dougherty County, Georgia quarterly, or at such other interval as set by resolution
775 of the commission. The books, vouchers, and papers of the board shall be subject to
776 inspection at any time by the commission or the manager of Albany-Dougherty County,
777 Georgia.

778 (c) A majority of the board shall constitute a quorum for the transaction of business. All
779 contracts and engagements and acts of said board within the scope of its authority shall be
780 obligatory upon and be considered as if done by the commission of Albany-Dougherty
781 County, Georgia, provided that no election held by the board will be valid unless all
782 members of the board are present and vote.

783 (d) The general manager of the water, gas, and light commission shall be elected by the
784 board and shall serve until a successor is named and qualified. The general manager shall
785 be subject to removal after due notice of the nature of the charge, and for just cause, after a
786 public hearing before the commission and only upon a majority vote of the board of the
787 water, gas, and light commission. The manager shall be the administrative head of the water,
788 gas, and light commission. The compensation of the general manager shall be set by the
789 board of water, gas, and light commissioners.

790 (e) The general manager shall devote his time and attention to the affairs of the water, gas,
791 and light commission and shall be responsible to the commission for the efficient
792 administration of the affairs of the commission. The general manager shall have the power
793 and duty:

794 (1) To see that all rules and regulations are enforced;

795 (2) To appoint and employ all employees of the commission and to set all salaries and
796 compensation of commission employees employed by him, subject to supervision, control,
797 or disapproval of the board;

- 798 (3) To exercise supervision and control of departments and divisions within the
799 commission;
- 800 (4) To attend meetings of the water, gas, and light board and take part in the discussions
801 but have no vote;
- 802 (5) To recommend to the board such measures as he deems necessary or expedient;
- 803 (6) To see that all terms and conditions imposed in favor of the board or residents of the
804 consolidated government in any public utility franchise are faithfully kept and performed,
805 and to call any violation thereof to the attention of the board;
- 806 (7) To act as budget manager and, with such committee as the board may appoint, to
807 prepare and submit to the board a budget of proposed expenditures for the ensuing year;
- 808 (8) To keep the board fully advised as to the financial condition and needs of the water,
809 gas, and light commission and to make a full written report to the board on the first of each
810 month, showing the operations and expenditures of each department for the previous
811 month;
- 812 (9) To act as purchasing and contracting agent for the commission. The general manager
813 shall solicit competitive prices on all purchases except in the case of sole sources of supply
814 and emergency purchases, and approve all vouchers for purchases provided that all
815 contracts or agreements made by the general manager requiring the expenditure of
816 \$40,000.00 or more shall be approved by the board of water, gas, and light commissioners,
817 except emergency purchases; and
- 818 (10) To perform such other duties as required by the board of the water, gas, and light
819 commission.
- 820 (f) The board of water, gas, and light commissioners shall regulate the distribution of water,
821 gas, and electricity throughout its service area and shall have the power to establish a scale
822 of utility rates; adopt and enforce rules for the collection of water, gas, and electric utility
823 fees; adopt rules and regulations respecting the introduction of water, gas, and electricity into
824 or upon any premises; and from time to time to regulate the use of water, gas, and electricity
825 in such manner as shall seem necessary and proper. The board shall have power and
826 authority to require payment in advance for use of water, gas, or electricity furnished and
827 may shut off service for nonpayment. The board shall erect such number of public hydrants
828 and stock founts in such places as the board shall see fit and the board shall select in what
829 manner and for what purpose the same shall be used, and the board may charge for its use
830 at their discretion; provided, however, that all hydrants, conduits, and appliances required
831 and furnished for the extinguishment of fires shall be erected and placed as the commission
832 of Albany-Dougherty County, Georgia may direct and shall be under the commission's
833 exclusive direction and control.

834 (g) The board of water, gas, and light commissioners shall enter into agreements annually
835 with the commission of Albany-Dougherty County, Georgia for the transfer of water, gas,
836 and light revenues in excess of the operating costs of the water, gas, and light board to the
837 commission of Albany-Dougherty County, Georgia.

838 **ARTICLE V**
839 **JUDICIARY**

840 **Section 5-101.**

841 Superior court and district attorney; unaffected by charter; redesignation.
842 The Superior Court of Dougherty County, including the office of the district attorney, shall
843 continue its operations without interruption resulting from the adoption of this charter, and
844 nothing herein shall be construed as affecting the status of said court. The court shall be
845 known as the Superior Court of Albany-Dougherty County, Georgia.

846 **Section 5-102.**

847 State court and solicitor-general; unaffected by charter; redesignation.
848 The State Court of Dougherty County, including the office of the solicitor-general, shall
849 continue its operations without interruption resulting from the adoption of this charter, and
850 nothing herein shall be construed as affecting the status of said court. The court shall be
851 known as the State Court of Albany-Dougherty County, Georgia.

852 **Section 5-103.**

853 Juvenile court; unaffected by charter; redesignation.
854 The Juvenile Court of Dougherty County shall continue its operations without interruption
855 resulting from the adoption of this charter, and nothing herein shall be construed as affecting
856 the status of said court. The court shall be known as the Juvenile Court of Albany-Dougherty
857 County, Georgia.

858 **Section 5-104.**

859 Probate court; unaffected by charter; redesignation.
860 The Probate Court of Dougherty County shall continue its operations without interruption
861 resulting from the adoption of this charter, and nothing herein shall be construed as affecting
862 the status of said court. The court shall be known as the Probate Court of Albany-Dougherty
863 County, Georgia.

864 **Section 5-105.**

865 Magistrate court; unaffected by charter; redesignation.

866 The Magistrate Court of Dougherty County shall continue its operations without interruption
867 resulting from the adoption of this charter, and nothing herein shall be construed as affecting
868 the status of said court. The court shall be known as the Magistrate Court of
869 Albany-Dougherty County, Georgia.

870 **Section 5-106.**

871 Municipal court of the City of Albany; continuation of operations in the
872 consolidated government.

873 On the effective date of this charter, the operations and employees of the Municipal Court
874 of the City of Albany shall continue as the operations and employees of a court of the
875 Consolidated Government of Albany-Dougherty County, Georgia. The judge of the
876 Municipal Court of the City of Albany shall be authorized to serve as the judge of said court.

877 **Section 5-107.**

878 Circuit public defender's office.

879 The Dougherty Circuit Public Defender's Office shall continue its operations as required
880 under state law without interruption resulting from the adoption of this charter, and nothing
881 herein shall be construed as affecting the status of said office.

882 **ARTICLE VI**

883 **ELECTIONS**

884 **Section 6-101.**

885 Applicability of general laws.

886 Except as otherwise provided by this charter, primaries and regular and special elections shall
887 be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the
888 "Georgia Election Code." As used in said Code, the terms "election" or "general election"
889 shall be construed to include the term "regular election" as provided in Section 6-102 of this
890 charter; the term "governing authority" shall include the Chairman and the Board of
891 Commissioners of Albany-Dougherty County, Georgia; the terms "municipal,"
892 "municipality," or "county" shall include Albany-Dougherty County, Georgia; and the term
893 "public office" shall include the elective offices of Albany-Dougherty County, Georgia.

894

Section 6-102.

895

Regular election; time for holding; voting.

896

897 (a) The initial election for the commissioners and CEO of Albany-Dougherty County,
898 Georgia shall be held on the Tuesday next following the first Monday at the first possible
899 election date following approval of the charter in 2009. For purposes of electing
900 commissioners, the territory of Albany-Dougherty County, Georgia is divided into eight
901 districts with one member elected from each district. The Commission Districts 1 through 8
902 shall be and correspond to those eight numbered districts described in and attached to and
903 made a part of this Act as Appendix A and further identified as Plan Name: doughOPT1
904 Plan Type: LOCAL User: reapp Administrator: LINDA.

904

905 (b) When used in the attached Commission District Plan, the terms "Tract" and "BG" (block
906 group) shall mean and describe the same geographical boundaries as provided in the report
907 of the Bureau of the Census for the United States decennial census of 2000 for the State of
908 Georgia. The separate numeric designations in a tract description which are underneath a
909 heading shall mean and describe individual blocks within a block group as provided in the
910 report of the Bureau of the Census for the United States decennial census of 2000 for the
911 State of Georgia. Any part of Dougherty County which is not included in any such district
912 described in the attachment shall be included within that district contiguous to such part
913 which contains the least population according to the decennial census of 2000 for the State
914 of Georgia. Any part of Dougherty County which is described in the attachment as being in
915 a particular district shall nevertheless not be included within such district if such part is not
916 contiguous to such district. Such noncontiguous part shall instead be included within that
917 district contiguous to such part which contains the least population according to the United
918 States decennial census of 2000 for the State of Georgia. Except as otherwise provided in
919 the description of any district, whenever the description of any such district refers to a named
920 city, it shall mean the geographical boundaries of that city as shown on the census map for
921 the United States decennial census of 2000 for the State of Georgia.

921

922 (c) Only electors who are residents of a commission district may vote for a member of the
923 commission for that district. All electors of the territory of Albany-Dougherty County,
924 Georgia may vote for the office of CEO.

924

925 (d) Except for special elections to fill vacancies in office, all officers who are required by
926 this charter to be elected shall be elected at the regular election immediately preceding the
927 expiration of such person's term of office.

927 **Section 6-103.**

928 Reapportionment of election districts.

929 (a) The election district boundaries of the consolidated and unified government shall be
 930 reapportioned following the publication of each federal decennial census of the population
 931 of Albany-Dougherty County, Georgia. Such reapportionment shall be accomplished by the
 932 adoption of an amendment to this charter by the General Assembly of Georgia.

933 (b) The reapportionment of election districts shall comply with the following specifications:

934 (1) Each election district shall be formed of contiguous territory, and its boundary lines
 935 shall be the center lines of streets or other well-defined boundaries as utilized by the United
 936 States Bureau of the Census; and

937 (2) Such election districts shall apply to officials of the consolidated and unified
 938 government elected at the next regular election following such reapportionment.

939 **ARTICLE VII**

940 **REVENUE AND FINANCE**

941 **Chapter 1 - Taxation and other revenues**

942 **Section 7-101.**

943 Levy and collection of taxes, fees, charges, and assessments; appropriations.

944 (a) For the purpose of raising revenue for the support and maintenance of the consolidated
 945 and unified government of Albany-Dougherty County, Georgia, the commission shall have
 946 full power and authority to levy and collect taxes to the extent hereinafter provided and to
 947 appropriate funds and expend money:

948 (1) For the purposes authorized by this charter;

949 (2) For the discharge of the powers, duties, obligations, liabilities, and functions specified
 950 in this charter;

951 (3) For any and all purposes and any and all subjects of taxation for which the City of
 952 Albany or Dougherty County may have been authorized and in accordance with those
 953 authorizations to levy and collect taxes and to appropriate and expend funds under the
 954 Constitution or any general or special law of Georgia applicable to the City of Albany or
 955 Dougherty County on the effective date of this charter; and

956 (4) For any purpose authorized by the Constitution or any general or special law of
 957 Georgia applicable to municipal corporations and counties generally now of force or
 958 hereafter enacted.

959 (b) The commission shall have full power and authority to levy and collect the following
 960 taxes, charges, and assessments:

- 961 (1) Ad valorem taxes on all real and personal property situated within Albany-Dougherty
962 County, Georgia which is subject to taxation for state, county, and municipal purposes, or
963 for any other public purpose, to the full extent permitted by the Constitution and laws of
964 Georgia, whether local, of the City of Albany or Dougherty County or general;
- 965 (2) Occupation and business taxes and administrative and regulatory fees, as authorized
966 by the Constitution and general laws of Georgia;
- 967 (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided
968 by law for counties and municipalities;
- 969 (4) License fees and taxes on insurance companies as authorized by Code Sections 33-8-8
970 through 33-8-8.6 of the O.C.G.A.;
- 971 (5) A public utility franchise fee on each electric light and power company, gas company,
972 telephone and telegraph company, and other public utility making use of the roads, streets,
973 alleys, or other public ways of the consolidated government for the purpose of rendering
974 services therein;
- 975 (6) Charge and collect franchise fees on cable television systems as now or hereafter
976 provided by law for counties;
- 977 (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening,
978 or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage
979 structures, or other utility mains and appurtenances from the abutting property owners
980 under any terms and conditions as provided by ordinance;
- 981 (8) Fees, assessments, charges, and tolls for sanitary and health services or any other
982 services rendered within and without the limits of the consolidated government under such
983 terms and conditions as provided by ordinance;
- 984 (9) All other such taxes, charges, or assessments as the City of Albany or Dougherty
985 County were authorized and empowered to make and collect upon the effective date of this
986 charter, which powers may be exercised throughout the area of the consolidated and unified
987 government, or appropriate portions thereof including any tax now or hereafter authorized
988 by state law and the specific mention of any right, power, or authority in this charter shall
989 not be construed as limiting in anyway the general powers of the commission to govern its
990 local affairs. When authorized by this charter or a statute or the Constitution of the State
991 of Georgia, the commission shall have full power and authority to assess, levy, charge, and
992 collect taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on
993 investments; to accept funds, services, or property from other political subdivisions and
994 public agencies, either local, state, or national, and from private persons, firms, or
995 corporations; and to contract with them for any public purpose;
- 996 (10) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage
997 purposes by the drink as now or hereafter provided by law for counties and municipalities;

998 (11) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic
 999 beverages within Albany-Dougherty County, Georgia by wholesale or retail dealers as now
 1000 or hereafter provided by law for counties and municipalities. In addition, the commission
 1001 shall have the authority to impose, assess, levy, and collect an excise tax upon the sale,
 1002 transfer, or dispensing of wine by wholesale or retail dealers within Albany-Dougherty
 1003 County, Georgia as now or hereafter provided by law for counties and municipalities; and
 1004 (12) Such other taxes and charges as provided by law.

1005 **Section 7-102.**

1006 Collection of delinquent taxes and fees.

1007 The collection of delinquent taxes and fees shall be as provided in state law for the collection
 1008 of delinquent property taxes by counties.

1009 **Section 7-103.**

1010 Homestead exemptions.

1011 The homestead exemptions provided under the Constitution and laws of Georgia presently
 1012 in force or as hereafter amended shall be applicable to all such property subject to ad valorem
 1013 taxes within Albany-Dougherty County, Georgia.

1014 **Section 7-104.**

1015 Taxing and services districts; taxation therein.

1016 (a) The general services area as defined and authorized in Section 7-105 of this charter shall
 1017 constitute a general services tax district wherein the commission shall levy and collect taxes
 1018 and service fees and shall appropriate funds to perform and discharge those powers,
 1019 functions, and services provided therein by the consolidated and unified government.

1020 (b) The urban services area as authorized in Section 7-105 of this charter together with any
 1021 enlargement or modification thereof pursuant to the provisions of this charter, shall constitute
 1022 an urban tax district, wherein the commission may levy and collect additional taxes and
 1023 service fees and may appropriate such additional funds to perform and discharge those
 1024 additional powers, functions, and additional services provided therein by the consolidated
 1025 and unified government.

1026 (c) The assessment of real and personal property for ad valorem tax purposes shall be upon
 1027 a uniform basis throughout the entire area of the consolidated and unified government;
 1028 provided, however, that the rate and manner of additional taxation or fees of services districts
 1029 may vary in any services tax district from that in another or other services tax districts in
 1030 such a way as to reflect reasonably the kind, character, type, degree, and level of services
 1031 afforded to such services tax district or districts.

Section 7-105.

1032
1033
1034
1035
1036
1037
1038
1039
1040
1041
1042
1043
1044
1045
1046
1047
1048
1049
1050
1051
1052
1053
1054
1055
1056
1057
1058
1059
1060
1061
1062
1063
1064
1065
1066

General, urban, and special services areas.

(a) In Albany-Dougherty County, Georgia, there shall be:

(1) A general services area which shall consist of the total area of Dougherty County as fixed and established upon the effective date of this charter or as hereafter modified according to law;

(2) An urban services area which shall consist of the area embraced within the corporate limits of the City of Albany as the same exists upon the day immediately preceding the effective date of this charter or as such area may be hereafter expanded as herein provided; and

(3) Such special services areas as the commission may hereafter establish.

(b) All other tax districts existing in the City of Albany or Dougherty County immediately prior to the effective date of this charter are continued in effect by this charter.

(c) Such services areas shall be tax districts wherein taxes and other assessments shall be assessed, levied, and collected by the consolidated and unified government in accordance with the kind, character, type, and degree of services actually provided therein and may vary in any one services area from that of another or other areas in accordance with the provisions of this charter. The powers, authority, duties, liabilities, services, and functions of Albany-Dougherty County, Georgia may vary in any services area from that in another or other services area.

(d) The consolidated and unified government is hereby empowered to exercise and provide within the general services area and within any urban services area established by this charter or by ordinance of the commission those powers, functions, and services which have theretofore been exercised and provided by Dougherty County or the City of Albany, or both; all powers, functions, and services authorized by this charter, and any amendments thereto; and all powers, functions, and services which counties and municipal corporations, or both, are now or hereafter authorized to exercise under the Constitution and laws of Georgia.

(e) The consolidated and unified government shall perform or procure the performance within the general services area of those governmental duties, functions, and services which are generally available and accessible to all residents throughout the total territory of the consolidated and unified government.

(f) The consolidated and unified government shall perform within its urban services areas those additional, more comprehensive and intensive, and higher levels of governmental duties, functions, and services which benefit primarily the residents of such urban services areas.

1067 **Chapter 2 - Borrowing and Indebtedness**

1068 **Section 7-201.**

1069 Issuance of general obligation bonds.

1070 (a) The commission shall be authorized to issue and sell general obligation bonds, after
1071 approval of the qualified voters, under the provisions of the Constitution and general laws
1072 of Georgia for any public purpose for the benefit of the consolidated and unified government
1073 or any tax area or services district thereof; provided, however, that for the purpose of issuing
1074 and selling such general obligation bonds, the consolidated and unified government shall be
1075 deemed a county and the provisions of the Constitution and laws of Georgia governing the
1076 limitations, terms, and procedures for the issuance and sale of bonds by counties shall apply
1077 to the consolidated and unified government unless otherwise provided by this charter.

1078 (b) All general obligation bonds shall be issued in the name of Albany-Dougherty County,
1079 Georgia and shall be an obligation thereof, and the full faith and credit of the consolidated
1080 and unified government shall be pledged for all general obligation bonds issued thereunder
1081 which are payable from ad valorem taxes, and for such purpose, the commission shall have
1082 the authority to levy and collect ad valorem taxes without limit as to rate or amount on all
1083 taxable property within the territorial limits of the consolidated and unified government.

1084 **Section 7-202.**

1085 Debt limitation; general obligation bonds.

1086 The total general obligation bond indebtedness of the consolidated and unified government
1087 payable from ad valorem taxes, including all outstanding general obligation bonds of the
1088 former City of Albany and Dougherty County on the effective date of this charter, shall not
1089 exceed 10 percent of the assessed value of all taxable property within the territorial limits of
1090 the consolidated and unified government.

1091 **Section 7-203.**

1092 Revenue bonds.

1093 The commission shall be empowered and authorized to issue revenue bonds for the purposes
1094 and in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the
1095 O.C.G.A., the "Revenue Bond Law."

1096 **Section 7-204.**

1097 Use of bond proceeds.

1098 All revenue derived by the consolidated and unified government from the issuance and sale
1099 of bonds shall be used exclusively for the purposes for which such bonds were issued, and

1100 all ad valorem taxes collected for the purpose of servicing or retiring such bonds shall be
 1101 used exclusively for the payment of principal and interest thereof.

1102 **Section 7-205.**

1103 Allocation of indebtedness.

1104 (a) All general indebtedness of Dougherty County, whether represented by general
 1105 obligation bonds or otherwise, which may be outstanding upon the effective date of this
 1106 charter, shall be allocated to the general services area as defined in paragraph (1) of
 1107 subsection (a) of Section 7-105 of this charter, and is hereby recognized as the obligation of
 1108 the general services area of Albany-Dougherty County, Georgia. All general indebtedness
 1109 of the City of Albany, whether represented by general obligation bonds or otherwise which
 1110 may be outstanding upon the effective date of this charter, shall be allocated to the urban
 1111 services area as is defined in paragraph (2) of subsection (a) of Section 7-105 of this charter.

1112 The commission is hereby authorized to levy taxes and otherwise provide for the retirement
 1113 thereof, subject to the terms of this charter. Any funds in the control of the heretofore
 1114 existent City of Albany and Dougherty County, now consolidated and unified into
 1115 Albany-Dougherty County, Georgia by this charter, which theretofore had been allocated
 1116 to the retirement of any bonded indebtedness of said municipality and county shall be so
 1117 applied by the commission.

1118 (b) All general obligation bonds issued prior to the effective date of this charter by
 1119 Dougherty County and all bonds authorized but unissued by the Dougherty County on the
 1120 effective date of this charter and thereafter issued by Albany-Dougherty County, Georgia,
 1121 shall be allocated to the general services area, and the principal of and interest on such bonds
 1122 shall be paid from ad valorem taxes or other revenues collected in the general services area.

1123 All general obligation bonds issued prior to the effective date of this charter by the City of
 1124 Albany and all bonds authorized but unissued by the City of Albany on the effective date of
 1125 this charter and thereafter issued by Albany-Dougherty County, Georgia shall be allocated
 1126 to the urban services area, and the principal and interest on such bonds shall be paid from ad
 1127 valorem taxes or other revenues collected in the urban services area.

1128 (c) Any revenue bonds issued prior to the effective date of this charter by the City of Albany
 1129 or Dougherty County under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the
 1130 "Revenue Bond Law," and any such revenue bonds authorized but unissued by the said city
 1131 or county on the effective date of this charter and thereafter issued by Albany-Dougherty
 1132 County, Georgia shall be payable as to principal and interest from the revenues or sources
 1133 and in the manner provided in the proceedings which authorized the issuance of such revenue
 1134 bonds.

1135 (d) Neither the allocation of bonds to the general services area nor any of the other
1136 provisions of this charter shall impair or diminish any of the rights, revenues, or security and
1137 source for payment of any of such bonds or revenue bonds issued by the City of Albany or
1138 by Dougherty County prior to the effective date of this charter, or authorized but unissued
1139 by the City of Albany or by Dougherty County on the effective date of this charter and
1140 thereafter issued by Albany-Dougherty County, Georgia; and such holders of such bonds or
1141 revenue bonds shall have and be entitled to enforce any and all rights, remedies, and security
1142 and sources for payment granted such holders by the proceedings which authorized the
1143 issuance of such bonds or revenue bonds as fully and to the same extent as if this charter had
1144 not been adopted.

1145 (e) Notwithstanding the provisions of subsection (a) of this section, all general indebtedness
1146 of the water, gas, and light board, whether represented by general obligation bonds or
1147 otherwise, which may be outstanding on the effective date of this charter shall be allocated
1148 to the urban services area of Albany-Dougherty County, Georgia as defined in paragraph (2)
1149 of subsection (a) of Section 7-105 of this charter. The commission shall, within 90 days after
1150 taking office, determine whether and in what manner such indebtedness shall be reallocated.
1151 The commission is authorized to adopt an ordinance changing the allocation of such debt,
1152 after an examination of the records of the water, gas, and light board, and not less than two
1153 public hearings at which the issue is presented to the citizens of Albany-Dougherty County,
1154 Georgia and the customers of the water, gas, and light board.

1155 **Chapter 3 - Financial Administration**

1156 **Section 7-301.**

1157 Fiscal year.

1158 The fiscal year of Albany-Dougherty County, Georgia shall begin on the first day of July of
1159 each year and shall end on the thirtieth day of June next following. The commission may
1160 adopt a different fiscal year by ordinance, which shall not be effective until at least six
1161 months after the date of adoption thereof. The fiscal year shall constitute the budget year and
1162 the year for financial accounting and reporting of each and every office, department,
1163 institution, agency, and activity of the consolidated and unified government, unless otherwise
1164 provided by state or federal law.

1165 **Section 7-302.**

1166 Preparation of budgets.

1167 The preparation of an annual budget, a capital improvements budget, and such other budgets
1168 as required or authorized by state law shall be as prescribed by ordinance and provisions of
1169 this charter.

1170 **Section 7-303.**

1171 Scope of budgets.

1172 (a) There shall be at least two annual budgets:

1173 (1) The annual operating expenses budget shall apply only to the operating expenses of the
1174 consolidated and unified government;

1175 (2) The capital improvements budget shall apply only to capital improvement expenses of
1176 the consolidated and unified government; and

1177 (3) Such other budgets as required or authorized by state law.

1178 (b) Each section of the annual operating and capital improvements and other budgets shall
1179 contain with respect to each of the operating funds of the government of Albany-Dougherty
1180 County, Georgia to which they are applicable:

1181 (1) A reasonable estimate of cash revenues to be received during the ensuing year,
1182 classified according to source;

1183 (2) Proposed expenditures detailed by each department, board, commission, office,
1184 agency, and activity in accordance with an established classification of accounts, including
1185 those capital outlays which are to be financed from the revenues of the ensuing year and
1186 including all debt service requirements in full for such fiscal year; and

1187 (3) Such other information as may be considered necessary or desirable by the manager,
1188 the CEO, or the commission.

1189 (c) In no event shall the total proposed expenditures from any fund exceed the total
1190 anticipated revenues plus the estimated unappropriated surplus or fund balance and
1191 applicable reserves less any estimated deficit at the end of the current fiscal year.

1192 (d) The capital improvements budget shall describe capital projects anticipated, the proposed
1193 expenditures therefore, and the revenues or other sources of funds anticipated to finance such
1194 capital projects.

1195 **Section 7-304.**

1196 Submission of budgets to the commission.

1197 (a) In advance of initiating preparations of the annual budget, the commission shall develop
1198 a statement of the general fiscal policies of Albany-Dougherty County, Georgia, the
1199 important features of the budgets, explanations of major changes recommended for the next

1200 fiscal year, a general summary of the budgets, and such other comments and information as
1201 may be deemed pertinent.

1202 (b) On or before a date fixed by the commission, but not later than 60 days prior to the
1203 beginning of each fiscal year, the manager of the consolidated and unified government shall
1204 submit to the commission a proposed operating budget and a proposed capital improvements
1205 budget and such other budgets as necessary for the ensuing fiscal year. Such budgets shall
1206 be accompanied by a message from the manager containing the important features of the
1207 budgets, explanations of major changes recommended for the next fiscal year, a general
1208 summary of the budgets, and such other comments and information as may be deemed
1209 pertinent. A summary of the budgets and the manager's message thereon shall be published
1210 in a newspaper of general circulation designated as the legal organ of the consolidated and
1211 unified government. The operating budget and the capital improvements budget, the budget
1212 message, and all supporting schedules shall be filed in the clerk's office and shall be open to
1213 public inspection.

1214 **Section 7-305.**

1215 Adoption of budgets.

1216 (a) The commission may approve, amend, or reject the proposed operating budget. The
1217 budget as finally adopted must provide for all expenditures required by law or by other
1218 provisions of this charter and for all debt service requirements for the ensuing fiscal year.
1219 The total appropriations from any fund shall not exceed the estimated fund balance, reserves,
1220 and revenues, constituting the resources available of such fund.

1221 (b) The commission shall adopt the final annual operating budget for the ensuing fiscal year
1222 not later than the thirtieth day of June of each year and such budget shall be effective for the
1223 fiscal year beginning on the first day of July. In the event that the commission fails to adopt
1224 the budget by this date, the amounts appropriated for current operation for the current fiscal
1225 year shall be deemed adopted for the ensuing fiscal year, with appropriate items prorated
1226 accordingly until such time as the commission shall adopt a budget for the ensuing fiscal
1227 year. Adoption of the annual operating budget shall take the form of an appropriation
1228 ordinance setting out estimated revenues in detail by source and making appropriations
1229 accordingly to fund organizational units, purposes, or activities as set forth in the budget
1230 document.

1231 (c) The amount set out in the adopted operating budget for each organizational unit, purpose,
1232 or activity shall constitute the annual appropriation for such item, and no expenditure shall
1233 be made or encumbrance created in excess of the otherwise unencumbered balance of the
1234 appropriation, or allotment thereof, to which it is chargeable.

1235 (d) The commission shall adopt by ordinance the capital improvements program and capital
1236 budget for the ensuing fiscal year not later than the thirtieth day of June of each year. The
1237 capital budget ordinance shall show in detail the capital expenditures intended to be made
1238 or incurred in the ensuing fiscal year that are to be financed from funds subject to control or
1239 appropriation by the commission and shall be in full conformity with that part of the capital
1240 program applicable to the year which it covers. Amounts specified as intended to be spent
1241 out of new appropriations shall, upon enactment of the capital budget ordinance, constitute
1242 appropriations of such amounts.

1243 **Section 7-306.**

1244 Property tax levies.

1245 Following the adoption of the operating and capital improvements budgets for each fiscal
1246 year:

1247 (1) The commission shall levy by ordinance a general services area tax on all real and
1248 personal property within the general services tax district as provided by this charter. The
1249 tax rate set by such ordinance shall be such that a reasonable estimate of cash revenues
1250 from such levy shall be at least sufficient, together with other anticipated revenues, fund
1251 balances, and applicable reserves, to equal the total amount appropriated for each of the
1252 several funds set forth in the annual operating budget for defraying the expenses of the
1253 general services area for services to be rendered throughout the entire area of
1254 Albany-Dougherty County, Georgia;

1255 (2) The commission shall levy by ordinance an urban services area tax on all real and
1256 personal property within the urban services tax district as authorized by this charter. The
1257 tax rates set by such ordinance for each district shall be such that a reasonable estimate of
1258 cash revenues from such levy shall be at least sufficient, together with other anticipated
1259 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
1260 for each of the several funds set forth in the annual operating budget for defraying the
1261 expenses of different types of services or a higher level of services to be rendered in urban
1262 services areas; and

1263 (3) The commission shall levy by ordinance a special services area tax on all real and
1264 personal property within the special services tax district as authorized by this charter. The
1265 tax rates set by such ordinance for each district shall be such that a reasonable estimate of
1266 cash revenues from such levy shall be at least sufficient, together with other anticipated
1267 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
1268 for each of the several funds set forth in the annual operating budget for defraying the
1269 expenses of different types of services or a higher level of services to be rendered in a
1270 special services area.

1271 **Section 7-307.**

1272 Limitation of funds.

1273 Upon certification by the manager that the revenues or other resources actually realized with
 1274 respect to any fund will be less than was anticipated and will be insufficient to meet the
 1275 amounts appropriated from such fund, it shall be the duty of the manager upon the instruction
 1276 of the commission to limit such appropriations as may be necessary to prevent deficit
 1277 operation.

1278 **Section 7-308.**

1279 Transfer of funds.

1280 Upon recommendation of the manager, the commission may make interfund or
 1281 interdepartmental transfers in the current operating budget or capital improvements budget
 1282 at any regular or special meeting called for such purpose, provided funds are also available.

1283 **Section 7-309.**

1284 Lapse of appropriations.

1285 All unencumbered balances of appropriations in the current operating budget at the end of
 1286 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 1287 from which such appropriations were made.

1288 **Chapter 4 - Procurement and Disposition of Property**

1289 **Section 7-401.**

1290 Contracting procedures.

1291 The commission shall prescribe by ordinance rules and regulations that must be followed in
 1292 the making of contracts in order to bind the government of Albany-Dougherty County,
 1293 Georgia. Except where otherwise provided by law or by ordinance, all contracts of the
 1294 government of Albany-Dougherty County, Georgia shall be signed by the CEO and
 1295 authenticated by the manager.

1296 **Section 7-402.**

1297 Sale and disposition of property.

1298 (a) The commission is authorized to sell any real or personal property owned or held by
 1299 Albany-Dougherty County, Georgia and not needed for governmental or other public
 1300 purposes in such manner as is required in state law for counties, as provided for in Code
 1301 Sections 36-9-2 and 36-9-3 of the O.C.G.A.

1302 (b) The commission is empowered to authorize the following transactions:

1303 (1) A transfer of any real or personal property owned by Albany-Dougherty County,
 1304 Georgia to another governmental entity upon finding that such transfer is in the public
 1305 interest;

1306 (2) A sale of any such property to another governmental entity; and

1307 (3) An exchange of such property for property that is owned privately or by some other
 1308 governmental entity.

1309 In each instance, whether the property is transferred, sold, or exchanged, the requirements
 1310 of a public sale shall not be required; but a statement thereof shall be published in the
 1311 newspaper designated as the legal organ of the consolidated government once a week for the
 1312 two weeks preceding the day in which such transaction is to be concluded. Such statement
 1313 shall contain a description of the property or properties involved and the prices and estimated
 1314 values as to each item of property.

1315 (c) Albany-Dougherty County, Georgia may quitclaim any rights it may have in property
 1316 not needed for public purposes upon a report by the manager of the consolidated and unified
 1317 government and the adoption by the commission of a resolution, both finding that the
 1318 property is not needed for public purposes and that the interest of the government of
 1319 Albany-Dougherty County, Georgia therein has no readily ascertainable monetary value.

1320 (d) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1321 of Albany-Dougherty County, Georgia, a small parcel or tract of land is cut off or separated
 1322 by such work from a larger tract of land owned by Albany-Dougherty County, Georgia, the
 1323 commission may authorize the execution and deliverance in the name of the government of
 1324 Albany-Dougherty County, Georgia of a deed conveying said cut-off or separated parcel or
 1325 tract of land to an abutting or adjoining property owner or owners in exchange for rights of
 1326 way in said street, avenue, alley, or public place, or in settlement of any alleged damages
 1327 sustained by said abutting or adjoining property owner. All deeds and conveyances so
 1328 executed and delivered shall convey all title and interest the government of
 1329 Albany-Dougherty County, Georgia has in such property.

1330 **ARTICLE VIII**

1331 **GENERAL PROVISIONS**

1332 **Section 8-101.**

1333 Application of laws; laws in force.

1334 (a) The general laws of the State of Georgia and those general laws of local application
 1335 through classification by population shall be applicable to and within the limits of
 1336 Albany-Dougherty County, Georgia.

1337 (b) Local Acts of the State of Georgia which apply specifically to either Dougherty County,
 1338 the City of Albany, or both shall be applicable to the consolidated and unified government
 1339 of Albany-Dougherty County, Georgia.

1340 (c) In construing the applicability of provisions of the Constitution and the general laws of
 1341 Georgia which apply in general terms to either counties, municipalities, or both and local
 1342 Acts of the General Assembly that apply specifically to Dougherty County, the City of
 1343 Albany, or both, the following terms as used in such laws shall be construed to include
 1344 Albany-Dougherty County, Georgia as follows:

1345 (1) "County" shall be construed to include Albany-Dougherty County, Georgia;

1346 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
 1347 include Albany-Dougherty County, Georgia;

1348 (3) "Commissioners of roads and revenues," "board of county commissioners," "county
 1349 commissioner," and "commissioner" shall be construed to include the commission and the
 1350 commissioners of Albany-Dougherty County, Georgia;

1351 (4) "Council," "mayor and council," "aldermen," "board of aldermen," and "city
 1352 commission" shall be construed to include the commission and commissioners of
 1353 Albany-Dougherty County, Georgia;

1354 (5) Chairman of the commissioners of roads and revenues," "chairman of the board of
 1355 county commissioners," and "commissioner" shall be construed to include the CEO of the
 1356 commission of Albany-Dougherty County, Georgia;

1357 (6) "Mayor" shall be construed to include the CEO of the commission of
 1358 Albany-Dougherty County, Georgia; and

1359 (7) Any other terms and provisions as used in such Acts to refer specifically to Dougherty
 1360 County, the City of Albany, or both and the officers, employees, departments, and agencies
 1361 thereof shall be construed to mean Albany-Dougherty County, Georgia and its officers,
 1362 employees, departments, and agencies.

1363 (d) In construing the applicability of laws in force to Albany-Dougherty County, Georgia,
 1364 the following order shall prevail:

1365 (1) The Constitution of the State of Georgia;

1366 (2) The general laws of uniform application now in force or hereafter enacted by the
 1367 General Assembly, as distinguished from general laws of local application through
 1368 classification by population, applicable to municipal corporations, counties, or both;

1369 (3) The general laws of local application through classification by population;

1370 (4) Special laws applicable to Dougherty County, not in conflict with this charter;

1371 (5) Special laws applicable to the City of Albany, not in conflict with this charter;

1372 (6) This charter and all ordinances and resolutions passed pursuant thereto; and

1373 (7) Existing ordinances and resolutions of the former City of Albany and existing
1374 ordinances and resolutions of the former County of Dougherty not in conflict with this
1375 charter.

1376 **Section 8-102.**

1377 Tort and nuisance liability.

1378 The tort and nuisance liability of the consolidated and unified government shall follow the
1379 law and rules of tort liability applicable to counties in Georgia.

1380 **Section 8-103.**

1381 Competitive bidding.

1382 All departments and agencies of the consolidated and unified government shall utilize
1383 competitive bidding procedures, as specified in an ordinance of the commission, for all
1384 purchases in excess of an amount provided for in an ordinance of the commission, unless
1385 such purchase shall be otherwise approved by five commissioners at a regular or called
1386 meeting of the commission.

1387 **Section 8-104.**

1388 Execution of assessments.

1389 Whenever any tax or special assessment is authorized or empowered to be levied or imposed
1390 by this charter which is required to be collected by the consolidated and unified government
1391 and such is not paid within the time period specified by the commission and no specific
1392 provision is elsewhere provided in this charter for its collection, then the manager shall issue
1393 execution in the name of the consolidated and unified government against such person, firm,
1394 or entity liable therefor or property subject thereto for such sums as may be due with interest
1395 at the legal rate from due date, and penalties and costs. The consolidated and unified
1396 government shall have the right to enforce payment of such execution by levy and sale as in
1397 the case of county taxes, and the purchaser at such sale shall acquire the same title and rights
1398 as a purchaser at a sale for county taxes. Executions issued by the manager of
1399 Albany-Dougherty County, Georgia and the levy and sale thereunder shall be governed by
1400 general law.

1401 **Section 8-105.**

1402 Authority to deal with federal and state agencies.

1403 The consolidated and unified government shall have the power and authority to participate
1404 in, cooperate in, and take all necessary action with respect to any and all projects, programs
1405 and undertakings of any nature authorized by any statute, rule, or regulation of the United

1406 States, the State of Georgia, or any federal or state agency or instrumentality, including, but
 1407 not limited to, community development, highways, aviation, aviation terminals, airports,
 1408 airport facilities, municipal area or regional development, sewer and sewage disposal, public
 1409 housing, housing for the aged, and transportation or mass transit or any phase thereof; to
 1410 borrow money and issue promissory notes, general obligation bonds, or revenue bonds or a
 1411 combination thereof for any such purposes in accordance with provisions of this charter; and
 1412 to execute mortgages or deeds of trust in favor of any federal agency, secured by property
 1413 of which the consolidated government is the legal or beneficial or equitable owner, or in
 1414 favor of any private agency where the loan is guaranteed by a federal agency.

1415 **Section 8-106.**

1416 Federal and state aid.

1417 For the purpose of determining its right to receive and for the purpose of receiving state aid
 1418 or grant-in-aid from the state of Georgia or from the United States or from any agency or
 1419 instrumentality thereof or from any other source, public or private, Albany-Dougherty
 1420 County, Georgia shall be deemed a county but shall also be deemed an incorporated
 1421 municipality. When state aid or other grant-in-aid is distributed to any county or
 1422 municipality on the basis of population, area, or both, then the entire population and the total
 1423 area of Albany-Dougherty County, Georgia and the population or the area of the urban
 1424 services district or districts, respectively, shall be considered in calculating and determining
 1425 the basis for such distribution. When state aid or other grant-in-aid is distributed to any
 1426 county on the basis of rural area, rural road mileage, or rural population, or any combination
 1427 thereof, then that area of the general services district outside of the urban services district
 1428 shall be deemed to constitute a rural area, its road mileage to constitute rural road mileage,
 1429 and its population to constitute rural population.

1430 **Section 8-107.**

1431 Amending charter.

1432 This charter may be modified, rescinded, changed, or amended by only the following
 1433 methods:

- 1434 (1) An Act of the General Assembly of Georgia; or
 1435 (2) An ordinance adopted by the board of commissioners of Albany-Dougherty County,
 1436 Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution of the
 1437 State of Georgia.

Section 8-108.

Examples of powers.

1440 The powers of Albany-Dougherty County, Georgia shall include, but shall not be limited to,
1441 the following powers:

1442 (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable
1443 property;

1444 (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in
1445 accordance therewith;

1446 (3) Business regulation and taxation: to levy, assess, and collect occupational taxes and to
1447 license and regulate occupations and businesses. Such taxes may be based on any criteria
1448 or combination of criteria permitted by general law.

1449 (4) Appropriations: to make appropriations and expend funds for support of the
1450 consolidated government and any other lawful purpose;

1451 (5) Debts: to borrow money and issue bonds as authorized by general law;

1452 (6) Property: to own property and interests in property;

1453 (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of the
1454 consolidated government on such terms as the donor may impose;

1455 (8) Condemnation: to condemn property inside the consolidated government for present
1456 or future use;

1457 (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;

1458 (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe
1459 the conditions of such franchises and contracts;

1460 (11) Roadways: to open, maintain, improve, and close streets and roads and to grant
1461 franchises and rights of way thereon;

1462 (12) Public facilities: to acquire, operate, and dispose of public buildings, public projects,
1463 parks, cemeteries, recreational facilities, and other public improvements inside the
1464 consolidated government;

1465 (13) Building regulation: to regulate the building trades and the construction of buildings
1466 and to adopt and enforce building, housing, plumbing, electrical, gas, heating, and
1467 air-conditioning codes;

1468 (14) Planning and zoning: to adopt land-use plans and exercise the power of zoning,
1469 subdivision regulation, and the like;

1470 (15) Police power: to exercise the police power for the public safety and well-being of the
1471 citizens of the consolidated and unified government;

1472 (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon
1473 or adjacent to streets and roads;

1474 (17) Health: to prescribe and enforce health and sanitation standards;

- 1475 (18) Pollution: to regulate emissions which pollute the air and water;
- 1476 (19) Fire safety: to fix fire limits and prescribe and enforce fire safety regulations;
- 1477 (20) Public hazards: to provide for the destruction or removal of public hazards;
- 1478 (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling of
- 1479 garbage and wastes;
- 1480 (22) Water and sewer fees: to fix and collect water and sewer fees;
- 1481 (23) Garbage fees: to fix and collect garbage fees;
- 1482 (24) Nuisances: to define and provide for the abatement of nuisances;
- 1483 (25) Property protection: to preserve and protect the property of the consolidated and
- 1484 unified government;
- 1485 (26) Prisoners: to provide for public work by prisoners and for their confinement;
- 1486 (27) Animal control: to regulate or prohibit the keeping of animals;
- 1487 (28) Motor vehicles: to regulate the operation and parking of motor vehicles;
- 1488 (29) Pensions: to provide and maintain a system of pensions and retirement for employees
- 1489 and officers of the consolidated and unified government;
- 1490 (30) Special assessments: to levy, assess, and collect special assessments to cover the cost
- 1491 of public improvements;
- 1492 (31) Contracts: to enter into lawful contracts and agreements;
- 1493 (32) Agencies: to create, alter, or abolish departments, boards, offices, commissions,
- 1494 authorities, and agencies of the consolidated and unified government and to confer
- 1495 appropriate authority upon them;
- 1496 (33) Penalties: to provide penalties for violations of ordinances of the consolidated and
- 1497 unified government;
- 1498 (34) Police and fire protection: to exercise the power of arrest through appointed
- 1499 policemen and to operate a fire department;
- 1500 (35) Emergencies: to provide for the determination, proclamation, and combating of
- 1501 emergencies;
- 1502 (36) Urban redevelopment: to organize and operate an urban redevelopment program; and
- 1503 (37) General health, safety, and welfare: to define, regulate, and prohibit any act, practice,
- 1504 conduct, or use of property which is detrimental to the health, sanitation, cleanliness.
- 1505 welfare, and safety of the inhabitants of the consolidated and unified government.

1506 **Section 8-109.**

1507 Effect of repeals.

1508 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein

1509 of the repealing Act or by any provision of this charter that disclaims an intention to repeal

1510 or affect enumerated laws.

1511 **Section 8-110.**

1512 Severability clause.

1513 If any provision of this charter or the application thereof to any person or circumstance is
 1514 held invalid, such invalidity shall not affect other provisions or applications of this charter
 1515 which can be given effect without the invalid provision or application, and to this end the
 1516 provisions of this charter are declared to be severable.

1517 **Section 8-111.**

1518 Repeal of conflicting laws.

1519 All laws and parts of laws in conflict with this charter are repealed.

1520 **ARTICLE IX**

1521 **TRANSITION PROVISIONS**

1522 **Section 9-101.**

1523 Provision of services during transition.

1524 In order to consolidate and unify the two governments and to assure the common and
 1525 continued administration of services currently provided by both the City of Albany and
 1526 Dougherty County, on the effective date of consolidation and unification, all services
 1527 currently provided by the county shall be provided through the general services district to all
 1528 residents of the county and all services provided by the city shall be provided through the
 1529 urban services district to the current residents of the City of Albany. Assuming the continued
 1530 availability of state and federal funds, these services arrangements shall apply until modified
 1531 by the commission.

1532 **Section 9-102.**

1533 Existing employees.

1534 (a) All full-time employees of the City of Albany and Dougherty County and all full-time
 1535 employees of any department, office, or agency thereof shall, upon the termination of the city
 1536 and county governments and the inception of the consolidated government, become
 1537 employees of the consolidated and unified government or of a department, office, or agency
 1538 thereof and shall be assigned to duties as similar in nature as may be practicable within the
 1539 new government.

1540 (b) Elimination of the duplication of functions shall be addressed through attrition and
 1541 reassignment. Therefore, no permanent full-time employee of the City of Albany and
 1542 Dougherty County at the time of consolidation and unification shall suffer any reduction of

1543 salary resulting from the adoption of this charter. However, this salary protection shall not
1544 limit the authority of the commission to change employee benefit plans.

1545 (c) Within 12 months of the effective date of this charter the consolidated and unified
1546 government shall have begun implementation of a plan that ensures that all employees
1547 performing the same functions and having the same responsibilities receive uniform salaries
1548 by the end of the third year of operation of the consolidated and unified government.

1549 **Section 9-103.**

1550 Effective date of charter.

1551 (a) Section 9-113 of this charter and this section shall become effective upon their approval
1552 by the Governor or upon their becoming law without such approval.

1553 (b) Those provisions of this Act necessary for the election of the initial members of the
1554 Commission of Albany-Dougherty County, Georgia shall become effective January 1, 2010.

1555 (c) The remaining provisions of this Act shall become effective on January 1, 2011, but only
1556 under the conditions specified in Section 9-113 of this charter.

1557 **Section 9-104.**

1558 Initial budget.

1559 (a) The initial budget of Albany-Dougherty County, Georgia shall be limited to an amount
1560 equal to the combined final budgets of the City of Albany and Dougherty County
1561 immediately preceding consolidation and unification, for the same number of months as the
1562 initial budget up to a maximum of 12 months.

1563 (b) This initial budget limitation shall not apply to any increases needed to satisfy any new,
1564 unfunded state or federal mandates, expenses caused by the occurrence of a natural disaster,
1565 increases needed to fund any step raises due employees of the consolidated and unified
1566 government, or increases needed to keep up with inflation as specified by the United States
1567 Consumer Price Index.

1568 **Section 9-105.**

1569 Number of employees.

1570 For the first twelve month period after the effective date of this charter, the total number of
1571 employees of the consolidated and unified government shall not exceed the combined
1572 number of employees authorized for the City of Albany and Dougherty County immediately
1573 prior to the effective date of this charter, except as otherwise specifically mandated by law.

1574 **Section 9-106.**

1575 Cooperation of former governments.

1576 (a) All officers, officials, and employees of the former City of Albany and Dougherty
1577 County shall cooperate with and assist the board of commissioners, the administrator, and
1578 other officers of Albany-Dougherty County, Georgia:

1579 (1) In planning the consolidation and unification of departments, boards, commissions, and
1580 agencies of said former governments and in transferring the functions, duties, and
1581 responsibilities of such departments, boards, commissions, authorities, and agencies to the
1582 appropriate agencies of Albany-Dougherty County, Georgia; and

1583 (2) In all other respects in order that the transfer of the governments be accomplished in
1584 the most orderly manner possible. The officers of Albany-Dougherty County, Georgia
1585 shall be entitled to examine all records, files, and other data in the possession of the former
1586 governments and of all officers, officials, employees, and departments thereof.

1587 (b) A schedule for activity during the transition period is contained in the Appendix B
1588 attached to and made a part of this charter.

1589 **Section 9-107.**

1590 Existing ordinances and resolutions continued in effect.

1591 (a) Existing ordinances and resolutions of Dougherty County and existing rules and
1592 regulations of county departments or agencies, not inconsistent with the provisions of this
1593 charter, shall continue in effect as ordinances, resolutions, rules, or regulations of
1594 Albany-Dougherty County, Georgia or the appropriate department or agency thereof until
1595 they have been repealed, modified, or amended. However, if there is a conflict between
1596 existing ordinances and resolutions of Dougherty County and rules and regulations of county
1597 departments or agencies and existing ordinances and resolutions of the City of Albany and
1598 rules and regulations of city departments or agencies, those of Dougherty County shall only
1599 apply to the area of Albany-Dougherty County which lies outside the urban services district.

1600 (b) Existing ordinances and resolutions of the City of Albany and existing rules and
1601 regulations of city departments or agencies, not inconsistent with the provisions of this
1602 charter, shall continue in effect as ordinances and resolutions of Albany-Dougherty County,
1603 Georgia and shall apply only to the area included within the urban services district until they
1604 have been repealed, modified, or amended.

1605 (c) In the event of a conflict between any of the ordinances or resolutions continued by this
1606 section, the provisions thereof shall apply only to that territory of Albany-Dougherty County
1607 to which such ordinance or resolution applied prior to the effective date of this charter and
1608 until such ordinance or resolution is repealed, changed, or amended to eliminate the conflict.

1609 (d) Within 24 months of the effective date of the charter, the commission shall have
 1610 reviewed all ordinances and resolutions and shall take whatever action is necessary to
 1611 remove any conflicts continued by this section in order to produce a uniform body of
 1612 ordinances and resolutions which is free of any conflicts and contradictions between such
 1613 provisions.

1614 **Section 9-108.**

1615 Contracts and obligations.

1616 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and
 1617 other obligations or instruments entered into by Dougherty County or the City of Albany or
 1618 for the benefit of either the county or the city prior to the effective date of this charter shall
 1619 continue in effect according to the terms thereof as obligations and rights of
 1620 Albany-Dougherty County, Georgia; provided, however, any obligation created by
 1621 Dougherty County or the City of Albany to become effective after the date of approval of this
 1622 charter and prior to the effective date of this charter shall be subject to ratification and
 1623 approval by the commission of Albany-Dougherty County, Georgia within six months
 1624 following the effective date of this charter.

1625 (b) No pending action or proceeding of any nature, whether civil, criminal, judicial,
 1626 administrative, or other, by or against the City of Albany or Dougherty County or an agency
 1627 or department thereof shall be abated or otherwise affected by the adoption of this charter,
 1628 and Albany-Dougherty County, Georgia shall stand substituted as a party in lieu thereof.

1629 **Section 9-109.**

1630 Dissolution of existing governments.

1631 (a) On the effective date of this charter, the charter of the City of Albany, approved
 1632 August 18, 1923 (Ga. L. 1923, p.370), as amended, is repealed in its entirety.

1633 (b) On the effective date of this charter, the board of commissioners of the City of Albany
 1634 and the board of commissioners of Dougherty County and all the officers thereof and the
 1635 offices thereof not continued under this charter are abolished, and all emoluments
 1636 appertaining thereto shall cease. Thereupon, the governments of Dougherty County and the
 1637 City of Albany shall terminate as separate political entities and all powers, functions, duties,
 1638 and obligations thereof shall be transferred to and vested in Albany-Dougherty County,
 1639 Georgia.

1640 **Section 9-110.**

1641 Transfer of records and equipment.

1642 When an agency of the City of Albany or of Dougherty County is abolished or consolidated
1643 by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal
1644 property in possession of the same shall be delivered to the agency to which its rights,
1645 powers, duties, and obligations are transferred.

1646 **Section 9-111.**

1647 Officers serve until successors qualify.

1648 Notwithstanding any other provision of this charter, any officer performing duties under the
1649 government of the City of Albany or Dougherty County shall continue to perform the duties
1650 thereof until a successor, whether under the same title or office of another, shall be elected
1651 or appointed and qualified to perform the duties, it being the intention hereof that no duty or
1652 services shall lapse or be abandoned because of lack of an officer to perform same.

1653 **Section 9-112.**

1654 Changes required by the U.S. Department of Justice.

1655 In order to ensure that a referendum on the question of the creation of the consolidated and
1656 unified government of Albany-Dougherty County, Georgia will be held on the earliest
1657 possible date, the General Assembly, as provided in Article IX, Section III, Paragraph II(a)
1658 of the Constitution of the State of Georgia, hereby authorizes the members of the
1659 Albany-Dougherty Governmental Charter Commission, in consultation with the Dougherty
1660 County legislative delegation, the power to amend the charter to satisfy any required changes
1661 raised by the United States Department of Justice.

1662 **Section 9-113.**

1663 Referendum on the charter.

1664 (a) As soon as practicable after receipt of the certified copy of the proposed charter and after
1665 receipt of approval from the United States Department of Justice for a referendum on the
1666 proposed charter, it shall be the duty of the superintendent of elections of Dougherty County
1667 to call a special election for approval or rejection of the proposed charter. The
1668 superintendent of elections shall cause the date and purpose of the election to be published
1669 once a week for two calendar weeks immediately preceding the date thereof in the official
1670 legal organ of Dougherty County. The ballot shall have written or printed thereon the
1671 following:

1672 "() YES Shall the charter reorganizing and consolidating the governments of the City
1673 of Albany and Dougherty County and creating a single county-wide
1674 () NO government to supersede and replace those governments be approved?"

1675 (b) All persons desiring to vote for approval of the charter shall vote "yes," and those
1676 persons desiring to vote for rejection of the charter shall vote "no." If more than one-half of
1677 the votes cast by the qualified voters of Dougherty County residing within the corporate
1678 limits of the City of Albany are for approval of the charter and if more than one-half of the
1679 total number of votes cast by all the qualified voters of Dougherty County are for approval
1680 of the charter, then the charter shall become effective. Otherwise, it shall be void and of no
1681 force and effect. The expense of such election shall be borne equally by the City of Albany
1682 and Dougherty County.

1683 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the Official
1684 Code of Georgia Annotated, the "Georgia Election Code."

1685 (d) A qualified voter, as used in this Act, shall mean a voter of Dougherty County qualified
1686 to vote for members of the General Assembly of Georgia. The superintendent of elections
1687 shall certify the returns to the Secretary of State. The superintendent of elections shall also
1688 furnish a certified copy of the charter to the Secretary of State. The Secretary of State shall
1689 issue a proclamation showing and declaring the result of the election on the approval or
1690 rejection of the charter. One copy of the proclamation shall be attached to the copy of the
1691 charter certified to the Secretary of State. One copy of the proclamation shall be delivered
1692 to the clerk of the governing authority of the City of Albany who shall attach the same to the
1693 copy of the charter previously certified to him or her. One copy of the proclamation shall be
1694 delivered to the clerk of the governing authority of Dougherty County who shall attach the
1695 same to the copy of the charter previously certified to him or her.

1696 (e) Whenever a charter for the consolidation and unification of the governments of the City
1697 of Albany and Dougherty County has been accepted, the above-certified copies thereof, with
1698 the proclamation of the Secretary of State of Georgia attached thereto, shall be deemed
1699 duplicate original copies of the charter for all purposes. The certified copy of the charter and
1700 proclamation deposited with the clerk of the governing authority of the City of Albany and
1701 the certified copy of the charter and proclamation deposited with the clerk of the governing
1702 authority of Dougherty County shall subsequently be delivered by them to the successor
1703 government. The successor government may issue certified copies of the charter and any
1704 copy so certified shall be deemed a duplicate original copy of the charter for all purposes.
1705 The Secretary of State is authorized to issue certified copies of the charter on file, and copies
1706 so certified shall be deemed duplicate original copies of the charter of Albany-Dougherty
1707 County, Georgia for all purposes.

1708

Appendix A

1709 For the purpose of electing the eight members of the commission from commissioner
 1710 districts, the territory of Albany-Dougherty County, Georgia shall be divided into the
 1711 following districts:

1712 Plan Name: doughOPT1 Plan Type: LOCAL User: reapp Administrator: LINDA

1713 Redistricting Plan Components Report

1714 District 001

1715 Dougherty County

1716 Tract: 104.01

1717 BG: 1

1718 BG: 2

1719 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

1720 2012 2013 2014 2015 2016 2017 2018 2019 2023 2024 2025 2026

1721 2027 2028 2029 2030 2033 2034 2035 2036 2038 2046 2047 2048

1722 2049 2050

1723 Tract: 104.03

1724 BG: 1

1725 1011 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022

1726 1023

1727 Tract: 5

1728 BG: 2

1729 2004 2005 2006 2010 2011

1730 BG: 3

1731 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

1732 3012 3013 3014 3015 3016 3017 3018 3019 3020

1733 BG: 4

1734 BG: 5

1735 BG: 6

1736 District 002

1737 Dougherty County

1738 Tract: 10

1739 BG: 1

1740 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1741 1012 1013 1014 1015 1016
 1742 BG: 2
 1743 Tract: 104.01
 1744 BG: 2
 1745 2020 2021 2022 2031 2032 2037 2039 2040 2041 2042 2043 2044
 1746 2045
 1747 Tract: 104.02
 1748 Tract: 104.03
 1749 BG: 1
 1750 1010 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034
 1751 1035 1040 1041 1042 1044 1045 1046 1047
 1752 Tract: 4
 1753 BG: 1
 1754 1011 1012 1013 1014 1015 1016 1017 1018 1019 1023 1024 1025
 1755 1026 1027 1028
 1756 BG: 2
 1757 2018 2019 2020 2021 2022 2023 2024 2025
 1758 Tract: 5
 1759 BG: 1
 1760 BG: 2
 1761 2000 2001 2002 2003 2007 2008 2009 2012 2013 2014 2015 2016
 1762 2017 2018 2019 2020
 1763 BG: 3
 1764 3021 3022 3023 3024 3025
 1765 Tract: 6
 1766 Tract: 9
 1767 BG: 2

 1768 District 003
 1769 Dougherty County
 1770 Tract: 10
 1771 BG: 1
 1772 1017
 1773 Tract: 104.03
 1774 BG: 1
 1775 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1036 1037
 1776 1038 1039 1043 1048 1049 1050 1051 1052 1053 1054 1055 1056

1777 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1998 1999
 1778 Tract: 105
 1779 BG: 1
 1780 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1781 1015
 1782 BG: 2
 1783 Tract: 106.02
 1784 BG: 3
 1785 3006 3015 3016 3017 3018 3019 3020 3021 3022 3996
 1786 Tract: 11
 1787 Tract: 12
 1788 BG: 2
 1789 2017 2018 2019
 1790 Tract: 15
 1791 BG: 1
 1792 1013 1014 1015 1016 1019 1020
 1793 BG: 2
 1794 2001 2002 2003 2004 2006 2007 2008 2009 2010 2011 2012 2013
 1795 2014 2019 2020 2021 2022
 1796 BG: 3

 1797 District 004
 1798 Dougherty County
 1799 Tract: 105
 1800 BG: 1
 1801 1000 1001 1002 1016 1017 1018 1019 1020 1021 1022 1023 1024
 1802 1025 1026 1027
 1803 Tract: 106.01
 1804 Tract: 106.02
 1805 BG: 1
 1806 BG: 2
 1807 BG: 3
 1808 3000 3001 3002 3003 3004 3005 3007 3008 3009 3010 3011 3012
 1809 3013 3997 3998 3999
 1810 Tract: 107
 1811 BG: 1
 1812 1044 1051 1052

1813 BG: 2
 1814 2999
 1815 Tract: 109
 1816 BG: 1
 1817 1000 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1818 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1819 BG: 2
 1820 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1821 2012 2013 2014 2017 2018 2019 2997 2998 2999
 1822 BG: 3
 1823 Tract: 110
 1824 BG: 1
 1825 1009 1017 1018 1019 1020
 1826 BG: 2
 1827 2005 2006 2007 2008 2024 2030 2031 2999
 1828 Tract: 14.01
 1829 BG: 1
 1830 1007 1019 1996 1997 1998
 1831 Tract: 14.02
 1832 BG: 2
 1833 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
 1834 2015 2016 2017 2019 2020 2021 2022 2023 2024 2025 2026

 1835 District 005
 1836 Dougherty County
 1837 Tract: 1
 1838 BG: 4
 1839 4009 4010 4011 4012 4013 4014 4021 4022 4023 4024 4025 4026
 1840 4027 4028 4029 4030 4031
 1841 BG: 5
 1842 5004
 1843 Tract: 101
 1844 BG: 1
 1845 1030 1031 1032 1033
 1846 BG: 2
 1847 2018 2019 2020 2021 2022
 1848 Tract: 107

1849 BG: 1
 1850 1000 1001 1002 1003 1004 1008 1009 1010 1011 1012 1013 1014
 1851 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1026
 1852 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037 1038
 1853 1039 1040 1041 1042 1043 1045 1046 1047 1048 1049 1050
 1854 BG: 2
 1855 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1856 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
 1857 2024
 1858 BG: 3
 1859 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015
 1860 3016 3017 3018 3019 3020 3021 3022 3026 3027
 1861 Tract: 108
 1862 Tract: 109
 1863 BG: 1
 1864 1001 1002 1003
 1865 BG: 2
 1866 2015 2016
 1867 Tract: 110
 1868 BG: 1
 1869 1000 1001 1002 1003 1004 1005 1006 1007 1008 1010 1011 1012
 1870 1013 1014 1015 1016
 1871 BG: 2
 1872 2000 2001 2002 2003 2004 2009 2010 2011 2012 2013 2014 2015
 1873 2016 2017 2018 2019 2020 2021 2022 2023 2025 2026 2027 2028
 1874 2029
 1875 Tract: 111
 1876 BG: 1
 1877 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1878 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1879 1024 1025 1026 1028 1029 1030 1031 1032

 1880 District 006
 1881 Dougherty County
 1882 Tract: 1
 1883 BG: 1
 1884 BG: 2

1885 BG: 3
 1886 BG: 4
 1887 4000 4001 4002 4003 4004 4005 4006 4007 4008 4015 4016 4017
 1888 4018 4019 4020
 1889 BG: 5
 1890 5000 5001 5002 5003 5005
 1891 Tract: 101
 1892 BG: 1
 1893 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1894 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1895 1024 1025 1026 1027 1028 1029 1034 1035 1036 1037 1038 1996
 1896 1997 1998 1999
 1897 BG: 2
 1898 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1899 2012 2013 2014 2015 2016 2017
 1900 Tract: 103.01
 1901 BG: 1
 1902 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1903 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1904 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1997
 1905 Tract: 103.02
 1906 BG: 1
 1907 1015
 1908 Tract: 107
 1909 BG: 1
 1910 1005 1006 1007
 1911 BG: 3
 1912 3000 3001 3002 3003 3023 3024 3025 3028 3998 3999
 1913 Tract: 14.01
 1914 BG: 1
 1915 1999
 1916 Tract: 2
 1917 BG: 1
 1918 1000 1001 1002 1003 1004 1009 1016 1017 1018 1019 1020 1021
 1919 1022 1023
 1920 BG: 2
 1921 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

1922 2012 2013 2014 2015 2016 2017 2018
 1923 BG: 4
 1924 4011 4012 4013 4014 4015 4016 4018 4019 4020 4021 4022 4023
 1925 4024

 1926 District 007
 1927 Dougherty County
 1928 Tract: 102
 1929 BG: 1
 1930 1000 1001 1002 1004 1005 1006 1020 1021 1022 1990 1998 1999
 1931 Tract: 103.01
 1932 BG: 1
 1933 1998 1999
 1934 Tract: 103.02
 1935 BG: 1
 1936 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1937 1012 1013 1014 1016 1017 1018 1019 1020 1021 1022 1023 1024
 1938 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
 1939 1037 1038 1039
 1940 BG: 2
 1941 BG: 3
 1942 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 1943 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3997 3998
 1944 3999
 1945 BG: 4
 1946 BG: 5
 1947 Tract: 12
 1948 BG: 2
 1949 2012 2013 2014
 1950 Tract: 13
 1951 Tract: 14.01
 1952 BG: 1
 1953 1000 1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1012
 1954 1013 1014 1015 1016 1017 1018
 1955 BG: 2
 1956 Tract: 14.02
 1957 BG: 1

1958 BG: 2
 1959 2000 2001 2002 2018
 1960 Tract: 15
 1961 BG: 1
 1962 1006 1007 1008 1009 1010 1011 1012 1017 1018
 1963 BG: 2
 1964 2000 2005 2015 2016 2017 2018
 1965 Tract: 2
 1966 BG: 1
 1967 1005 1006 1007 1008 1010 1011 1012 1013 1014 1015
 1968 BG: 2
 1969 2019 2020 2021 2999
 1970 BG: 3
 1971 BG: 4
 1972 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4017
 1973 Tract: 3
 1974 BG: 1
 1975 1995 1996
 1976 Tract: 8
 1977 BG: 1
 1978 1999

 1979 District 008
 1980 Dougherty County
 1981 Tract: 102
 1982 BG: 1
 1983 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018
 1984 1019 1983 1984 1985 1986 1987 1988 1989 1991 1992 1993 1994
 1985 1995 1996 1997
 1986 Tract: 103.02
 1987 BG: 3
 1988 3996
 1989 Tract: 12
 1990 BG: 1
 1991 BG: 2
 1992 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 1993 2015 2016

1994 Tract: 15
 1995 BG: 1
 1996 1000 1001 1002 1003 1004 1005
 1997 Tract: 3
 1998 BG: 1
 1999 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2000 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 2001 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
 2002 1036 1997 1998 1999
 2003 BG: 2
 2004 Tract: 4
 2005 BG: 1
 2006 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1020
 2007 1021 1022 1029
 2008 BG: 2
 2009 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
 2010 2012 2013 2014 2015 2016 2017 2026
 2011 BG: 3
 2012 Tract: 7
 2013 Tract: 8
 2014 BG: 1
 2015 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 2016 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 2017 1024 1025 1026 1027 1028 1029 1030 1031
 2018 BG: 2
 2019 BG: 3
 2020 Tract: 9
 2021 BG: 1

2022

Appendix B

2023

Transition plan and schedule.

2024 The following transition plan shall govern the implementation of this Act:

2025 Stage 1: Referendum on Charter to Initial Election.

2026 Upon approval of the consolidation and unification of the City of Albany and Dougherty

2027 County in a referendum as provided in Section 9-113, a transition team shall be formed.

2028 The transition team will be appointed and charged with anticipating implementation

2029 responsibilities, issues, and opportunities related to the consolidation and unification of the
2030 two governments. Their effort will involve collecting data, assembling facts, and
2031 presenting options to the officials of Albany-Dougherty County, Georgia when they take
2032 office. The transition team shall not have any decision making power and shall serve in
2033 an advisory function to the new government only until such time as the newly elected
2034 officials assume the responsibilities described below.

2035 The transition team shall consist of: the city manager; the county administrator; two
2036 appointees of the board of commissioners of the City of Albany; two appointees of the
2037 board of commissioners of Dougherty County; three members of the Albany-Dougherty
2038 County Governmental Charter Commission; one member selected by the mayor of the City
2039 of Albany; one member selected by the chairperson of the board of commissioners of
2040 Dougherty County; and one member selected jointly by the mayor and chairperson, who
2041 shall serve as chair of the transition team.

2042 Stage 2: Initial Election to January 1, 2011.

2043 The newly elected government assumes limited powers to plan for the new government.
2044 During this time, the board of commissioners may exercise the following powers:

- 2045 (a) Begin preparation for the appointment of the manager and attorney;
- 2046 (b) Hold meetings, establish committees, plan the establishment of boundaries of the
2047 general and urban services districts, and plan for and schedule the initial organization of
2048 Albany-Dougherty County, Georgia in accordance with the applicable provisions of this
2049 charter. The commission shall be authorized to receive and expend appropriations from
2050 the board of commissioners of the City of Albany and the board of commissioners of
2051 Dougherty County for the purposes of performing its responsibilities as provided in this
2052 charter;
- 2053 (c) Begin preparation of the initial budget; and
- 2054 (d) Begin preparation of plans and schedules for the consolidation and unification of the
2055 various departments and agencies of the City of Albany and Dougherty County;

2056 Stage 3: January 1, 2011, to June 30, 2011.

2057 The board of commissioners of Albany-Dougherty County, Georgia takes office operating
2058 under the initial budget as provided for in this charter. The budget for FY 2012 is prepared.
2059 During this period the government would begin combining operations.

2060 Stage 4: July 1, 2011, to June 30, 2012.

2061 The consolidated and unified government begins operations under the first consolidated
2062 and unified government budget.