

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 164:

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Bremen; to provide for incorporation, boundaries, and powers of the city within the counties of Haralson and Carroll; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; to provide for the office of mayor and certain duties and powers relative to the office of mayor; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof; to provide for practices and procedures; to provide for taxation and fees; to provide for an independent city school system; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for purchases; to provide for the sale of property; to provide for bonds for officials; to provide for eminent domain; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.01.

Name.

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

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SECTION 1.02.

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Corporate Boundaries.

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

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

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SECTION 1.03.

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Powers and Construction.

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

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

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SECTION 1.04.

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Examples of Powers.

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

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(b) Appropriations and Expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized

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

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

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

68 (e) Condemnation. To condemn property, as granted to municipalities under general law of
69 the State of Georgia, utilizing procedures enumerated in Title 22 of the Official Code of
70 Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

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

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

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

91 (k) General Health, Safety and Welfare. To define, regulate and prohibit any act, practice,
92 conduct or use of property which is detrimental to health, sanitation, cleanliness, welfare, and
93 safety of the inhabitants of the city, and to provide for the enforcement of such standards;

- 94 (l) Gifts. To accept or refuse gifts, donations, bequests or grants from any source for any
95 purpose related to powers and duties of the city and the general welfare of its citizens, on
96 such terms and conditions as the donor or grantor may impose;
- 97 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
98 for the enforcement of such standards;
- 99 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
100 out such sentences in any public works or on the streets, roads, drains and other public
101 property in the city, to provide for commitment of such persons to any jail, or to provide for
102 commitment of such persons to any county work camp or county jail by agreement with the
103 appropriate county officials;
- 104 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
105 all traffic, including parking upon or across the streets, roads, alleys and walkways of the
106 city;
- 107 (p) Municipal Agencies and Delegation of Power. To create, alter or abolish departments,
108 boards, offices, commissions and agencies of the city, and to confer upon such agencies the
109 necessary and appropriate authority for carrying out all the powers conferred upon or
110 delegated to the same;
- 111 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
112 and to issue bonds for the purpose of raising revenue to carry out any project, program or
113 venture authorized by this charter or the laws of the State of Georgia;
- 114 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
115 otherwise, any real, personal, or mixed property, in fee simple or lesser interest, inside or
116 outside the property limits of the city;
- 117 (s) Municipal Property Protection. To provide for the preservation and protection of
118 property and equipment of the city, and the administration and use of same by the public; and
119 to prescribe penalties and punishment for violations thereof;
- 120 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell and dispose of
121 public utilities, including but not limited to a system of waterworks, sewers and drains,
122 sewage disposal, gas works, electric light plants, cable television and other
123 telecommunications, transportation facilities, public airports, and any other public utility; and
124 to fix the taxes, charges, rates, fares, fees, assessments, regulations and penalties, and to
125 provide for the withdrawal of service for refusal or failure to pay the same;
- 126 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
127 private property;
- 128 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
129 authority of this charter and the laws of the State of Georgia;

- 130 (w) Planning and Zoning. To provide comprehensive city planning for development by
131 zoning; and to provide subdivision regulation and the like as the city council deems
132 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
133 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
134 policemen, and to establish, operate, or contract for a police and a fire fighting agency;
135 (y) Public Hazards: Removal. To provide for the destruction and removal of any building
136 or other structure which is or may become dangerous or detrimental to the public.
137 (z) Public Improvements. To provide for the acquisition by purchase, prescription,
138 dedication or donation, and the construction, building, operation and maintenance of public
139 ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses,
140 public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking
141 facilities, or charitable, cultural, educational, recreational, conservation, sport, curative,
142 corrective, detentional, penal and medical institutions, agencies and facilities; and to provide
143 any other public improvements, inside or outside the corporate limits of the city; to regulate
144 the use of public improvements;
- 145 (aa) Public Peace. To provide for the prevention and punishment of drunkenness, riots, and
146 public disturbances;
- 147 (bb) Public Transportation. To organize and operate such public transportation systems as
148 are deemed beneficial and economically feasible;
- 149 (cc) Public Utilities and Services. To grant franchises or make contracts for, or impose taxes
150 on public utilities and public service companies; and to prescribe the rates, fares, regulations
151 and standards and conditions of service applicable to the service to be provided by the
152 franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public
153 Service Commission;
- 154 (dd) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
155 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings and any and
156 all other structures or obstructions upon the rights-of-way of streets and roads, within the
157 corporate limits of the city; and to prescribe penalties and punishment for violation of such
158 ordinances;
- 159 (ee) Retirement. To provide and maintain a retirement plan for officers and employees of
160 the city;
- 161 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
162 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
163 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
164 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
165 streets and roads, and over the bridges and viaducts for the use of public utilities; and to

166 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
167 their lots or lands, and to impose penalties for failure to do so;

168 (gg) Sewer Fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
169 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
170 and sewerage system, and to levy on those to whom sewers and sewerage systems are made
171 available a sewer service fee, charge or sewer tax for the availability or use of the sewers; to
172 provide for the manner and method of collecting such service charges and for enforcing
173 payment of the same; and to charge, impose and collect a sewer connection fee or fees to
174 those connected with the system;

175 (hh) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish
176 and refuse, and to regulate the collection and disposal of garbage, rubbish and refuse by
177 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
178 and other recyclable materials, and to provide for the sale of such items;

179 (ii) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn shops,
180 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
181 firearms; to regulate the transportation, storage and use of combustible, explosive and
182 inflammable materials, the use of lighting and heating equipment, and any other business or
183 situation which may be dangerous to persons or property; to regulate and control the conduct
184 of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind,
185 by taxation or otherwise; and to license, tax, regulate or prohibit professional fortunetelling,
186 palmistry, adult bookstores, adult entertainment establishments, and massage parlors;

187 (jj) Special Assessments. To levy and provide for the collection of special assessments to
188 cover the costs for any public improvements;

189 (kk) Taxes: Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
190 and collection of taxes on all property subject to taxation;

191 (ll) Taxes: Other. To levy and collect such other taxes as may be allowed now or in the
192 future by law;

193 (mm) Taxicabs and Other Public Transportation. To regulate and license vehicles operated
194 for hire in the city; to limit the number of such vehicles; to require the operators thereof to
195 be licensed; to require public liability insurance on such vehicles in the amounts to be
196 prescribed by ordinance; and to regulate the parking of such vehicles;

197 (nn) Urban Redevelopment. To organize and operate an urban redevelopment program;

198 (oo) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges and
199 immunities necessary or desirable to promote or protect the safety, health, peace, security,
200 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to
201 exercise all implied powers necessary or desirable to carry into execution all powers granted
202 in this charter as fully and completely as if such powers were fully stated herein; and to

exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and no listing of particular powers in this charter shall be held to be exclusive of others, nor restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.05.

Exercise of Powers.

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

ARTICLE II

GOVERNMENT STRUCTURE

GENERALLY

LEGISLATIVE BRANCH

A. Creation.

SECTION 2.01.

City Council Creation; Number; Election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four (4) council-members. The council members shall be elected by city wide - at large elections. Each duly elected council member will occupy a seat on the council to be designated as Seat One, Seat Two, Seat Three and Seat Four, respectively. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and council-members shall be elected in the manner provided by general law and this charter.

229 **B. Terms and Qualifications for Office.**

230 **SECTION 2.02.**

231 **City Council Terms and Qualifications for Office.**

232 The members of the city council shall serve for terms of 4 years and until their respective
233 successors are elected and qualified. No person shall be eligible to serve as a councilmember
234 unless that person shall be a citizen of the United States of America; have attained the age
235 of 21 years; and have established his or her domicile within the city, so as to be a legal
236 resident of the city, for the 12 consecutive months prior to the first day of the period of time
237 set for qualification as a candidate for the office of councilmember. A duly elected
238 councilmember shall continue to reside within the city during that individual's period of
239 service and shall continue to be registered and qualified to vote in municipal elections of this
240 city.

241 **C. Vacancies in Office.**

242 **SECTION 2.03.**

243 **Vacancy; Filling of Vacancies.**

244 (a) Vacancies - The office of mayor or councilmember shall become vacant upon the
245 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the
246 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter
247 be enacted.

248 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled
249 for the remainder of the unexpired term, if any, by appointment of the city council if less than
250 12 months remains in the unexpired term, otherwise by an election, as provided for in
251 Section 5.04 of this charter and in accordance with Titles 21 and 45 of the Official Code of
252 Georgia Annotated, or other such laws as are or may hereafter be enacted.

253 **D. Compensation and Expenses.**

254 **SECTION 2.04.**

255 **Compensation and Expenses.**

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

258

E. Prohibitions.

259

SECTION 2.05.

260

Conflicts of Interest; Holding Other Offices.

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

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

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

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

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

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

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

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

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

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

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

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

305 (f) Ineligibility of Elected Official - Except where authorized by law, neither the mayor nor
306 any councilmember shall hold any other elective or compensated appointive office in the city
307 or otherwise be employed by said government or any agency thereof during the term for
308 which that official was elected.

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

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

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

319 (h) Penalties for Violation -

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

324 (2) Any officer or employee of the city who shall forfeit an office or position as
325 described in paragraph (1) above shall be ineligible for appointment or election to or
326 employment in a position in the city government for a period of three years thereafter.

327 **F. Inquiries and Investigations.**

328 **SECTION 2.06.**

329 **Inquiries and Investigations.**

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

340 **G. General Power and Authority.**

341 **SECTION 2.07.**

342 **General Power and Authority of the City Council.**

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

345 **H. Eminent Domain.**

346 **SECTION 2.08.**

347 **Eminent Domain.**

348 The city council is hereby empowered to acquire, construct, operate and maintain public
349 ways, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems,
350 educational, and any other public improvements inside or outside the city, and to regulate the
351 use thereof, and for such purposes, property may be condemned under procedures established
352 under general law applicable now or as provided in the future.

353 **ORGANIZATION AND PROCEDURES**354 **I. Meetings.**355 **SECTION 2.09.**356 **Organization.**

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

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

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

373 **SECTION 2.10.**374 **Regular and Special Meetings.**

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

377 (b) Special meetings of the city council may be held on call of the mayor or two (2)
378 members of the city council. Notice of such special meetings shall be served on all other
379 members personally, or by telephone personally, at least 24 hours in advance of the meeting.
380 Such notice to councilmembers shall not be required if the mayor and all councilmembers
381 are present when the special meeting is called. Such notice of any special meeting may be
382 waived by a councilmember in writing before or after such a meeting, and attendance at the
383 meeting shall also constitute a waiver of notice on any business transacted in such
384 councilmember's presence. Only the business stated in the call may be transacted at the
385 special meeting.

(c) All meetings of the city council shall be public to the extent required by law and notice to the public of special meetings shall be made fully as is reasonably possible as provided by section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted.

J. Procedures.

SECTION 2.11.

Rules of Procedure.

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

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

SECTION 2.12.

Quorum: Voting.

Three councilmembers, or two councilmembers and the Mayor, shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of three (3) councilmembers (or two councilmembers and the Mayor only when the Mayor has been counted as a member for purposes of a quorum) shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote.

K. Ordinances.

SECTION 2.13.

Ordinance Form; Procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The

416 enacting clause shall be "It is hereby ordained by the governing authority of the City of
417 Bremen" and every ordinance shall so begin.

418 (b) An ordinance may be introduced by any councilmember and be read at a regular or
419 special meeting of the city council. Ordinances shall be considered and adopted or rejected
420 by the city council in accordance with the rules which it shall establish; provided, however,
421 an ordinance shall not be adopted the same day it is introduced, except for emergency
422 ordinances provided in Section 2.15. Upon introduction of any ordinance, the clerk shall as
423 soon as possible distribute a copy to the mayor and to each councilmember and shall file a
424 reasonable number of copies in the office of the clerk and at such other public places as the
425 city council may designate.

426 **SECTION 2.14.**

427 Action Requiring An Ordinance.

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

429 **SECTION 2.15.**

430 Emergencies, Emergency Ordinances, Procedures and Limitations.

431 (a) To meet a public emergency affecting life, health, property or public peace, the city
432 council may convene on call of the mayor or two (2) councilmembers and promptly adopt
433 an emergency ordinance, but such ordinance may not levy taxes; grant, renew or extend a
434 franchise; regulate the rate charged by any public utility for its services; or authorize the
435 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
436 shall be introduced in the form prescribed for ordinances generally, except that it shall be
437 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
438 a declaration stating that an emergency exists, and describing the emergency in clear and
439 specific terms. An emergency ordinance may be adopted, with or without amendment, or
440 rejected at the meeting at which it is introduced, but the affirmative vote of at least three
441 councilmembers shall be required for adoption. It shall become effective upon adoption or
442 at such later time as it may specify. Every emergency ordinance shall automatically stand
443 repealed 30 days following the date upon which it was adopted, but this shall not prevent
444 reenactment of the ordinance in the manner specified in this section if the emergency still
445 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
446 in the same manner specified in this section for adoption of emergency ordinances.

447 (b) Such meetings shall be open to the public to the extent required by law and notice to the
448 public of emergency meetings shall be made as fully as is reasonably possible in accordance

449 with section 50-14-1, as amended, of the Official Code of Georgia Annotated, or such other
450 applicable laws as are or may hereafter be enacted.

451 **SECTION 2.16.**

452 Codes of Technical Regulations.

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

456 (1) the requirements of Section 2.17(b) for distribution and filing of copies of the
457 ordinance shall be construed to include copies of any code of technical regulations, as
458 well as the adopting ordinance; and

459 (2) a copy of each adopted code of technical regulations, as well as the adopting
460 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.17.

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

463 **SECTION 2.17.**

464 Signing; Authenticating; Recording; Codification; Printing.

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

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

475 (c) The city council shall cause each ordinance and each amendment to this charter to be
476 printed promptly following its adoption, and the printed ordinances and charter amendments
477 shall be made available for purchase by the public at reasonable prices to be fixed by the city
478 council. Following publication of the first code under this charter and at all times thereafter,
479 the ordinances and charter amendments shall be printed in substantially the same style as the
480 code currently in effect and shall be suitable in form for incorporation therein. The city
481 council shall make such further arrangements as deemed desirable with reproduction and

482 distribution of any current changes in or additions to codes of technical regulations and other
483 rules and regulations included in the code.

484 **L. Council-Manager Form of Government.**

485 **SECTION 2.18.**

486 **City Manager; Appointment; Qualifications; Compensation.**

487 The city council shall appoint a city manager for an indefinite term and shall fix the
488 manager's compensation. The manager shall be appointed solely on the basis of executive
489 and administrative qualifications.

490 **SECTION 2.19.**

491 **Removal of City Manager.**

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

494 **SECTION 2.20.**

495 **Acting City Manager.**

496 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
497 council, a qualified city administrative officer to exercise the powers and perform the duties
498 of manager during the manager's temporary absence or physical or mental disability. During
499 such absence or disability, the city council may revoke such designation at any time and
500 appoint another officer of the city to serve until the manager shall return or the manager's
501 disability shall cease.

502 **SECTION 2.21.**

503 **Powers and Duties of the City Manager.**

504 The city manager shall be the chief administrative officer of the city. The manager shall be
505 responsible to the city council for the administration of all city affairs placed in the manager's
506 charge by or under this charter. As the chief administrative officer, the manager shall:

507 (a) appoint and, when the manager deems it necessary for the good of the city, suspend
508 or remove all city employees and administrative officers the manager appoints, except
509 as otherwise provided by law or personnel ordinances adopted pursuant to this charter.

510 The manager may authorize any administrative officer who is subject to the manager's

511 direction and supervision to exercise these powers with respect to subordinates in that
512 officer's department, office or agency;

513 (b) direct and supervise the administration of all departments, offices and agencies of the
514 city, except as otherwise provided by this charter or by law;

515 (c) attend all city council meetings except for closed meetings held for the purposes of
516 deliberating on the appointment, discipline or removal of the city manager and have the
517 right to take part in discussion but not vote;

518 (d) see that all laws, provisions of this charter, and acts of the city council, subject to
519 enforcement by the manager or by officers subject to the manager's direction and
520 supervision, are faithfully executed;

521 (e) prepare and submit the annual operating budget and capital budget to the city council;

522 (f) submit to the city council and make available to the public a complete report on the
523 finances and administrative activities of the city as of the end of each fiscal year;

524 (g) make such other reports as the city council may require concerning the operations of
525 city departments, offices and agencies subject to the manager's direction and supervision;

526 (h) keep the city council fully advised as to the financial condition and future needs of
527 the city, and make such recommendations to the city council concerning the affairs of the
528 city as the manager deems desirable; and

529 (i) perform other such duties as are specified in this charter or as may be required by the
530 city council.

531 **SECTION 2.22.**

532 Council Interference with Administration.

533 Except for the purpose of inquiries and investigations under Section 2.06, the city council or
534 its members shall deal with city officers and employees who are subject to the direction and
535 supervision of the manager solely through the manager, and neither the city council nor its
536 members shall give orders to any such officer or employee, either publicly or privately.

537 **SECTION 2.23.**

538 Election of Mayor; Forfeiture; Compensation.

539 The mayor shall be elected and serve for a term of 4 years and until a successor is elected and
540 qualified. No person shall be eligible to serve as mayor unless that person shall be a citizen
541 of the United States of America; have attained the age of 21 years; and have established his
542 or her domicile within the city, so as to be a legal resident of the city, for the 12 consecutive
543 months prior to the first day of the period of time set for qualification as a candidate for the

544 office of mayor. A duly elected mayor shall continue to reside within the city during that
545 individual's period of service and shall continue to be registered and qualified to vote in
546 municipal elections of this city. The mayor shall forfeit the office on the same grounds and
547 under the same procedure as for councilmembers. The compensation of the mayor shall be
548 established in the same manner as for councilmembers.

549 **SECTION 2.24.**

550 Powers and Duties of Mayor.

551 The mayor shall:

- 552 (a) preside at all meetings of the city council;
- 553 (b) be the chief executive officer and head of the city for the purpose of service of
554 process and for ceremonial purposes, and be the official spokesperson for the city and the
555 chief advocate of policy;
- 556 (c) have power to administer oaths and to take affidavits;
- 557 (d) sign as a matter of course on behalf of the city all written and approved contracts,
558 ordinances and other instruments executed by the city which by law, this charter or city
559 ordinances are required to be approved by the city council and to be in writing;
- 560 (e) represent the city in intergovernmental relations;
- 561 (f) appoint members of citizen advisory boards and commissions with the advice and
562 consent of the council, and make recommendations to the city council concerning the
563 appointment of members of regulatory agencies, boards, or authorities whose members
564 are subject to appointment and approval by the city council;
- 565 (g) present an annual state of the city message;
- 566 (h) recommend to the city council such measures relative to the affairs of the city,
567 improvement of the government, and promotion of the welfare of its inhabitants as the
568 mayor may deem expedient;
- 569 (i) call special meetings of the city council as provided for in Section 2.10(b);
- 570 (j) approve or disapprove ordinances as provided in Section 2.25;
- 571 (k) provide for an annual audit of all accounts of the city;
- 572 (l) require any department or agency of the city to submit written reports whenever the
573 mayor deems it expedient;
- 574 (m) fulfill such other executive and administrative duties as the city council shall by
575 ordinance establish, or as may be required by law, this charter, or by ordinance.

576

SECTION 2.25.

577

Submission of Ordinances to the Mayor; Veto Power.

578 (a) Every ordinance adopted by the city council shall be presented promptly by the clerk to
579 the mayor.

580 (b) The mayor, within ten (10) calendar days of receipt of an ordinance, shall return it to the
581 clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance
582 has been approved by the mayor, it shall become law upon its return to the clerk; if the
583 ordinance is neither approved nor disapproved, it shall become law at twelve o'clock noon
584 on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall
585 submit to the city council through the clerk a written statement of reasons for the veto. The
586 clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.

587 (c) Ordinances vetoed by the mayor shall be presented by the clerk to the city council at its
588 next meeting. If the city council then or at its next meeting adopts the ordinance by an
589 affirmative vote of three (3) members, it shall become law.

590 (d) The mayor may disapprove or reduce any item or items of appropriation in any
591 ordinance. The approved part or parts of any ordinance making appropriations shall become
592 law, and the part or parts disapproved shall not become law unless subsequently passed by
593 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
594 presented to city council as though disapproved and shall not become law unless overridden
595 by the council as provided in subsection (c) above.

596

SECTION 2.26.

597

Limitation on Terms of Service.

598

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

599

ARTICLE III

600

ADMINISTRATIVE AFFAIRS

601

ORGANIZATIONAL AND GENERAL PROVISIONS

602

SECTION 3.01.

603

Administrative and Service Departments.

604

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

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

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

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

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

621 **SECTION 3.02.**

622 Boards, Commissions and Authorities.

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

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

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

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

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

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

(g) All board members serve at-will and may be removed at any time by a vote of three (3) members of the city council, or in the event of a tie vote, by the vote of two (2) members of the council and the affirmative vote of the Mayor, unless otherwise provided by law.

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

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

Copies of such bylaws, rules and regulations shall be filed with the clerk of the city.

ADMINISTRATIVE OFFICERS

SECTION 3.03.

City Attorney.

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

SECTION 3.04.

City Clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the City Manager. The City Clerk shall report to the City Manager.

670 **PERSONNEL ADMINISTRATION**

671 **SECTION 3.05.**

672 Position Classification and Pay Plans.

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

679 **SECTION 3.06.**

680 Personnel Policies.

681 All employees serve at-will and may be removed from office at any time unless otherwise
682 provided by ordinance.

683 **ARTICLE IV**

684 **JUDICIAL BRANCH**

685 **MUNICIPAL COURT**

686 **SECTION 4.01.**

687 Creation; Name.

688 There shall be a court to be known as the Municipal Court of the City of Bremen.

689 **SECTION 4.02.**

690 Chief Judge; Associate Judge.

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

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

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

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

(e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge will honestly and faithfully discharge the duties of the office to the best of that person's ability and without fear, favor or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.11.

SECTION 4.03.

Convening.

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

SECTION 4.04.

Jurisdiction; Powers.

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

(b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed two hundred dollars (\$200.00) or ten (10) days in jail.

(c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of One Thousand (\$1000.00) dollars or imprisonment for six (6) months or both such fine and imprisonment, or may fix punishment by fine, imprisonment or alternative sentencing as now, or hereafter provided by state law for municipal courts within the State of Georgia.

(d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation, and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners as provided by state law.

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court, and shall have discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge presiding at such time, and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi, at least two (2) days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the

732 property so deposited shall have a lien against it for the value forfeited which lien shall be
733 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

744 **SECTION 4.05.**

745 Certiorari.

746 The right of certiorari from the decision and judgment of the municipal court shall exist in
747 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
748 the sanction of a judge of the Superior Court of Haralson or Carroll County (depending upon
749 the location of the offense which forms the substance upon which the decision and judgment
750 appealed from was rendered) under the laws of the State of Georgia regulating the granting
751 and issuance of writs of certiorari.

752 **SECTION 4.06.**

753 Rules for Court.

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

761 ARTICLE V

762 ELECTIONS AND REMOVAL

763 ELECTIONS

764 A. General Law.

765 **SECTION 5.01.**

766 Applicability of General Law.

767 All primaries and elections shall be held and conducted in accordance with the Georgia
768 Municipal Election Code (Title 21, Chapter 2 of the Official Code of Georgia Annotated) as
769 now or hereafter amended.

770 B. Election of Officers.

771 **SECTION 5.02.**

772 Election of the City Council and Mayor.

773 (a) There shall be a municipal general election biennially in the even numbered years on the
774 Tuesday next following the first Monday in November.

775 (b) There shall be elected the mayor and two (2) councilmembers at one election and at
776 every other election thereafter. The remaining city council seats shall be filled at the election
777 alternating with the first election so that a continuing body is created. Elections for the office
778 of Mayor and for positions on the council designated as Seat Three and Seat Four shall be
779 held on the same date and year as the election for the governor of the State of Georgia.
780 Elections for positions on the council designated as Seat One and Seat Two shall be held two
781 years thereafter.

782 **SECTION 5.03.**

783 Non-Partisan Elections.

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

786 **SECTION 5.04.**

787 Election by Plurality.

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

789

C. Vacancies.

790

SECTION 5.05.

791

Special Elections; Vacancies.

792

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

800

D. Other Provisions.

801

SECTION 5.06.

802

Other Provisions.

803

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Municipal Election Code.

806

REMOVAL OF OFFICERS

807

SECTION 5.07.

808

Removal of Officers.

809

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

810

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

811

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten (10) days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as herein provided shall have the right of appeal from the decision of the city council to the

Superior Court of Haralson County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court.

(2) By an order of the Superior Court of Haralson County following a hearing on a complaint seeking such removal brought by a minimum of five (5) residents of the city.

ARTICLE VI
FINANCE
GENERALLY
TAXATION AND VARIOUS FEES

A. Property Taxes.

SECTION 6.01

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

SECTION 6.02.

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

B. Occupation Taxes and Regulatory Fees.

SECTION 6.03.

Occupation and Business Taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.09.

851

SECTION 6.04.

852

Regulatory Fees; Permits.

853 The city council by ordinance shall have the power to require businesses or practitioners
854 doing business within this city to obtain a permit for such activity from the city and pay a
855 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
856 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
857 provided in Section 6.09.

858

SECTION 6.05.

859

Franchises.

860 (a) The city council shall have the power to grant franchises for the use of this city's streets
861 and alleys for the purposes of railroads, street railways, telephone companies, electric
862 companies, electric membership corporations, cable television and other telecommunications
863 companies, gas companies, transportation companies and other similar organizations. The
864 city council shall determine the duration, terms, whether the same shall be exclusive or
865 nonexclusive, and the consideration for such franchises; provided, however, no franchise
866 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
867 the city receives just and adequate compensation therefor. The city council shall provide for
868 the registration of all franchises with the city clerk in a registration book kept by the clerk.
869 The city council may provide by ordinance for the registration within a reasonable time of
870 all franchises previously granted.

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

876

SECTION 6.06.

877

Service Charges.

878 The city council by ordinance shall have the power to assess and collect fees, charges, and
879 tolls for sewers, sanitary and health services, or any other services provided or made
880 available within and without the corporate limits of the city for the total cost to the city of
881 providing or making available such services. If unpaid, such charges shall be collected as
882 provided in Section 6.09.

883

SECTION 6.07.

884

Special Assessments.

885

The city council by ordinance shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under such terms and conditions as are reasonable. If unpaid, such charges shall be collected as provided in Section 6.09.

890

SECTION 6.08.

891

Construction; Other Taxes and Fees.

892

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

895

C. Collection of Delinquent Taxes.

896

SECTION 6.09.

897

Collection of Delinquent Taxes and Fees.

898

The city council, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.01 through 6.08 by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; refusal to issue city permits or revocation of city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

906

BORROWING

907

SECTION 6.10.

908

General Obligation Bonds.

909

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

913

SECTION 6.11.

914

Revenue Bonds.

915

Revenue bonds may be issued by the city council as state law now or hereafter provides.

916

Such bonds are to be paid out of any revenue produced by the project, program or venture

917

for which they were issued.

918

SECTION 6.12.

919

Short-Term Loans.

920

The city may obtain short-term loans and must repay such loans not later than December 31

921

of each year, unless otherwise provided by law.

922

SECTION 6.13.

923

Lease-Purchase Contracts.

924

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

931

ACCOUNTING AND BUDGETING

932

SECTION 6.14.

933

Fiscal Year.

934

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

937

SECTION 6.15.

938

Preparation of Budgets.

939

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

943

SECTION 6.16.

944

Submission of Operating Budget to City Council.

945

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

954

SECTION 6.17.

955

Action by City Council on Budget.

956

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

961

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than the last day of the month prior to the beginning of a new fiscal year. If the city council fails to adopt the budget by this date, the amounts appropriated for operation for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making

968 appropriations according to fund and by organizational unit, purpose, or activity as set out
969 in the budget preparation ordinance adopted pursuant to Section 6.15.

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

974 **SECTION 6.18.**

975 **Tax Levies.**

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

982 **SECTION 6.19.**

983 **Changes in Appropriations.**

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

988 **SECTION 6.20.**

989 **Capital Budget.**

990 (a) On or before the date fixed by the city council but no later than forty-five (45) days prior
991 to the beginning of each fiscal year, the city manager shall submit to the city council a
992 proposed capital improvements plan with a recommended capital budget containing the
993 means of financing the improvements proposed for the ensuing fiscal year. The city council
994 shall have power to accept, with or without amendments, or reject the proposed plan and
995 proposed budget. The city council shall not authorize an expenditure for the construction of
996 any building, structure, work or improvement, unless the appropriations for such project are
997 included in the capital budget, except to meet a public emergency as provided in Section
998 2.15.

999 (b) The city council shall adopt by resolution or ordinance the final capital budget for the
1000 ensuing fiscal year not later than the last day of the month prior to the beginning of a new
1001 fiscal year. No appropriation provided for in a prior capital budget shall lapse until the
1002 purpose for which the appropriation was made shall have been accomplished or abandoned;
1003 provided, however, the mayor or the city manager may submit amendments to the capital
1004 budget at any time during the fiscal year, accompanied by recommendations. Any such
1005 amendments to the capital budget shall become effective only upon adoption by ordinance.

1006 **SECTION 6.21.**

1007 Independent Audit.

1008 There shall be an annual independent audit of all city accounts, funds and financial
1009 transactions by a certified public accountant selected by the city council. The audit shall be
1010 conducted according to generally accepted auditing principles. Any audit of any funds by
1011 the state or federal governments may be accepted as satisfying the requirements of this
1012 charter. Copies of annual audit reports shall be available at printing costs to the public.

1013 **PROCUREMENT AND PROPERTY MANAGEMENT**

1014 **SECTION 6.22.**

1015 Contracting Procedures.

1016 Except in an emergency situation, no contract with the city in excess of fifty thousand
1017 (\$50,000) Dollars, shall be binding on the city unless:

- 1018 (a) it is in writing;
- 1019 (b) it is drawn by or submitted and reviewed by the city attorney, and as a matter of
1020 course, is signed by the city attorney to indicate such drafting or review; and
- 1021 (c) it is made or authorized by the city council and such approval is entered in the city
1022 council journal of proceedings pursuant to Section 2.11, provided however, in the event
1023 of an emergency, the contract may be submitted to the City Council at the next regularly
1024 scheduled meeting of Mayor and Council for review and ratification.

1025 **SECTION 6.23.**

1026 Centralized Purchasing.

1027 The city council shall by ordinance prescribe procedures for a system of centralized
1028 purchasing and contracting for the city.

1029

SECTION 6.24.

1030

Sale and Lease of City Property.

1031 (a) The city council may sell and convey, or lease any real or personal property owned or
1032 held by the city for governmental or other purposes as now or hereafter provided by law.

1033 (b) The city council may quitclaim any rights it may have in property not needed for public
1034 purposes upon report by the city manager and adoption of a resolution, both finding that the
1035 property is not needed for public or other purposes and that the interest of the city has no
1036 readily ascertainable monetary value.

1037 (c) Whenever in opening, extending or widening any street, avenue, alley or public place of
1038 the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract
1039 or boundary of land owned by the city, the city council may authorize the city manager to sell
1040 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
1041 property owner or owners where such sale and conveyance facilitates the enjoyment of the
1042 highest and best use of the abutting owner's property. Included in the sales contract shall be
1043 a provision for the rights-of-way of said street, avenue, alley or public place. Each abutting
1044 property owner shall be notified of the availability of the property and given the opportunity
1045 to purchase said property under such terms and conditions as set out by ordinance. All deeds
1046 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
1047 interest the city has in such property, notwithstanding the fact that no public sale after
1048 advertisement was or is hereafter made.

1049

ARTICLE VII

1050

INDEPENDENT CITY SCHOOL SYSTEM

1051

SECTION 7.01.

1052

Acknowledgment of Establishment of Bremen Public School System and Authority to
Continue and Maintain the Bremen Public School System.

1054

(a) Be it acknowledged that pursuant to the authority granted to the mayor and council of
1055 the city under the provisions of the Charter of 1907 Ga. Laws page 475, Section 6 with
1056 subsequent ratification by an affirmative vote in excess of two-thirds of the qualified voters
1057 of the city, the City of Bremen has heretofore established an independent public school
1058 system for the City of Bremen and organized a school board for the governance of said
1059 school system, known as the Bremen Public School System. (See, 1907 Ga. Laws, page 475,
1060 Section 6)

1061 (b) Be it further acknowledged that Article VIII, Section V, paragraph I of the Constitution
1062 of this State authorizes and empowers the City to continue the Bremen Public School System
1063 as an independent school system whose borders are the same as the City of Bremen.

1064 (c) Be it further acknowledged that the independent school system known as the Bremen
1065 Public School System has continued to operate and has not ceased in its functions and duties
1066 since its creation.

1067 (d) Be it enacted by the authority aforesaid that the Board of Education of the City of
1068 Bremen is hereby authorized and empowered, and the sole authority is granted to the Board
1069 of Education to continue to, maintain and control the Bremen Public School System, as an
1070 independent public school system in the city, through local taxation and other means of
1071 support as permitted by Georgia law and in conformity with and as permitted by Article VIII,
1072 Section V, paragraph I of the Constitution of this State.

1073 SECTION 7.02.

1074 Qualification of Members; Terms; and Election of Board of Education.

1075 The Board of Education of the City of Bremen shall consist of five members elected by city
1076 wide - at large elections. Each duly elected board member will occupy a seat on the Board
1077 designated as post #1, post #2, post #3, post #4 and post #5, respectively of the Board of
1078 Education of the City of Bremen. The members of the board of education shall serve for
1079 terms of 4 years and until their respective successors are elected and qualified. No person
1080 shall be eligible to serve as a member of the board unless that person shall be a citizen of the
1081 United States of America; have attained the age of 21 years; and have established his or her
1082 domicile within the city, so as to be a legal resident of the city, for the 12 consecutive months
1083 prior to the first day of the period of time set for qualification as a candidate for the office
1084 of board member. A duly elected member shall continue to reside within the city during that
1085 individual's period of service and shall continue to be registered and qualified to vote in
1086 municipal elections of this city. Anyone seeking election to the board of education of said
1087 city shall designate the particular post for which he seeks to be elected and the person
1088 receiving a plurality of the votes cast for such post shall be elected. The members of the
1089 board of education presently serving in office shall continue to serve out their respective
1090 terms of office. Thereafter, successors to such education posts shall be elected at the
1091 November election in the year that the terms of office expire for a four-year term beginning
1092 on January 1 immediately following such election. The Board of Education and the election
1093 of the members of the Board of Education of the Bremen Public School System shall be
1094 governed by all applicable Local Acts and applicable state law.

1095

SECTION 7.03.

1096 Organization of Board of Education.

1097

Be it further enacted by the authority aforesaid, that the officers of said board of education shall be as provided by law and the policies of the Board of Education.

1099

SECTION 7.04.

1100 Powers of Board of Education.

1101

Be it further enacted by the authority aforesaid, the Board of Education of the Bremen Public School System is hereby vested with the authority and power provided for in the Georgia Constitution and any applicable Local Acts and state law applicable to both county and independent school districts.

1105

SECTION 7.05.

1106 Duties of Board of Education.

1107

Be it further enacted by the authority aforesaid, that said board of education shall faithfully perform the duties prescribed under the Local Acts and under any applicable state law. In addition thereto the Board of Education shall:

1110

(a) Annually make, through its treasurer, a report to the mayor and council of the city, with a full itemized statement of all the moneys received and expended by said board, and present vouchers and receipts therefor as may be requested by the mayor and council. This report shall contain an estimate of the amount of funds required for the proper conduct of said school for the ensuing year; and,

1115

(b) Form and participate in a joint committee between the board and the mayor and council of the city of such members as the board of education and the city council shall agree. The committee shall meet at least twice annually in order to review the financial status of both governmental agencies, to examine the amount of taxes levied by both agencies and the tax burden on business and property owners, to consider tax exceptions and to otherwise review the tax burden on its citizens, and to make appropriate recommendations to the board and council as to these matters.

1122

SECTION 7.06.

1123

Superintendent; Appointment; Qualifications; Compensation.

1124 The Board of Education shall employ a Superintendent for a definite term, as permitted by
1125 state law, and shall fix the Superintendent's compensation.

1126

SECTION 7.07.

1127

Superintendent; Method of Hiring and Removal.

1128 The board of education is empowered to enter into a contractual agreement with a candidate
1129 for Superintendent of the system upon terms and conditions mutually agreeable to the board
1130 and the candidate for Superintendent.

1131

SECTION 7.08.

1132

Powers and Duties of the Superintendent.

1133 The Superintendent shall be the chief administrative officer of the Bremen Public School
1134 System. The Superintendent shall be responsible to the board for the administration of all
1135 school system affairs placed in the Superintendent's charge by or under this charter. As the
1136 chief administrative officer of the school system, the superintendent shall faithfully perform
1137 the duties prescribed by the Board and by all applicable state laws and by contract with the
1138 Board of Education.

1139

SECTION 7.09.

1140

Board of Education Interference with Administration.

1141

Except for the purpose of inquiries and investigations of the actions of the Superintendent,
1142 the school board and its members shall deal with teachers, staff, and employees of the school
1143 system who are subject to the direction and supervision of the Superintendent solely through
1144 the superintendent, and neither the board of education nor its members shall give orders to
1145 any such officer or employee, either publicly or privately.

1146

SECTION 7.10.

1147

Title to and Control of School Property.

1148

Be it further enacted by the authority aforesaid, that said board of education is authorized and
1149 empowered to receive, hold, apply, sell or expend any donation, gift or bequest of property

1150 of any kind, real or personal, made to said board or to said city for school purposes, for the
1151 benefit of the Bremen Public School System. Title to all property utilized or occupied by the
1152 Bremen Public School System or the Board of Education of the City of Bremen for school
1153 purposes shall be vested in the Board of Education of the City of Bremen and the board of
1154 education shall have the power to hold, manage, control and dispose of such property.

1155 **SECTION 7.11.**

1156 Compensation of school board.

1157 Be it further enacted by the authority aforesaid, that no officer of said board shall have any
1158 compensation for his services except the treasurer, whose compensation shall be fixed by the
1159 board of education prior to his election and qualification. Subject to the approval of the
1160 board, board members may be entitled to receive appropriate per diem, insurance and
1161 expenses as provided by O.C.G.A. Section 20-2-55, as amended.

1162 **SECTION 7.12.**

1163 Accounting and payment of school taxes to board of education.

1164 All taxes collected by the City of Bremen for or on behalf of the Bremen City Schools shall
1165 be accounted for and paid over to the board of education of the Bremen City Schools on a
1166 monthly basis. An accounting of the taxes collected each month shall be made available to
1167 the Board upon request. The Board of Education and the City Council by intergovernmental
1168 agreement shall prorate the cost of collecting ad valorem taxes levied for the operation of city
1169 government and the operation of the Bremen Public School System.

1170 **SECTION 7.13.**

1171 School tuition.

1172 Be it further enacted by the authority aforesaid, that all students within the age range
1173 established by state law who are bona fide residents of the City of Bremen shall be entitled
1174 to the benefits of the school system, and no such child or children shall be required to pay
1175 any tuition for such course of study as is now provided by law in the public schools of the
1176 several counties of this State, but the board of education may, in their discretion, require
1177 children living outside of the limits of said city to pay tuition for educational benefits
1178 afforded to them for and during the school term at a fee to be established on an annual basis
1179 by the Board of Education. All such tuition shall become a part of the fund for the

1180 maintenance of said public school system, and must be used and accounted for as shall
1181 likewise any other fee.

1182 **SECTION 7.14.**

1183 Funds as Trust Funds.

1184 Be it further enacted by the authority aforesaid, that all assessments of taxes and all funds
1185 arising from or collected under this Act shall be by the City of Bremen kept separate and
1186 distinct from other assessments and collections of the City of Bremen, and are to be used
1187 solely for the purposes herein designated, and the City of Bremen shall keep a separate, full
1188 and distinct itemized account showing all moneys raised, when, how, and from whom and
1189 for what purposes and the disposition of the same; and to whom, when and for what purposes
1190 paid out.

1191 **ARTICLE VIII**

1192 **GENERAL PROVISIONS**

1193 **BONDS FOR OFFICIALS**

1194 **SECTION 8.01.**

1195 Bonds for Officials.

1196 The officers and employees of this city, both elective and appointive, shall execute such
1197 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1198 council shall from time to time require by ordinance or as may be provided by law.

1199 **SECTION 8.02.**

1200 Existing Ordinances, Resolutions, Rules and Regulations.

1201 All ordinances, resolutions, rules and regulations now in force in the city not inconsistent
1202 with this charter are hereby declared valid and of full effect and force until amended or
1203 repealed by the city council.

1204 **SECTION 8.03.**

1205 Existing Personnel and Officers.

1206 Except as specifically provided otherwise by this charter, all personnel and officers of the
1207 city and their rights, privileges and powers shall continue beyond the time this charter takes
1208 effect for a period of ninety (90) days before or during which the existing city council shall

1209 pass a transition ordinance detailing the changes in personnel and appointive officers
1210 required or desired and arranging such titles, rights, privileges and powers as may be required
1211 or desired to allow a reasonable transition.

1212 **SECTION 8.04.**

1213 Pending Matters.

1214 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1215 contracts and legal or administrative proceedings shall continue and any such ongoing work
1216 or cases shall be completed by such city agencies, personnel or offices as may be provided
1217 by the city council.

1218 **SECTION 8.05.**

1219 Construction.

1220 (a) Section captions in this charter are informative only and are not to be considered as a part
1221 thereof.
1222 (b) The word "shall" is mandatory and the word "may" is permissive.
1223 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1224 versa.

1225 **SECTION 8.06.**

1226 Severability.

1227 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1228 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1229 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1230 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1231 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1232 sentence or part thereof be enacted separately and independent of each other.

1233 **SECTION 8.07.**

1234 Repealer.

1235 An Act incorporating the City of Bremen in the Counties of Haralson and Carroll approved
1236 the 30th day of December 1898 (Ga. L. 1898, Vol. 1, Page 136), is hereby repealed in its

1237 entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws
1238 and parts of laws in conflict with this charter are hereby repealed.

1239 **SECTION 8.08.**

1240 Effective Date.

1241 This Act shall become effective upon its approval by the Governor or upon its becoming law
1242 without such approval.

1243 **SECTION 8.09.**

1244 General Repealer.

1245 All laws and parts of laws in conflict with this Act are repealed.