

House Bill 598 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

26 This city and the inhabitants thereof are constituted and declared a body politic and corporate
27 under the name and style Lumpkin, Georgia, and by that name shall have perpetual
28 succession.

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of Powers.

53 The powers of the city shall include, but shall not be limited to:

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

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

63 (3) Building regulation. To regulate and to license the erection and construction of
64 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
65 and heating and air-conditioning codes; and to regulate all housing and building trades;

66 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
67 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
68 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to
69 permit and regulate the same; to provide for the manner and method of payment of such
70 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
71 any city taxes or fees;

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

76 (6) Contracts. To enter into contracts and agreements with other governmental entities
77 and with private persons, firms, and corporations;

78 (7) Emergencies. To establish procedures for determining and proclaiming that an
79 emergency situation exists within or outside the city and to make and carry out all
80 reasonable provisions deemed necessary to deal with or meet such an emergency for the
81 protection, safety, health, or well-being of the citizens of the city;

82 (8) Environmental protection. To protect and preserve the natural resources,
83 environment, and vital areas of the state through the preservation and improvement of air
84 quality, the restoration and maintenance of water resources, the control of erosion and
85 sedimentation, the management of solid and hazardous waste, and other necessary actions
86 for the protection of the environment;

- 87 (9) Fire regulations. To fix and establish fire limits and from time to time to extend,
88 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
89 general law, relating to both fire prevention and detection and to fire fighting; and to
90 prescribe penalties and punishment for violations thereof;
- 91 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
92 and disposal and other sanitary service charge, tax, or fee for such services as may be
93 necessary in the operation of the city from all individuals, firms, and corporations
94 residing in or doing business in the city benefiting from such services; to enforce the
95 payment of such charges, taxes, or fees; and to provide for the manner and method of
96 collecting such service charges;
- 97 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
98 practice, conduct, or use of property which is detrimental to health, sanitation,
99 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
100 enforcement of such standards;
- 101 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
102 any purpose related to powers and duties of the city and the general welfare of its
103 citizens, on such terms and conditions as the donor or grantor may impose;
- 104 (13) Health and sanitation. To prescribe standards of health and sanitation and to provide
105 for the enforcement of such standards;
- 106 (14) Jail sentences. To provide that persons given jail sentences in the municipal court
107 may work out such sentences in any public works or on the streets, roads, drains, and
108 other public property in the city; to provide for commitment of such persons to any jail;
109 or to provide for commitment of such persons to any county work camp or county jail by
110 agreement with the appropriate county officials; to provide that persons may be sentenced
111 to pretrial diversion programs and any sentencing alternative allowed by law;
- 112 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
113 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
114 of the city;
- 115 (16) Municipal agencies and delegation of power. To create, alter, or abolish
116 departments, boards, offices, commissions, and agencies of the city and to confer upon
117 such agencies the necessary and appropriate authority for carrying out all the powers
118 conferred upon or delegated to the same;
- 119 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
120 city and to issue bonds for the purpose of raising revenue to carry out any project,
121 program, or venture authorized by this charter or the laws of the State of Georgia;

- 122 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
123 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
124 outside the property limits of the city;
- 125 (19) Municipal property protection. To provide for the preservation and protection of
126 property and equipment of the city and the administration and use of same by the public;
127 and to prescribe penalties and punishment for violations thereof;
- 128 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
129 of public utilities, including, but not limited to, a system of waterworks, sewers and
130 drains, sewage disposal, gas works, electric light plants, cable television and other
131 telecommunications, transportation facilities, public airports, and any other public utility;
132 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
133 to provide for the withdrawal of service for refusal or failure to pay the same;
- 134 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
135 private property;
- 136 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
137 the authority of this charter and the laws of the State of Georgia;
- 138 (23) Planning and zoning. To provide comprehensive city planning for development by
139 zoning; and to provide subdivision regulation and the like as the city council deems
140 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 141 (24) Police and fire protection. To exercise the power of arrest through duly appointed
142 police officers and to establish, operate, or contract for a police and a fire-fighting
143 agency;
- 144 (25) Public hazards; removal. To provide for the destruction and removal of any building
145 or other structure which is or may become dangerous or detrimental to the public;
- 146 (26) Public improvements. To provide for the acquisition, construction, building,
147 operation, and maintenance of public ways, parks and playgrounds, public grounds,
148 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
149 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
150 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
151 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
152 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
153 other public improvements, inside or outside the corporate limits of the city; to regulate
154 the use of public improvements; and, for such purposes, property may be acquired by
155 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
156 or may hereafter be enacted;

- 157 (27) Public peace. To provide for the prevention and punishment of drunkenness,
158 loitering, disorderly conduct, riots, and public disturbances or other violations of public
159 peace;
- 160 (28) Public transportation. To organize and operate such public transportation systems
161 as are deemed beneficial;
- 162 (29) Public utilities and services. To grant franchises or make contracts for or impose
163 taxes on public utilities and public service companies and to prescribe the rates, fares,
164 regulations, and standards and conditions of service applicable to the service to be
165 provided by the franchise grantee or contractor, insofar as not in conflict with valid
166 regulations of the Georgia Public Service Commission;
- 167 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
168 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
169 and all other structures or obstructions upon or adjacent to the rights of way of streets and
170 roads or within view thereof, within or abutting the corporate limits of the city; and to
171 prescribe penalties and punishment for violation of such ordinances;
- 172 (31) Retirement. To provide and maintain a retirement plan for officers and employees
173 of the city and other employee benefit plans and programs;
- 174 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
175 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
176 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
177 walkways within the corporate limits of the city; and to grant franchises and rights of way
178 throughout the streets and roads and over the bridges and viaducts for the use of public
179 utilities; and to require real estate owners to repair and maintain in a safe condition the
180 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;
- 181 (33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
182 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
183 and sewerage system and to levy on those to whom sewers and sewerage systems are
184 made available a sewer service fee, charge, or sewer tax for the availability or use of the
185 sewers; to provide for the manner and method of collecting such service charges and for
186 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
187 or fees to those connected with the system;
- 188 (34) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
189 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
190 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
191 paper, and other recyclable materials and to provide for the sale of such items;
- 192 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
193 the manufacture, sale, or transportation of any intoxicating liquors, and the use of

194 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
 195 inflammable materials, the use of lighting and heating equipment, and any other business
 196 or situation which may be dangerous to persons or property; to regulate and control the
 197 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
 198 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
 199 professional fortunetelling, palmistry, adult bookstores, massage parlors, and other places
 200 of adult entertainment;

201 (36) Special assessments. To levy and provide for the collection of special assessments
 202 to cover the costs for any public improvements;

203 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 204 and collection of taxes on all property subject to taxation;

205 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 206 future by law;

207 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 208 number of such vehicles; to require the operators thereof to be licensed; to require public
 209 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 210 regulate the parking of such vehicles;

211 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 212 and

213 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 214 and immunities necessary or desirable to promote or protect the safety, health, peace,
 215 security, good order, comfort, convenience, or general welfare of the city and its
 216 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 217 execution all powers granted in this charter as fully and completely as if such powers
 218 were fully stated in this charter; and to exercise all powers now or in the future authorized
 219 to be exercised by other municipal governments under other laws of the State of Georgia;
 220 and no listing of particular powers in this charter shall be held to be exclusive of others,
 221 nor restrictive of general words and phrases granting powers, but shall be held to be in
 222 addition to such powers unless expressly prohibited to municipalities under the
 223 Constitution or applicable laws of the State of Georgia.

224 **SECTION 1.14.**

225 Exercise of powers.

226 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 227 employees shall be carried into execution as provided by this charter. If this charter makes

228 no provision, such shall be carried into execution as provided by ordinance or as provided
229 by pertinent laws of the State of Georgia.

230 **ARTICLE II**
231 **GOVERNMENT STRUCTURE**

232 **SECTION 2.10.**
233 City council creation; number; election.

234 The legislative authority of the government of this city, except as otherwise specifically
235 provided in this charter, shall be vested in a city council to be composed of a mayor and six
236 councilmembers. The city council established in this charter shall in all respects be a
237 successor to and continuation of the city governing authority under prior law. The mayor and
238 councilmembers shall be elected in the manner provided by this charter. The
239 councilmembers shall be elected at large by the qualified voters of the city in accordance
240 with the provisions of Article V of this charter. The mayor shall be elected as provided in
241 Section 2.27 of this charter.

242 **SECTION 2.11.**
243 City council terms
244 and qualifications for office.

245 The members of the city council shall serve for terms of four years and until their respective
246 successors are elected and qualified. No person shall be eligible to serve as councilmember
247 unless that person is at least 21 years of age, has obtained a high school diploma or GED, has
248 no prior felony convictions at the time of qualification, has been a resident of the city for 12
249 months prior to the date of election of members of the council, and owes the city no taxes or
250 fees. Each councilmember shall continue to reside in the city during that councilmember's
251 period of service and shall be registered and qualified to vote in municipal elections of this
252 city.

253 **SECTION 2.12.**
254 Vacancy; filling of vacancies.

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

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

263 (c) This provision shall also apply to a temporary vacancy created by the suspension from
 264 office of the mayor or any councilmember.

265 **SECTION 2.13.**

266 Compensation and expenses.

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

269 **SECTION 2.14.**

270 Conflicts of interest; holding other offices.

271 (a) Officers as trustees – Elected and appointed officers of the city are trustees and servants
 272 of the residents of the city and shall act in a fiduciary capacity for the benefit of such
 273 residents.

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

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

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

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

289 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
 290 from any person, firm, or corporation which to that person's knowledge is interested,
 291 directly or indirectly, in any manner whatsoever, in business dealings with the

292 governmental body by which that person is engaged; provided, however, that an elected
293 official who is a candidate for public office may accept campaign contributions and
294 services in connection with any such campaign;

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

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

299 (c) Disclosure – Any elected official, appointed officer, or employee who shall have any
300 financial interest, directly or indirectly, in any contract or matter pending before or within
301 any department of the city shall disclose such interest to the city council. The mayor or any
302 councilmember who has a financial interest in any matter pending before the city council
303 shall disclose such interest and such disclosure shall be entered on the records of the city
304 council, and that person shall disqualify himself or herself from participating in any decision
305 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
306 or political entity to which this charter applies who shall have any financial interest, directly
307 or indirectly, in any contract or matter pending before or within such entity shall disclose
308 such interest to the governing body of such agency or entity.

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

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

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

322 (g) Political activities of certain officers and employees – No appointed officer and no
323 employee of the city shall continue in such employment upon qualifying as a candidate for
324 nomination or election to any public office. No employee of the city shall continue in such
325 employment upon election to any public office in this city or any other public office which
326 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
327 determination shall be made by the mayor and city council either immediately upon election
328 or at any time such conflict may arise.

329 (h) Penalties for violation.

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

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

337 **SECTION 2.15.**

338 Inquiries and investigations.

339 Following the adoption of an authorizing resolution, the city council may make inquiries and
 340 investigations into the affairs of the city and conduct of any department, office, or agency
 341 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and
 342 require the production of evidence. Any person who fails or refuses to obey a lawful order
 343 issued in the exercise of these powers by the city council shall be punished as may be
 344 provided by ordinance.

345 **SECTION 2.16.**

346 General power and authority of the city council.

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

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

356 **SECTION 2.17.**

357 Eminent domain.

358 The city council is hereby empowered to acquire, construct, operate, and maintain public
 359 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,

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

366 **SECTION 2.18.**

367 Newly elected mayor and councilmembers;
 368 oath of office.

369 At a regularly scheduled meeting, the newly elected mayor and councilmembers shall be
 370 presented to the city council to have the oath of office administered. The meeting shall be
 371 called to order by the city clerk, and the oath of office shall be administered to the newly
 372 elected mayor and councilmembers by a judicial officer authorized to administer oaths and
 373 shall, to the extent that it comports with federal and state law, be as follows:

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

386 **SECTION 2.19.**

387 Regular and special meetings.

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

390 (b) Special meetings of the city council may be held on call of the mayor or members of the
 391 city council. Notice of such special meeting shall be served on all other members personally,
 392 or by telephone personally, at least 48 hours in advance of the meeting. Such notice to

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

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

402 **SECTION 2.20.**

403 Rules of procedure.

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

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

410 **SECTION 2.21.**

411 Quorum; voting.

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

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

425

SECTION 2.22.

426

Ordinance form; procedures.

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

431 (b) An ordinance may be introduced by any councilmember and be read at a regular or
432 special meeting of the city council. Ordinances shall be considered and adopted or rejected
433 by the city council in accordance with the rules which it shall establish; provided, however,
434 that an ordinance shall not be adopted the same day it is introduced, except for emergency
435 ordinances provided for in Section 2.24 of this charter. Upon introduction of any ordinance,
436 the city clerk shall as soon as possible distribute a copy to the mayor and to each
437 councilmember and shall file a reasonable number of copies in the office of the city clerk and
438 at such other public places as the city council may designate.

439

SECTION 2.23.

440

Action requiring an ordinance.

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

442

SECTION 2.24.

443

Emergencies.

444 (a) To meet a public emergency affecting life, health, property, or public peace, the city
445 council may convene on call of the mayor and councilmembers and may promptly adopt an
446 emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a
447 franchise; regulate the rate charged by any public utility for its services; or authorize the
448 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
449 shall be introduced in the form prescribed for ordinances generally, except that it shall be
450 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
451 a declaration stating that an emergency exists and describing the emergency in clear and
452 specific terms. An emergency ordinance may be adopted, with or without amendment, or
453 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
454 councilmembers shall be required for adoption. It shall become effective upon adoption or
455 at such later time as it may specify. Every emergency ordinance shall automatically stand
456 repealed 30 days following the date upon which it was adopted, but this shall not prevent

457 reenactment of the ordinance in the manner specified in this section if the emergency still
 458 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 459 in the same manner specified in this section for adoption of emergency ordinances.

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

464 **SECTION 2.25.**

465 Codes of technical regulations.

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

469 (1) The requirements of subsection (b) of Section 2.22 of this charter for distribution and
 470 filing of copies of the ordinance shall be construed to include copies of any code of
 471 technical regulations, as well as the adopting ordinance; and

472 (2) A copy of each adopted code of technical regulations, as well as the adopting
 473 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.26
 474 of this charter.

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

477 **SECTION 2.26.**

478 Signing; authenticating; recording; codification; printing.

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

481 (b) The city council shall provide for the preparation of a general codification of all the
 482 ordinances of the city having the force and effect of law. The general codification shall be
 483 adopted by the city council by ordinance and shall be published promptly, together with all
 484 amendments thereto and such codes of technical regulations and other rules and regulations
 485 as the city council may specify. This compilation shall be known and cited officially as "The
 486 Code of the City of Lumpkin, Georgia." Copies of the code shall be furnished to all officers,
 487 departments, and agencies of the city and made available for purchase by the public at a
 488 reasonable price as fixed by the city council.

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

498 **SECTION 2.27.**

499 Election of mayor; forfeiture; compensation.

500 The mayor shall be elected and serve for a term of four years and until a successor is elected
 501 and qualified. The mayor shall be a qualified elector of this city and shall be at least 21 years
 502 of age, have obtained a high school diploma or GED, have no prior felony convictions at the
 503 time of qualification, shall have been a resident of the city for 12 months prior to the date of
 504 election, owe the city no taxes or fees, and be qualified to vote in municipal elections of this
 505 city. The mayor shall continue to reside in this city during the period of service. The mayor
 506 shall forfeit the office on the same grounds and under the same procedure as for
 507 councilmembers. The compensation of the mayor shall be established in the same manner
 508 as for councilmembers.

509 **SECTION 2.28.**

510 Chief executive officer.

511 The mayor shall be the chief executive of this city. The mayor shall possess all of the
 512 executive and administrative power granted to the city under the Constitution and laws of the
 513 State of Georgia and all the executive and administrative powers contained in this charter.

514 **SECTION 2.29.**

515 Powers and duties of mayor.

516 As the chief executive of this city, the mayor shall:

- 517 (1) See that all laws and ordinances of the city are faithfully executed;
- 518 (2) Appoint and remove all officers, department heads, and employees of the city, except
 519 as otherwise provided in this charter;

- 520 (3) Exercise supervision over all executive and administrative work of the city and
 521 provide for the coordination of administrative activities;
- 522 (4) Prepare and submit to the councilmembers a recommended operating budget and
 523 capital budget;
- 524 (5) Submit to the councilmembers at least once a year a statement covering the financial
 525 conditions of the city and from time to time such other information as the
 526 councilmembers may request;
- 527 (6) Recommend to the councilmembers such measures relative to the affairs of the city,
 528 improvement of the government, and promotion of the welfare of its inhabitants as the
 529 mayor may deem expedient;
- 530 (7) Call special meetings of the councilmembers as provided for in subsection (b) of
 531 Section 2.19 of this charter;
- 532 (8) Approve or disapprove ordinances as provided in Section 2.31 of this charter;
- 533 (9) Provide for an annual audit of all accounts of the city;
- 534 (10) Require any department or agency of the city to submit written reports whenever
 535 the mayor deems it expedient; and
- 536 (11) Perform such other duties as may be required by law, this charter, or ordinance.

537 **SECTION 2.30.**

538 Limitation on terms of service.

539 No mayor elected and qualified for two terms shall be eligible for the succeeding term.

540 **SECTION 2.31.**

541 Submission of ordinances to the mayor; veto power.

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

544 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
 545 clerk with or without the mayor's approval or with the mayor's disapproval. If the ordinance
 546 has been approved by the mayor, it shall become law upon its return to the city clerk; if the
 547 ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the
 548 tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit
 549 to the city council through the city clerk a written statement of the reasons for the veto. The
 550 city clerk shall record upon the ordinance the date of its delivery to and receipt from the
 551 mayor.

552 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
553 at its next meeting. If the city council then or at its next meeting adopts the ordinance by an
554 affirmative vote of five members, it shall become law.

555 (d) The mayor may disapprove or reduce any item or items of appropriation in any
556 ordinance. The approved part or parts of any ordinance making appropriations shall become
557 law, and the part or parts disapproved shall not become law unless subsequently passed by
558 the city council over the mayor's veto as provided in this section. The reduced part or parts
559 shall be presented to the city council as though disapproved and shall not become law unless
560 overridden by the council as provided in subsection (c) of this section.

561 **ARTICLE III**

562 **ADMINISTRATIVE AFFAIRS**

563 **SECTION 3.10.**

564 Administrative and service departments.

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

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

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

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

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

582

SECTION 3.11.

583

Boards, commissions, and authorities.

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

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

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

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

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

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

603 (g) All board members serve at will and may be removed at any time by a vote of four
604 members of the city council unless otherwise provided by law.

605 (h) Except as otherwise provided by this charter or by law, each board, commission, or
606 authority of the city shall elect one of its members as chairperson and one member as vice
607 chairperson and may elect as its secretary one of its own members or may appoint as
608 secretary an employee of the city. Each board, commission, or authority of the city
609 government may establish such bylaws, rules, and regulations, not inconsistent with this
610 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
611 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
612 regulations shall be filed with the clerk of the city.

613 **SECTION 3.12.**

614 City attorney.

615 The mayor shall appoint a city attorney, together with such assistant city attorneys as may
616 be authorized, and shall provide for the payment of such attorney or attorneys for services
617 rendered to the city. The city attorney shall be responsible for providing for the
618 representation and defense of the city in all litigation in which the city is a party; may be the
619 prosecuting officer in the municipal court; shall attend the meetings of the city council as
620 directed; shall advise the mayor and other officers and employees of the city concerning legal
621 aspects of the city's affairs; and shall perform such other duties as may be required by virtue
622 of such person's position as city attorney. The city attorney shall not be a public official of
623 the city and shall not take an oath of office. The city attorney shall at all times be an
624 independent contractor. A law firm, rather than an individual, may be designated as the city
625 attorney.

626 **SECTION 3.13.**

627 City clerk.

628 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
629 shall be custodian of the official city seal and city records; maintain city council records
630 required by this charter; and perform such other duties as may be required by the city
631 council.

632 **SECTION 3.14.**

633 Position classification and pay plans.

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

640 **SECTION 3.15.**

641 Personnel policies.

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

644 **ARTICLE IV**
645 **JUDICIAL BRANCH**

646 **SECTION 4.10.**

647 Creation; name.

648 There shall be a court to be known as the Municipal Court of the City of Lumpkin and shall
649 enjoy all jurisdiction and powers granted to municipal courts by law.

650 **SECTION 4.11.**

651 Chief judge; associate judge.

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

654 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
655 that person shall have attained the age of 21 years, shall be a member of the State Bar of
656 Georgia, and shall possess all qualifications required by law. All judges shall be appointed
657 by the city council and shall serve until successors are appointed and qualified.

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

659 (d) Judges may be removed from office for cause at any time by the city council. For cause
660 means failure to perform according to the rules and regulations of the Judicial Qualifications
661 Commission of Georgia or being convicted of an offense involving a felony or moral
662 turpitude.

663 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
664 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
665 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
666 minutes of the city council journal required in Section 2.20 of this charter.

667 **SECTION 4.12.**

668 Convening.

669 The municipal court shall be convened at regular intervals as provided by ordinance or by
670 order of the court.

671 **SECTION 4.13.**

672 Jurisdiction; powers.

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

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

677 (c) The municipal court may fix punishment for offenses within its jurisdiction not
678 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both for city ordinance
679 violations, may impose the maximum imprisonment and fine as provided by Georgia law for
680 state offenses within the jurisdiction of municipal courts, or may fix the maximum
681 punishment by fine, imprisonment, or alternative sentencing as now or hereafter provided by
682 Georgia law for municipal courts.

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

686 (e) The municipal court shall have authority to establish bail and recognizances to ensure
687 the presence of those charged with violations before such court and shall have discretionary
688 authority to accept cash or personal or real property as surety for the appearance of persons
689 charged with violations. Whenever any person shall give bail for that person's appearance
690 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
691 judge presiding at such time and an execution issued thereon by serving the defendant and
692 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
693 In the event that cash or property is accepted in lieu of bond for security for the appearance
694 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
695 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
696 property so deposited shall have a lien against it for the value forfeited, which lien shall be
697 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

704 (h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
 705 persons charged with offenses against any ordinance of the city, and each judge of the
 706 municipal court shall have the same authority as a magistrate of the state to issue search
 707 warrants and any other lawful warrant for offenses against state laws committed within the
 708 city.

709 **SECTION 4.14.**

710 Certiorari.

711 The right of certiorari from the decision and judgment of the municipal court shall exist in
 712 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 713 the sanction of a judge of the Superior Court of Stewart County under the laws of the State
 714 of Georgia regulating the granting and issuance of writs of certiorari.

715 **SECTION 4.15.**

716 Rules for court.

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

724 **ARTICLE V**

725 **ELECTIONS AND REMOVAL**

726 **SECTION 5.10.**

727 Applicability of general law.

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

730 **SECTION 5.11.**

731 Election of the city council and mayor.

732 (a) There shall be a municipal general election biennially in odd-numbered years on the
733 Tuesday next following the first Monday in November.

734 (b) There shall be elected the mayor and three councilmembers at one election and at every
735 other election thereafter. The remaining councilmember seats shall be filled at the election
736 alternating with the first election so that a continuing body is created. Terms shall be for four
737 years.

738 **SECTION 5.12.**

739 Nonpartisan elections.

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

742 **SECTION 5.13.**

743 Election by plurality.

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

745 **SECTION 5.14.**

746 Special elections; vacancies.

747 In the event that the office of mayor or councilmember shall become vacant as provided in
748 Section 2.12 of this charter, the city council or those remaining shall order a special election
749 to fill the balance of the unexpired term of such official; provided, however, that if such
750 vacancy occurs within 12 months of the expiration of the term of that office, the city council
751 or those members remaining shall appoint a successor for the remainder of the term. In all
752 other respects, the special election shall be held and conducted in accordance with Chapter
753 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

754 **SECTION 5.15.**

755 Other provisions.

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

759 **SECTION 5.16.**

760 Removal of officers.

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

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

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

775 (2) By an order of the Superior Court of Stewart County following a hearing on a
 776 complaint seeking such removal brought by any resident of the City of Lumpkin.

777 **ARTICLE VI**778 **FINANCE**779 **SECTION 6.10.**

780 Property tax.

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

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

787 **SECTION 6.11.**

788 Millage rate; due dates; payment methods.

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

793 **SECTION 6.12.**

794 Occupation and business taxes.

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

799 **SECTION 6.13.**

800 Regulatory fees; permits.

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

806 **SECTION 6.14.**

807 Franchises.

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

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

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

824 **SECTION 6.15.**

825 Service charges.

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

831 **SECTION 6.16.**

832 Special assessments.

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

838 **SECTION 6.17.**

839 Construction; other taxes and fees.

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

843 **SECTION 6.18.**

844 Collection of delinquent taxes and fees.

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

852 **SECTION 6.19.**

853 General obligation bonds.

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

858 **SECTION 6.20.**

859 Revenue bonds.

860 Revenue bonds may be issued by the city council as state law now or hereafter provides.
861 Such bonds shall be paid out of any revenue produced by the project, program, or venture for
862 which they were issued.

863 **SECTION 6.21.**

864 Short-term loans.

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

867 **SECTION 6.22.**

868 Lease-purchase contracts.

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

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

876 **SECTION 6.23.**

877 Fiscal year.

878 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
879 budget year and the year for financial accounting and reporting of each and every office,
880 department, agency, and activity of the city government unless otherwise provided by state
881 or federal law.

882 **SECTION 6.24.**

883 Preparation of budgets.

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

888 **SECTION 6.25.**

889 Submission of operating budget to city council.

890 On or before a date fixed by the city council but not later than 30 days prior to the beginning
891 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
892 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
893 containing a statement of the general fiscal policies of the city, the important features of the
894 budget, explanations of major changes recommended for the next fiscal year, a general
895 summary of the budget, and other pertinent comments and information. The operating
896 budget and the capital budget provided for in Section 6.29 of this charter, the budget
897 message, and all supporting documents shall be filed in the office of the city clerk and shall
898 be open to public inspection.

899

SECTION 6.26.

900

Action by city council on budget.

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

906 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 907 year not later than July 31 of each year. If the city council fails to adopt the budget by said
 908 date, the amounts appropriated for operation for the then current fiscal year shall be deemed
 909 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
 910 accordingly, until such time as the city council adopts a budget for the ensuing fiscal year.
 911 Adoption of the budget shall take the form of an appropriations ordinance setting out the
 912 estimated revenues in detail by sources and making appropriations according to fund and by
 913 organizational unit, purpose, or activity as set out in the budget preparation ordinance
 914 adopted pursuant to Section 6.24 of this charter.

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

919

SECTION 6.27.

920

Tax levies.

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

927

SECTION 6.28.

928

Changes in appropriations.

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

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

933 **SECTION 6.29.**

934 Capital budget.

935 (a) On or before the date fixed by the city council, but not later than 30 days prior to the
 936 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
 937 improvements plan with a recommended capital budget containing the means of financing
 938 the improvements proposed for the ensuing fiscal year. The city council shall have power
 939 to accept, with or without amendments, or reject the proposed plan and budget. The city
 940 council shall not authorize an expenditure for the construction of any building, structure,
 941 work, or improvement unless the appropriations for such project are included in the capital
 942 budget, except to meet a public emergency as provided in Section 2.24 of this charter.

943 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 944 year not later than July 31 of each year. No appropriation provided for in a prior capital
 945 budget shall lapse until the purpose for which the appropriation was made shall have been
 946 accomplished or abandoned; provided, however, that the mayor may submit amendments to
 947 the capital budget at any time during the fiscal year, accompanied by recommendations. Any
 948 such amendments to the capital budget shall become effective only upon adoption by
 949 ordinance.

950 **SECTION 6.30.**

951 Independent audit.

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

957 **SECTION 6.31.**

958 Contracting procedures.

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

960 (1) It is in writing;

- 961 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
962 course, is signed by the city attorney to indicate such drafting or review; and
963 (3) It is made or authorized by the city council and such approval is entered in the city
964 council journal of proceedings pursuant to Sections 2.20 and 2.21 of this charter.

965 **SECTION 6.32.**

966 Centralized purchasing.

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

969 **SECTION 6.33.**

970 Sale and lease of city property.

- 971 (a) The city council may sell and convey or lease any real or personal property owned or
972 held by the city for governmental or other purposes as now or hereafter provided by law.
973 (b) The city council may quitclaim any rights it may have in property not needed for public
974 purposes upon report by the mayor and adoption of a resolution, both finding that the
975 property is not needed for public or other purposes and that the interest of the city has no
976 readily ascertainable monetary value.
977 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
978 of the city a small parcel or tract of land is cut off or separated by such work from a larger
979 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
980 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
981 property owner or owners where such sale and conveyance facilitates the highest and best
982 use of the abutting owner's property. Included in the sales contract shall be a provision for
983 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
984 shall be notified of the availability of the property and given the opportunity to purchase said
985 property under such terms and conditions as set out by ordinance. All deeds and
986 conveyances heretofore and hereafter so executed and delivered shall convey all title and
987 interest the city has in such property, notwithstanding the fact that no public sale after
988 advertisement was or is hereafter made.

SECTION 7.14.

1017

1018

Severability.

1019 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1020 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1021 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1022 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1023 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1024 sentence or part thereof be enacted separately and independent of each other.

SECTION 7.15.

1025

1026

Repealer.

1027 An Act incorporating the City of Lumpkin in the County of Stewart, approved March 23,
1028 1977 (Ga. L. 1977, p. 3703), is hereby repealed in its entirety and all amendatory acts thereto
1029 are likewise repealed in their entirety. All other laws and parts of laws in conflict with this
1030 Act are hereby repealed.

SECTION 7.16.

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1032

Effective date.

1033 This Act shall become effective upon its approval by the Governor or upon its becoming law
1034 without such approval.