

House Bill 1161

By: Representatives Peake of the 137th, Randall of the 138th, Epps of the 140th, Sellier of the 136th, and Cole of the 125th

A BILL TO BE ENTITLED
AN ACT

1 To provide for the unified government of Macon-Bibb, Georgia; to provide for boundaries
2 and service districts; to provide for a board of commissioners and the elections, terms,
3 salaries, organization, and vacancies relative to board members; to provide for a legislative
4 process; to provide for ethics; to provide for a mayor and the terms, elections, and salary
5 relative to the office of mayor; to provide for governmental administration; to provide for
6 a judiciary; to provide for elections and election districts; to provide for revenue and finance;
7 to provide for taxation; to provide for procurement and distribution of property; to provide
8 for the application of laws; to provide for a limitation on claims; to provide for a retirement
9 system; to provide for powers; to provide for transition; to provide for the dissolution of
10 existing governments; to provide for a referendum; to provide for a conditional effective date
11 and automatic repeal; to provide for related matters; to repeal conflicting laws; and for other
12 purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 ARTICLE I
15 UNIFICATION, CREATION, BOUNDARIES, STATUS, AND
16 POWERS OF UNIFIED GOVERNMENT

17 SECTION 1-101.

18 Unification of county and city; creation of unified government.

19 (a) The governmental and corporate powers, duties, and functions now vested in the
20 governing authority of the City of Macon, a municipal corporation created by an Act of the
21 General Assembly of Georgia, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended,
22 are hereby unified with the governmental and corporate powers, duties, and functions of Bibb
23 County. This unification shall result in the creation and establishment of a single
24 county-wide government with powers and jurisdiction throughout the territorial limits of
25 Bibb County, which single government shall supersede and replace the governments of the

26 City of Macon and Bibb County. Said county-wide government shall be a new political
 27 entity, a body politic and corporate, and a political subdivision of the state, to be known as
 28 "Macon-Bibb, Georgia," having all the governmental and corporate powers, duties, and
 29 functions heretofore held by and vested in the City of Macon and Bibb County, and also the
 30 powers, duties, and functions provided in this charter. Such unified government shall not
 31 include the municipal corporation of Payne City, Georgia, which shall retain its charter and
 32 maintain the same legal relationship with the unified government as it had with Bibb County
 33 prior to the effective date of this charter, except as otherwise provided in this charter. The
 34 unified government shall be a public corporation; shall have perpetual existence; shall adopt
 35 a common seal; shall, without the necessity or formality of a deed, bill of sale, or other
 36 instrument of transfer, own, possess, and hold all the properties of whatsoever kind or nature,
 37 assets, contracts, franchises, things, rights, privileges, immunities, and real and personal
 38 property theretofore owned, possessed, enjoyed, or held by the City of Macon or Bibb
 39 County; and by the name of Macon-Bibb, Georgia, shall be capable of suing and being sued
 40 when authorized by this charter and by the Constitution and laws of the State of Georgia.
 41 From and after the effective date of this charter, the political subdivision known as Bibb
 42 County, Georgia, and the municipal corporation known as the City of Macon, Georgia, shall
 43 be unified into the said new political entity created in this charter.

44 (b) Macon-Bibb, Georgia shall encourage the meaningful involvement in its operations of
 45 all citizens of Macon-Bibb. No individual shall be denied any opportunity on the basis of
 46 race, gender, religion, age, disability, or national origin.

47 (c) The unification of the governments of the City of Macon and Bibb County is authorized
 48 pursuant to the provisions of Article IX, Section III, Paragraph II(a) of the Constitution of
 49 Georgia of 1983, as amended.

50 **SECTION 1-102.**

51 **Boundaries.**

52 Macon-Bibb, Georgia, shall embrace the total area included within the existing territorial
 53 limits of Bibb County as such limits are fixed and established on the effective date of this
 54 charter, except for those areas within the boundaries of Payne City. However, such limits
 55 may be altered and changed from time to time as provided by the Constitution and laws of
 56 the State of Georgia pertaining to counties. That portion of the City of Macon which lies in
 57 Jones County shall not be included in the area of Macon-Bibb, Georgia, but will remain a
 58 part of Jones County.

59

SECTION 1-103.

60

Status as municipal corporation and county.

61 Macon-Bibb, Georgia, shall be deemed to be both a municipal corporation and a county
 62 throughout the total territory of said government. It is the express intention of this section
 63 to declare as a city and as a part of the unified government all of the area of Bibb County,
 64 except for those areas within the boundaries of Payne City.

65

SECTION 1-104.

66

Powers.

67 (a) Macon-Bibb, Georgia, shall have all powers of self-government authorized by the
 68 Constitution and not otherwise prohibited by the laws of Georgia.

69 (b) In addition to the foregoing, the unified government shall have and be vested with, to the
 70 same extent as if herein repeated, all rights, powers, duties, privileges, and authority that the
 71 mayor and Council of the City of Macon or the Commission of Bibb County, or both, have
 72 under the Constitution and general and local laws of the State of Georgia at the time of
 73 adoption of this charter, except as herein expressly modified. This authority shall include,
 74 but shall not be limited to, the authority to adopt home rule ordinances and resolutions as
 75 provided in Article IX, Section II of the Constitution of the State of Georgia.

76 (c) In addition to the foregoing, the unified government shall have all rights, powers, duties,
 77 privileges, and authority herein conferred or herein enlarged, and such other rights, powers,
 78 duties, privileges, and authority as may be necessary and proper for carrying the same into
 79 execution, and also all rights, powers, duties, privileges, and authority, whether express or
 80 implied, that may be now vested in or hereafter granted to counties or municipal
 81 corporations, or both, by the Constitution and laws of the State of Georgia, including the
 82 powers vested in the unified government by this charter.

83 (d) The unified government, in addition to the rights, duties, powers, privileges, and
 84 authority expressly conferred upon it by this charter, shall have the right, duty, power,
 85 privilege, and authority to exercise and enjoy all other powers, duties, functions, rights,
 86 privileges, and immunities necessary and proper to promote or protect the safety, health,
 87 peace, security, and general welfare of said government and its inhabitants and to exercise
 88 all implied powers necessary to carry into execution all powers granted in this charter as fully
 89 and completely as if such powers were fully enumerated herein and to do and perform all of
 90 the acts pertaining to its property, affairs, and local government which are necessary or
 91 proper in the legitimate exercise of its corporate powers and governmental duties and
 92 functions.

93 (e) No enumeration of any right, power, privilege, or authority hereinafter made shall be
94 construed as limiting or abolishing any right, power, privilege, or authority hereinabove set
95 forth.

96 (f) In addition to and supplementary to all other powers which it may possess, and by way
97 of illustration and not of limitation, the unified government shall have the powers specifically
98 enumerated in Section 8-114 of this charter.

99 **SECTION 1-105.**

100 Taxing districts.

101 (a) The unified government shall divide the county into two or more taxing districts (herein
102 called "services districts"); provided, however, that at least one of such districts shall be
103 known as the general services district. The general services district shall embrace the total
104 geographic area of Bibb County and shall include the area of Payne City wherein all services
105 provided in the general services area of Macon-Bibb shall be made available to the citizens
106 of Payne City at the same rate such services are provided all citizens of the general services
107 area pursuant to a contract executed between the governments of Payne City and
108 Macon-Bibb for the amount of \$1.00 for a period not to exceed 50 years, as provided in
109 Article IX, Section III, Paragraph I of the Constitution of the State of Georgia. In addition,
110 the board of commissioners shall establish at least one or more urban services districts which
111 shall embrace such territory or territories for which provision is made by the board for
112 additional or higher levels of services than are provided uniformly throughout the territory
113 of the unified government.

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

118 (c) The unified government may also establish special services districts which shall embrace
119 such territory or territories for which provision is made by the board for additional or higher
120 levels of services provided by the unified government.

121 (d) In the establishment of the first urban services district or districts, the board shall hold
122 two or more public hearings thereon at which all interested persons affected thereby shall
123 have an opportunity to be heard. Notice of the time, place, and date of such hearings shall
124 be published in the official legal organ of Macon-Bibb at least once a week during the two
125 weeks immediately preceding the date of hearing.

126 (e) In the establishment of special services districts, the board shall hold two or more public
127 hearings thereon at which all interested persons affected thereby shall have an opportunity

128 to be heard. Notice of the time, place, and date of such hearings shall be published in the
129 official legal organ of Macon-Bibb at least once a week during the two weeks immediately
130 preceding the date of hearing.

131 (f) The unified government is hereby empowered to exercise and provide within the general
132 services district and within any urban and special services district established by this charter
133 or by ordinance of the board those powers, functions, and services which have theretofore
134 been exercised and provided by Bibb County or the City of Macon, or both; all powers,
135 functions, and services authorized by this charter and any amendments thereto; and all
136 powers, functions, and services which counties or municipal corporations, or both, are now
137 or are hereafter authorized to exercise under the Constitution and laws of the State of
138 Georgia.

139 (g) The unified government shall perform within the general services district those
140 governmental duties, functions, and services which are generally available and accessible to
141 all residents and businesses throughout the total area of said government.

142 (h) The unified government shall perform within its urban services districts those additional,
143 more comprehensive and intensive, and higher levels of governmental duties, functions, and
144 services which benefit primarily the residents of such urban services districts.

145 (i) The unified government shall perform within its special services districts those
146 additionally selected, more comprehensive, intensive, and higher levels of governmental
147 duties, functions, and services which benefit primarily the residents of such special services
148 districts.

149 (j) Except as otherwise provided by this charter, urban and special services districts of the
150 unified government shall be created, expanded, merged, consolidated, or reduced only by an
151 ordinance duly adopted by the board under such general rules, procedures, regulations,
152 requirements, and specifications as established by the board; provided, however, that no new
153 urban or special service district shall be created or existing urban or special services district
154 expanded, abolished, merged, consolidated, or reduced without providing an opportunity for
155 interested persons to be heard by publishing a notice of at least two public hearings on the
156 proposed expansion, consolidation, reduction, or creation of an urban or special services
157 district in the official legal organ of Macon-Bibb, Georgia, at least once a week during the
158 two weeks immediately preceding the date of each hearing. Such rules and regulations shall
159 set forth the manner and method for the creation of new urban and special services districts;
160 the expansion, consolidation, reduction, or merger of existing urban or special services
161 districts; requirements for defining functions and policies for rendering services; changes in
162 levels of services within existing services districts; the transfer of territory from one services
163 district to another; requirements for defining boundaries of services districts; procedures for

164 the expansion, reduction, or consolidation of existing services districts; and requirements for
165 defining boundaries of services districts.

166 (k) The unified government is empowered to create new services and eliminate existing
167 services by the same procedures and methods stated above.

168 (l) Citizens of any area in the county may request additional services by petitioning the
169 unified government according to the rules, procedures, and guidelines established by the
170 unified government. The unified government shall hold public hearings as outlined in the
171 services district modification procedure stated above and shall consider all comments
172 received prior to reaching a final decision.

173 **SECTION 1-106.**

174 Construction.

175 The powers of the unified government shall be construed liberally in favor of the unified
176 government. The specific mention or failure to mention particular powers in this charter
177 shall not be construed as limiting in any way the general powers of the unified government
178 as provided in this article. It is the intention hereof to grant to the unified government full
179 power and right to exercise all governmental authority authorized by the Constitution and
180 laws of Georgia which is necessary for the effective operation and conduct of the unified
181 government within its territory and for the conduct of all of its affairs.

182 **ARTICLE II**

183 **LEGISLATIVE ARTICLE**

184 **CHAPTER 1 - The Board of Commissioners**

185 **SECTION 2-101.**

186 Name and composition.

187 There is hereby created the Board of Commissioners of Macon-Bibb, Georgia (hereinafter
188 "board"). Membership on the board is a part-time position. The board shall consist of seven
189 members elected from districts as provided in Section 6-201 of this charter.

190 **SECTION 2-102.**

191 Term of office; qualifications; disqualifications.

192 (a) The term of office of all members of the board of commissioners shall be four years, with
193 members serving staggered terms and until their successors are elected and qualified, except
194 that a commissioner appointed to fill a vacancy shall serve only for the balance of the

195 unexpired term as provided in Section 2-106 of this charter. Initially, four members will
 196 serve two-year terms and two members will serve four-year terms to provide for staggered
 197 terms. Thereafter, all members shall be elected for four-year terms. All terms of office
 198 following the initial terms shall commence at the first regular meeting in January next
 199 following the election.

200 (b) No person shall be eligible for election or appointment to the board unless such person,
 201 on or before the date of election or appointment, shall have attained the age of 21 years, shall
 202 be a qualified voter of Macon-Bibb, Georgia, and shall have resided within the county for
 203 one year and within the territorial limits of the district from which elected on the date of
 204 qualifying for election. A member of the board shall continue to reside within the district
 205 from which elected during such member's term of office.

206 (c) No member of the board, during that member's term of office, shall hold any other
 207 federal, state, or local government elective office.

208 (d) Any commissioner who has been elected for three full consecutive four-year terms of
 209 office under the provisions of this charter shall not be eligible to be elected for the
 210 succeeding term.

211 **SECTION 2-103.**

212 **Salary and expenses.**

213 (a) The salary of each commissioner shall be \$_____ per year, payable in equal monthly
 214 installments.

215 (b) In addition to the salary, commissioners shall be reimbursed for all direct expenses
 216 incurred in carrying out the duties and responsibilities of the unified government.

217 (c) The salary and expenses of members of the board may be changed by ordinance, subject
 218 to the following conditions:

219 (1) No action to increase the salary or expenses of commissioners shall be taken until
 220 notice of intent to take the action has been published in the official legal organ of
 221 Macon-Bibb at least once a week for three successive weeks immediately preceding the
 222 week during which the action is taken;

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

226 (3) No action to increase the salary of commissioners shall be taken during the period
 227 between the date when candidates for election to the board may first qualify as candidates
 228 and the date when members of the board take office following their election.

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SECTION 2-104.

Organization; oath; rules; quorum; meetings; records;
chairperson of the board of commissioners.

(a) The board shall meet for organization and swearing-in purposes at their first regular meeting. At this meeting, the newly elected or reelected commissioners shall each take the following oath of office, to be administered by the judge of the probate court:

"I do solemnly swear (or affirm) that I will well and truly perform the duties of Commissioner of Macon-Bibb, Georgia, and that I will support and defend the charter thereof, as well as the Constitution and laws of the State of Georgia and of the United States of America, so help me God."

(b) The board, by majority vote, shall adopt rules of procedure governing the transaction of its business consistent with the provisions of this charter, shall adopt by ordinance the time, date, and place for regular meetings, which will be held at least twice monthly, and shall provide for keeping minutes of its proceedings by the chief operating officer as provided in Section 4-102 of this charter.

(c) At its first organization meeting, the board shall select the dates for when it will hold its regular twice-monthly meetings.

(d) Six of the nine members of the board shall constitute a quorum for the transaction of business; however, a smaller number may adjourn from time to time.

(e) Special meetings of the board may be called by the mayor or by any five commissioners upon no less than 24 hours' written notice to each member served personally or left at the usual place of business or residence of such member. Such notice of a special meeting may be waived in writing either before or after the meeting. Subject to subsection (d) of Code Section 50-14-1 of the O.C.G.A., special meetings may be held at any time without notice to all commissioners, upon attendance at such meeting by all members of the board, or by waiver of notice of those not in attendance.

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

(g) At its first meeting in January of each year, a chairperson of the board shall be elected by and from the membership of the board of commissioners to serve for a term of one year. Such an election shall take place at the first regular meeting of the board each year and whenever necessary to fill a vacancy in the office. A commissioner elected to fill a vacancy shall only serve as such until an election for a new chairperson of the board is held the following year.

264 (h) The chairperson of the board shall preside over meetings. In the event that the mayor
 265 is temporarily absent or otherwise unable to perform the duties of office, the chairperson of
 266 the board shall discharge the duties of mayor until either the return of the mayor or the
 267 election of a new mayor. While serving as the mayor, the chairperson of the board shall have
 268 the same powers as a mayor and not those of a commissioner.

269 **SECTION 2-105.**

270 Powers.

271 (a) All legislative powers of the unified government of Macon-Bibb, Georgia, including any
 272 such powers which may hereafter be conferred by law upon said government, shall be vested
 273 exclusively in and exercised by the board in accordance with the provisions of this charter.

274 (b) In addition to its legislative powers, the board shall specifically have the power to:

275 (1) Approve, reject, or amend the budget by majority vote;

276 (2) Approve or reject recommendations concerning the appointments of the chief
 277 operating officer, attorney, police chief, and fire chief, and enter into employment
 278 agreements with each of these officers;

279 (3) Appoint and remove from office the auditor by majority vote of the entire board; and

280 (4) Override the mayor's veto with the affirmative vote of six commissioners.

281 (c) In the exercise of its powers, the board shall adopt and provide for the execution of such
 282 ordinances, resolutions, rules, and regulations, not inconsistent with this charter, as may be
 283 necessary or proper for the purpose of carrying into effect the powers conferred by this
 284 charter and for the promotion and protection of the safety, health, peace, security, and general
 285 welfare of the inhabitants of the unified government and may enforce such ordinances,
 286 resolutions, rules, and regulations by imposing penalties for violations thereof, as prescribed
 287 by ordinance, by a fine not exceeding \$1,000.00 or by imprisonment for a period not
 288 exceeding six months, or both.

289 (d) Except as otherwise provided by the Constitution, general or local law, or this charter,
 290 the board may by ordinance create, change, alter, combine, abolish, consolidate, and redefine
 291 the manner of appointment, membership, powers, and duties of bureaus, boards,
 292 commissions, departments, divisions, authorities, offices, and agencies of Macon-Bibb,
 293 Georgia, including positions of public employment, and may transfer and delete functions
 294 and assign additional functions to any bureaus, offices, agencies, departments, divisions,
 295 boards, authorities, commissions, and positions of public employment existing under this
 296 charter. The board may by ordinance transfer all the assets, liabilities, and obligations
 297 thereof to a department, a division, or other unit of a department of the unified government,
 298 which shall have the power, and its duty shall be to perform and exercise all the functions

299 and powers theretofore performed and exercised by such board, commission, authority,
300 division, agency, bureau, office, department, or position of public employment.

301 (e) Subsection (d) of this section shall not apply to any authorities or boards which were
302 created by either a local constitutional amendment or by a local Act of the General
303 Assembly.

304 (f) The board shall have the power to conduct or cause to be conducted inquiries and
305 investigations of the operations of any office, department, or agency or the conduct of any
306 officer or employee thereof administering the affairs of the unified government. In
307 conducting inquiries and investigations, the board shall have the right to administer oaths;
308 subpoena witnesses, documents, records, or other evidence; take testimony; and require the
309 production of evidence. The conduct of proceedings at board inquiries and investigations
310 shall be subject to such rules and regulations as the board may prescribe by general
311 ordinance.

312 (g) The board shall provide for the form of oaths and the amount and condition of surety
313 bonds as may be required of any officer or employee of the unified government.

314 (h) The board shall have and exercise such other powers as conferred upon it by this charter
315 and the laws of Georgia.

316 **SECTION 2-106.**

317 Filling of vacancies.

318 (a) In the event that the office of a member of the board of commissioners shall become
319 vacant by reason of death, resignation, or any other cause, and the term shall expire in less
320 than one year, the remaining members of the board shall appoint a replacement from within
321 the district without a representative to fulfill the unexpired term. Any individual so
322 appointed must have the same qualifications required for election to the office.

323 (b) If the term of the vacant board position will continue for more than one year, a special
324 election shall be held as provided in this charter and in general state law to elect a new
325 member of the board to serve for the remainder of the term.

326 **CHAPTER 2 - Legislative Procedure**

327 **SECTION 2-201.**

328 Legislation by ordinance.

329 Every official act of the board which is to have the force and effect of law shall be by
330 ordinance and shall begin with the words: "The Board of Commissioners of Macon-Bibb,

331 Georgia, hereby ordains." All other acts of the board shall be by resolution or shall take such
332 other form as prescribed by its rules.

333 **SECTION 2-202.**

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

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

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

338 (c) Prior to the introduction of any ordinance, copies of it shall be prepared by the chief
339 operating officer and distributed to each member of the board and to the attorney. It shall be
340 the duty of the attorney to review the draftsmanship and impact of each ordinance. Within
341 seven days after a proposed ordinance has been introduced, the chief operating officer shall
342 publish in a newspaper of general circulation designated as the legal organ of the unified
343 government a brief description of the subject and purpose of the ordinance and notice of the
344 availability of the proposed ordinance for public inspection in the office of the chief
345 operating officer.

346 (d) A summary of every proposed ordinance shall be read upon first introduction and by title
347 at the next regular meeting not less than seven days following the meeting of its introduction.
348 In no event, however, except for emergency ordinances, may any ordinance be voted on in
349 less than seven days after it is introduced.

350 (e) The adoption of any ordinance shall be by the affirmative vote of at least five of the nine
351 commissioners.

352 (f) The passage of all ordinances shall be contingent upon the recording of the "ayes" and
353 "nays" of each commissioner, and the names of the commissioners voting for and against
354 each proposed ordinance or amendment, those abstaining, and those absent shall be entered
355 upon the minutes of the proceedings of the board.

356 **SECTION 2-203.**

357 Emergency ordinances.

358 To meet a public emergency threatening life, health, property, or public safety, the board may
359 adopt emergency ordinances; provided, however, that such ordinances may not be enacted
360 to levy taxes; to grant, renew, or extend a franchise; to regulate the rate charged for any
361 public utility or service; or to authorize the borrowing of money unless it shall be repaid in
362 30 days or less. An emergency ordinance shall be in the form prescribed for ordinances
363 generally, except that it shall be plainly designated as an emergency ordinance and shall

364 contain a declaration stating what emergency exists. An emergency ordinance may be
 365 adopted with or without amendment or it may be rejected at the meeting at which it is
 366 introduced, but the affirmative vote of at least six of the nine members of the board shall be
 367 required for adoption. An emergency ordinance shall become effective upon adoption or at
 368 such later time as it may specify. Every emergency ordinance shall automatically stand
 369 repealed on the sixteenth day following the date on which it was adopted; but if the
 370 emergency still exists, this shall not prevent reenactment of the ordinance in the manner
 371 specified in this section. An emergency ordinance may also be repealed by adoption of a
 372 repealing ordinance in the same manner specified in this section for adoption of emergency
 373 ordinances.

374 **SECTION 2-204.**

375 Submission of ordinances to mayor; veto.

376 Every ordinance or resolution adopted by the board shall be certified by the chief operating
 377 officer and presented to the mayor within two business days following its adoption. The
 378 mayor shall approve or veto the ordinance or resolution within ten business days after
 379 adoption, and no ordinance or resolution shall become effective without his or her approval
 380 except as herein provided. If the mayor vetoes an ordinance or resolution, he or she shall
 381 within two business days following such veto return the ordinance or resolution to the chief
 382 operating officer with a written statement of the reasons for the veto. The chief operating
 383 officer shall record the date of the receipt of the vetoed ordinance or resolution and thereupon
 384 shall notify the board members of such veto. If the board shall pass the ordinance or
 385 resolution by a vote of six of the nine members at the meeting next held after the ordinance
 386 or resolution has been returned with the mayor's veto, it shall become law without his or her
 387 approval. In the event the mayor does not approve or veto the ordinance or resolution within
 388 the time required, it shall become law without his or her approval.

389 **SECTION 2-205.**

390 Authentication; recording; effective date.

391 All ordinances which have become law shall immediately be deposited in the official
 392 archives of the chief operating officer. The chief operating officer shall note on the face of
 393 the ordinance the date and time it has become law, and the ordinance shall become effective
 394 at noon on the day following its becoming law or at such later time as it may specify. The
 395 chief operating officer shall authenticate by his or her signature each ordinance which has
 396 become law.

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SECTION 2-206.

398

Codes of technical regulations.

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

402 (1) The requirements of subsection (c) of Section 2-202 of this charter for distribution
 403 of copies of the ordinance to each commissioner and to the attorney shall be construed
 404 to include copies of the code of technical regulations which shall be maintained in the
 405 chief operating officer's office, as well as the adopting ordinance; and

406 (2) A copy of each adopted code of technical regulations, as well as the adopting
 407 ordinance, shall be authenticated and recorded by the chief operating officer as provided
 408 in Section 2-205 of this charter.

409 (b) Copies of any adopted code of technical regulations shall be made available by the chief
 410 operating officer for public inspection and for purchase at a reasonable price as fixed by the
 411 board.

412

SECTION 2-207.

413

Codification and printing of ordinances.

414 (a) The board shall, within two years of the effective date of this charter, provide for the
 415 preparation of a general codification of all ordinances of a general or permanent nature. Such
 416 code shall be adopted by the board by ordinance and shall be published promptly in
 417 loose-leaf form, together with all amendments thereto, this charter, any amendments hereto,
 418 and such codes of technical regulations and other rules and regulations as the board may
 419 specify. This compilation shall be known and cited officially as the "Code of Macon-Bibb,
 420 Georgia." As determined by the board, copies of the code shall be furnished to officers,
 421 departments, and agencies of the unified government; placed in libraries and public offices
 422 for public reference; and made available for purchase by the public at a reasonable price.

423 (b) Following publication of the first "Code of Macon-Bibb, Georgia," and from time to time
 424 thereafter, the ordinances and charter amendments shall be printed in substantially the same
 425 style as the code then in effect and shall be suitable in form for integration therein.

426 **SECTION 2-208.**

427 Prima-facie evidence.

428 A record or entry made by the chief operating officer or a copy of such record or entry, duly
 429 certified by the chief operating officer, shall be prima-facie evidence of the terms of every
 430 ordinance and its due publication.

431 **CHAPTER 3 - Ethics and Prohibited Practices**432 **SECTION 2-301.**

433 Conflict of interest.

434 No elected official, appointed officer, or employee of Macon-Bibb, Georgia, or any agency
 435 or political entity to which this charter applies shall knowingly:

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

438 (2) Disclose confidential information concerning the property, government, or affairs of
 439 the governmental body by which such person is engaged or is a member of without
 440 proper legal authorization or use that information to advance the financial or other private
 441 interest of such person or others;

442 (3) Accept any gift from any person, firm, or corporation which to his or her knowledge
 443 is interested, directly or indirectly, in business dealings with the governmental body he
 444 or she is a member of or by which such person is engaged; provided, however, that an
 445 elected official who is a candidate for public office may accept campaign contributions
 446 and services in connection with any campaign. The definition of "gift" shall be that used
 447 in the Executive Order of the Governor in the Ethics in Government Policy for employees
 448 of the executive branch of state government;

449 (4) Represent private interests other than his or her own in any action or proceeding
 450 against Macon-Bibb, Georgia, or any portion of its government; provided, however, that
 451 this paragraph shall not be deemed to prohibit any official or employee of Macon-Bibb,
 452 Georgia, who is also an active member of the State Bar of Georgia from representing a
 453 criminal defendant in either the State or Superior Court of Macon-Bibb; or

454 (5) Vote or otherwise actively participate in the negotiation or the making of any contract
 455 between Macon-Bibb, Georgia, and any business or entity in which he or she has a
 456 financial interest.

457 **SECTION 2-302.**

458 Disclosure.

459 Any elected official, appointed officer, or employee of the unified government or of any
 460 board, commission, authority, or agency thereof who shall have any private financial interest,
 461 direct or indirect, in any contract or matter pending before or within any department of the
 462 unified government shall disclose such private interest to the board. Any commissioner who
 463 has a private interest in any matter pending before the board shall disclose such private
 464 interest and such disclosure shall be entered on the records of the board, and he or she shall
 465 disqualify himself or herself from participating in any decision or vote relating thereto. Any
 466 elected official, appointed officer, or employee of any board, commission, authority, or
 467 agency of the unified government who shall have any private financial interest, direct or
 468 indirect, in any contract or matter pending before or within such entity shall disclose such
 469 private interest to the board.

470 **SECTION 2-303.**

471 Testimony of public officials relating to public affairs.

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

477 **SECTION 2-304.**

478 Contracts voidable and rescindable.

479 Any contract between Macon-Bibb, Georgia, or any board, commission, authority, agency,
 480 or entity thereof made in violation of the provisions of this charter shall be voidable or
 481 rescindable at the option of the board at any time if any elected official, appointed officer,
 482 or employee of such unified government or board, commission, authority, or agency thereof
 483 has any interest in such contract and does not disclose such interest in accordance with
 484 Section 2-302 of this charter.

485

SECTION 2-305.

486

Hearings and determinations; penalties for violation.

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

493 (b) Any officer or employee of Macon-Bibb, Georgia, or of any board, commission,
 494 authority, or agency thereof who is found to have knowingly concealed his or her personal
 495 financial interest or who is found to have knowingly violated any of the requirements of this
 496 charter shall be deemed guilty of malfeasance in office or position. If such decision is upheld
 497 after all reviews and appeals provided by the merit system of the unified government have
 498 been exhausted, the officer or employee shall be subject to such punishment as may be
 499 deemed appropriate by the board and which may include forfeiture of office or position.

500 (c) Any officer or employee of the unified government or of any board, commission,
 501 authority, or agency thereof who shall forfeit his or her office or position as described in
 502 subsection (b) of this section shall be ineligible for appointment or election to or employment
 503 in a position in the unified government or of any board, commission, authority, or agency
 504 thereof for a period of three years thereafter.

505

ARTICLE III

506

MAYOR

507

SECTION 3-101.

508

Election; term.

509 There is hereby created the office of mayor of Macon-Bibb, Georgia (referred to at times in
 510 this charter as the "mayor"). The mayor shall be elected at-large by the voters of the unified
 511 government and shall serve for a term of four years and until a successor is elected and
 512 qualified. Any mayor who has been elected for two full consecutive four-year terms of office
 513 under the provisions of this charter shall not be eligible to be elected for the succeeding term.

514

SECTION 3-102.

515

Qualifications of office.

516 (a) To be eligible for election as mayor, a person on the date of election shall:

- 517 (1) Have attained the age of 21 years;
- 518 (2) Have resided in the territory of Macon-Bibb, Georgia, for at least one year
- 519 immediately preceding the date of election and shall continue such residence therein
- 520 during the term of office;
- 521 (3) Be a registered voter of Macon-Bibb, Georgia; and
- 522 (4) Meet any other requirements as established by law.
- 523 (b) No person elected as mayor shall, during that person's term of office, hold any other
- 524 federal, state, or local government office.

525 **SECTION 3-103.**

526 Compensation.

- 527 (a) The mayor shall receive as compensation for the services of this office an annual salary
- 528 of not less than \$_____, payable in equal monthly installments.
- 529 (b) In addition to the salary, the mayor shall be reimbursed for all direct expenses incurred
- 530 in carrying out the duties and responsibilities of the unified government.
- 531 (c) The salary and expenses of the mayor may be changed by ordinance, subject to the
- 532 following conditions:
- 533 (1) No action to increase the salary or expenses of the mayor shall be taken until notice
- 534 of intent to take the action has been published in the official legal organ of Macon-Bibb
- 535 at least once a week for three successive weeks immediately preceding the week during
- 536 which the action is taken;
- 537 (2) Any action to increase the salary of the mayor shall not become effective until the
- 538 date of commencement of the term of the mayor elected at the next regular election
- 539 following such action; and
- 540 (3) No action to increase the salary of the mayor shall be taken during the period
- 541 between the date when candidates for election to the office of mayor may first qualify as
- 542 candidates and the date when the newly elected mayor takes office following the election.

543 **SECTION 3-104.**

544 Powers and duties.

- 545 The mayor shall have the powers and duties to:
- 546 (a) Serve as the official representative of Macon-Bibb, Georgia, including serving as the
- 547 unified government's representative to federal, state, and local governmental bodies and
- 548 officials;

- 549 (b) Appoint a chief operating officer, who will be confirmed by a majority of the board.
 550 Initiate the process, with the involvement of commissioners and appropriate staff, to search
 551 and screen candidates for the positions of attorney, police chief, and fire chief and to appoint
 552 candidates for these positions to the board of commissioners subject to concurrence of
 553 majority of the entire board;
- 554 (c) Remove the chief operating officer, attorney, police chief, and fire chief.
- 555 (d) Set the agenda, after receiving input from members of the board, the chief operating
 556 officer, and the public, for meetings of the board;
- 557 (e) Make committee appointments;
- 558 (f) Present the annual budget and the capital improvements budget, which has been prepared
 559 by the chief operating officer with the assistance of all department and agency heads and all
 560 others who supervise the implementation of a budget that uses funds of Macon-Bibb,
 561 Georgia, for approval by the mayor, to the board for approval;
- 562 (g) Approve or veto proposed ordinances or resolutions as provided by this charter;
- 563 (h) Call special meetings of the board of commissioners as provided by this charter and by
 564 rules of the board;
- 565 (i) Execute all deeds, contracts, and obligations of the unified government, provided such
 566 execution shall be attested to by the chief operating officer;
- 567 (j) Recommend to the board the adoption of such measures as deemed necessary or
 568 expedient; and
- 569 (k) Perform any other duties and exercise any other powers required by state or federal law
 570 or authorized by a duly adopted ordinance that is not in conflict with this charter.

571 **SECTION 3-105.**

572 **Voting.**

573 The mayor shall not be authorized to vote on any matter before the board.

574 **SECTION 3-106.**

575 **Vacancy in office of mayor.**

- 576 (a) In the event that the office of mayor shall become vacant by reason of death, resignation,
 577 or any other cause, within one year of the end of the term, the unexpired term shall be filled
 578 by the chairperson of the board of commissioners who shall serve as mayor with all powers
 579 of the mayor until the next general election.
- 580 (b) If the term of the mayor will continue for more than one year, a special election shall be
 581 held as provided in general law to elect a new mayor for the remainder of the vacant mayor's

582 term, provided that the chairperson of the board shall serve as mayor pro tempore until an
583 election is held and a successor is elected and qualified.

584 **ARTICLE IV**
585 **ADMINISTRATION**
586 **CHAPTER 1 - Officers**
587 **SECTION 4-101.**

588 Chief operating officer; appointment; qualifications; compensation.

589 There shall be a professional manager who shall be known as the chief operating officer of
590 Macon-Bibb, Georgia (hereinafter "COO"). The mayor shall recommend candidates to the
591 board for the office of COO who shall be the full-time administrative officer of the unified
592 government. No person holding an elective office in Macon-Bibb shall be eligible for
593 appointment until two years after leaving elective office. Such recommendations shall
594 become effective when confirmed by a majority vote of the total membership of the board.
595 The COO shall be prohibited from engaging in any political activity, and the COO shall not
596 be eligible to qualify as a candidate for an elective office in Macon-Bibb for one year after
597 leaving office. The COO shall serve at the pleasure of the mayor and may be removed from
598 office by the mayor for cause. The COO need not be a resident of the unified government
599 at the time of his or her appointment but shall establish residence therein within six months
600 of such appointment and continue to reside therein throughout such appointment. The
601 qualifications and compensation of the COO shall be fixed by the board of commissioners.

602 **SECTION 4-102.**

603 Chief operating officer; powers and duties.

604 (a) The COO shall be responsible for:

- 605 (1) The management and coordination of the operations and activities of the various
606 departments and agencies of the unified government;
- 607 (2) The appointment and removal of all department heads with the exception the city
608 attorney, auditor, police chief, and fire chief;
- 609 (3) The preparation of the proposed annual budget with the assistance of all department
610 heads for approval by the board;
- 611 (4) Keeping the board at all times fully advised as to the financial condition and needs
612 of the unified government;

- 613 (5) Conducting studies and investigations and making reports thereon to the board
 614 concerning the operations of the departments, offices, and agencies of the unified
 615 government;
- 616 (6) Requiring any department, board, commission, or agency under the COO jurisdiction
 617 to submit written reports and to provide other information as deemed necessary;
- 618 (7) Prescribing, requiring, publishing, and implementing standards of administrative,
 619 management, and operating practices and procedures to be followed and adhered to by
 620 all offices, departments, boards, commissions, authorities, and other agencies of the
 621 unified government which are subject to the COO's supervision and jurisdiction;
- 622 (8) Acting as the purchasing agent of Macon-Bibb as provided for in Section 8-105 of
 623 this charter; and
- 624 (9) Maintaining all required records of the operations and activities of Macon-Bibb,
 625 including the minutes of all meetings of the board.
- 626 (b) Except for the purpose of inquiry and investigation, the mayor and board shall deal with
 627 employees of the unified government who are subject to appointment and removal by the
 628 COO solely through the COO and shall not give orders or directions to any such employee,
 629 either publicly or privately, directly or indirectly.

630 **SECTION 4-103.**

631 Attorney; appointment; term; qualifications; duties; compensation.

- 632 (a) The mayor shall recommend one or more candidates to the board for the attorney of the
 633 unified government (referred to at times in this charter as the "Attorney"). The
 634 recommendations shall become effective when confirmed by a majority vote of the total
 635 membership of the board. The attorney shall serve at the pleasure of the mayor and may be
 636 removed from office by the mayor.
- 637 (b) The attorney shall be an active member of the State Bar of Georgia in good standing and
 638 shall satisfy any other qualifications established by ordinance.
- 639 (c) The attorney shall be the legal counsel to the unified government and shall perform such
 640 other duties as may be required by this charter or by ordinance.
- 641 (d) The compensation of the attorney shall be as prescribed by a duly adopted ordinance.
- 642 (e) The attorney shall with the approval of the board be authorized to employ such additional
 643 attorneys as necessary for a law department to perform the duties imposed either by this
 644 charter or by the board.

645 **SECTION 4-104.**

646 Auditor; appointment; term; duties; qualifications; compensation.

647 (a) Any member of the board of commissioners may nominate candidates to the board for
 648 the office of auditor of the unified government (referred to at times in this charter as the
 649 "auditor"). The board shall, by majority vote, appoint an auditor who shall make all reports
 650 to the board of commissioners. The board shall have the authority to remove the auditor
 651 from office.

652 (b) The qualifications, duties, and compensation of the auditor shall be as prescribed in a
 653 duly adopted ordinance.

654 **SECTION 4-105.**

655 Police chief.

656 (a) The chief law enforcement officer for Macon-Bibb, Georgia, shall be an appointed police
 657 chief, who shall be appointed by the mayor and approved by majority vote of the board of
 658 commissioners. The police chief shall report to and be under the management and control
 659 of the mayor and board of commissioners.

660 (b) There shall be a police department of Macon-Bibb, Georgia, under the management of
 661 the police chief.

662 **SECTION 4-106.**

663 Sheriff.

664 (a) The sheriff of Bibb County in office on the effective date of this charter shall be the
 665 sheriff of Macon-Bibb, Georgia. The sheriff shall serve for the same term as provided by
 666 law, and the compensation shall be fixed as provided by law. Subsequent elections for
 667 sheriff shall be on the same basis as provided by law for the election of sheriffs generally.

668 (b) The sheriff shall be responsible for the operation of the jail, the transport of prisoners,
 669 the service of process, and such other powers and duties as are provided by the Board of
 670 Commissioners of Macon-Bibb, Georgia, and by the Constitution and laws of Georgia.

671 **SECTION 4-107.**

672 Judge of the probate court.

673 The judge of the probate court of Bibb County in office on the effective date of this charter
 674 shall be the judge of the probate court of Macon-Bibb, Georgia. The judge of the probate

675 court shall serve for the same term as provided by law, and the compensation shall be fixed
676 as provided by law. Subsequent elections for the judge of the probate court shall be on the
677 same basis as provided by law for the election of probate judges generally. The judge of the
678 probate court shall perform the same duties and exercise the same powers as conferred on
679 probate judges generally by the Constitution and laws of Georgia.

680 **SECTION 4-108.**

681 Clerk of superior court.

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

689 **SECTION 4-109.**

690 Tax commissioner.

691 The tax commissioner of Bibb County in office on the effective date of this charter shall be
692 the tax commissioner of Macon-Bibb, Georgia. The tax commissioner shall serve for the
693 same term as provided by law, and the compensation shall be fixed as provided by law.
694 Subsequent elections for tax commissioner shall be on the same basis as provided by law for
695 the election of tax commissioners generally. The tax commissioner shall perform the same
696 duties and exercise the same powers as conferred on tax commissioners generally by the
697 Constitution and laws of Georgia.

698 **SECTION 4-110.**

699 Coroner.

700 The coroner of Bibb County in office on the effective date of this charter shall be the coroner
701 of Macon-Bibb, Georgia. The coroner shall serve for the same term as provided by law, and
702 compensation shall be fixed as provided by law. Subsequent elections for coroner shall be
703 on the same basis as provided by law for the election of coroners generally. The coroner
704 shall perform the same duties and exercise the same powers as conferred on coroners
705 generally by the Constitution and laws of Georgia.

706 CHAPTER 2 - Administrative and Service Departments

707 **SECTION 4-201.**

708 Creation and functions; generally.

709 Except as otherwise provided by this charter or by law, the administrative and service
710 departments of the unified government shall be created and established by ordinance and
711 shall perform such functions, duties, services, and responsibilities as enumerated in such
712 ordinances and as prescribed by administrative regulations.

713 **SECTION 4-202.**

714 Administrative reorganization.

715 The board may, by ordinance, reorganize, combine, consolidate, or discontinue any
716 department or agency of the unified government subject to the jurisdiction of the Board and
717 may, by ordinance, prescribe the functions and duties thereof and may establish, abolish, or
718 alter all nonelective offices and positions of employment as necessary for the proper
719 administration of the unified government.

720 **SECTION 4-203.**

721 Appointment of directors of departments.

722 All directors of departments under the supervision and direction of the COO shall be
723 appointed by the COO. The directors of all such departments shall serve at the pleasure of
724 the COO.

725 **SECTION 4-204.**

726 Departments under state law.

727 (a) All departments, which are created pursuant to state or federal law and which administer
728 various state and federal programs and services shall continue their operations without
729 interruption resulting from the adoption of this charter.

730 CHAPTER 3 - Merit System of Personnel Administration

731 SECTION 4-301.

732 Establishment of merit system.

733 (a) The Board shall establish, by ordinance, a Merit System of Personnel Administration for
 734 Macon-Bibb, Georgia. All positions in the service of Macon-Bibb, Georgia, shall be in the
 735 Classified (Merit System) Service except the following which are declared to be in the
 736 Unclassified Service:

737 (1) Officers elected by the people and persons appointed to fill vacancies in elective
 738 offices;

739 (2) Members of boards and commissions;

740 (3) Directors of departments;

741 (4) Persons temporarily employed in a professional or scientific capacity or to conduct
 742 a special inquiry, investigation, examination, or installation;

743 (5) Temporary and part-time employees; and

744 (6) Such other employees as may be excluded from coverage under the merit system as
 745 provided by ordinance or other applicable law.

746 (b) The Merit System of Personnel Administration shall provide for classification of
 747 positions, the manner and method of publicizing vacancies, employing and appointing
 748 personnel, the qualifications of employees, employee performance evaluations, salaries,
 749 hours of employment, vacations, sick leave, special workers' compensation, job security,
 750 promotion, demotion, disciplinary procedures, transfer, layoff, removal, welfare of
 751 employees, retirement policy, payment of premiums of employee insurance benefits,
 752 grievance procedures, service awards, training leave, and any other measures that promote
 753 the hiring and retaining of capable, diligent, and honest career employees, all of which shall
 754 be in accordance with federal law.

755 CHAPTER 4 - Boards, Commissions, and Authorities

756 SECTION 4-401.

757 Certain boards, commissions, and authorities continued.

758 All existing boards, commissions, and authorities are continued without interruption on the
 759 effective date of this charter. As used in the Acts and amendments creating the existing
 760 boards, commissions, and authorities, the terms "Macon City Council" and "Bibb County
 761 Board of Commissioners" shall mean the Board of Commissioners of Macon-Bibb, Georgia,
 762 and the terms "Mayor of the City of Macon" and "Chairman of the Bibb County Board of
 763 Commissioners" shall mean the mayor of Macon-Bibb, Georgia. The Board of

764 Commissioners of Macon-Bibb, Georgia, shall have the authority to examine all existing
765 boards, commissions, and authorities of the former City of Macon and Bibb County for the
766 purpose of determining whether any such boards, commissions, and authorities should be
767 reorganized or reconstituted for the purpose of increasing their efficient operation. Provided,
768 however, that this authority shall not be construed to authorize the board to affect any board,
769 commission, and authority created by general law or by local constitutional amendment.

770 **ARTICLE V**

771 **JUDICIARY**

772 **SECTION 5-101.**

773 Superior court and district attorney; unaffected by charter; redesignation.

774 The Superior Court of Bibb County, including the office of the district attorney, shall
775 continue its operations without interruption resulting from the adoption of this charter, and
776 nothing herein shall be construed as affecting the status of said court. The court shall be
777 known as the Superior Court of Macon-Bibb, Georgia.

778 **SECTION 5-102.**

779 State court and solicitor-general; unaffected by charter; redesignation.

780 The State Court of Bibb County, including the office of the solicitor-general, shall continue
781 its operations without interruption resulting from the adoption of this charter, and nothing
782 herein shall be construed as affecting the status of said court. The court shall be known as
783 the State Court of Macon-Bibb, Georgia.

784 **SECTION 5-103.**

785 Juvenile court; unaffected by charter; redesignation.

786 The Juvenile Court of Bibb County shall continue its operations without interruption
787 resulting from the adoption of this charter, and nothing herein shall be construed as affecting
788 the status of said court. The court shall be known as the Juvenile Court of Macon-Bibb,
789 Georgia.

790 **SECTION 5-104.**

791 Probate court; unaffected by charter; redesignation.

792 The Probate Court of Bibb County shall continue its operations without interruption resulting
793 from the adoption of this charter, and nothing herein shall be construed as affecting the status
794 of said court. The court shall be known as the Probate Court of Macon-Bibb, Georgia.

795 **SECTION 5-105.**

796 Magistrate court; unaffected by charter; redesignation.

797 The Magistrate Court of Bibb County shall continue its operations without interruption
798 resulting from the adoption of this charter, and nothing herein shall be construed as affecting
799 the status of said court. The court shall be known as the Magistrate Court of Macon-Bibb,
800 Georgia.

801 **SECTION 5-106.**

802 Municipal court of the City of Macon; abolishment of
803 operations in the unified government.

804 Six months after the effective date of this charter, the Municipal Court of the City of Macon
805 shall stand abolished. Any cases pending before the municipal court on that date shall be
806 transferred to the State Court of Macon-Bibb. Thereafter, all jurisdiction of the former
807 Municipal Court of the City of Macon shall be transferred to the State Court of Macon-Bibb,
808 Georgia.

809 **ARTICLE VI**

810 **ELECTIONS**

811 **CHAPTER 1 - Conduct of Elections**

812 **SECTION 6-101.**

813 Applicability of general laws.

814 Except as otherwise provided by this charter, primaries and regular and special elections shall
815 be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the
816 "Georgia Election Code." As used in said Code section, the terms "election" or "general
817 election" shall be construed to include the term "regular election" as provided in Section
818 6-102 of this charter; the term "governing authority" shall include the mayor and the board
819 of commissioners of Macon-Bibb, Georgia; the terms "municipal," "municipality," or

820 "county" shall include Macon-Bibb, Georgia; and the term "public office" shall include
821 elective offices of Macon-Bibb, Georgia.

822 **SECTION 6-102.**

823 Regular election, time for holding; voting.

824 (a) Except for the initial elections provided in Section 9-101 of this charter, which may or
825 may not be held on the date of regular state elections, regular elections for the elective public
826 officers of Macon-Bibb, Georgia, shall be held every two years on the same Tuesday in
827 November when regular state elections are held.

828 (b) Only the electorate of each of the seven election districts as defined in Section 6-201 of
829 this charter shall be entitled to vote in the election for the commissioner to be elected from
830 that district.

831 **SECTION 6-103.**

832 Special elections.

833 All special elections shall be held and conducted in accordance with applicable provisions
834 of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

835 **CHAPTER 2 - Election Districts; Reapportionment**

836 **SECTION 6-201.**

837 Number of districts; boundaries.

838 The territory of Macon-Bibb, Georgia, shall consist of seven single-member election districts
839 to be designated respectively as Districts 1 through 7, and the boundaries of the initial
840 districts shall be as specifically described and set forth in Appendix A of this charter, which
841 is incorporated herein by reference.

842 **SECTION 6-202.**

843 Reapportionment of election districts.

844 (a) The election district boundaries of Macon-Bibb, Georgia, shall be reapportioned
845 following the publication of each official federal decennial census of the population of
846 Macon-Bibb, Georgia. Such reapportionment shall be accomplished by the adoption of an
847 amendment to this charter, including Appendix A, by the General Assembly of Georgia.

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

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

852 (2) Such election districts shall be as nearly equal in population as practicable, and they
 853 shall comply with the requirements of the federal Voting Rights Act of 1965, as amended.

854 (c) Any reapportionment of election districts shall apply to officials of the unified
 855 government elected at the next regular election following such reapportionment; provided,
 856 however, that any reapportionment ordinance shall not apply to any regular election or
 857 special election held within six months after the Act becomes effective.

858 ARTICLE VII

859 REVENUE AND FINANCE

860 CHAPTER 1 - Taxation and Other Revenues

861 SECTION 7-101.

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

863 (a) For the purpose of raising revenue for the support and maintenance of the government
 864 of Macon-Bibb, Georgia, the commission shall have full power, authority, and duty to levy
 865 and collect taxes to the extent hereinafter provided and to appropriate funds and expend
 866 money:

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

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

870 (3) For any and all purposes and any and all subjects of taxation for which the City of
 871 Macon or Bibb County may have been authorized and in accordance with those
 872 authorizations to levy and collect taxes and to appropriate and expend funds under the
 873 Constitution or any general or special law of Georgia applicable to the City of Macon or
 874 Bibb County on the effective date of this charter; and

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

878 (b) The board shall have full power, authority, and duty to levy and collect the following
 879 taxes, charges, and assessments:

880 (1) Ad valorem taxes on all real and personal property situated within Macon-Bibb,
 881 Georgia, which is subject to taxation for state, county, and municipal purposes, or for any
 882 other public purpose, to the full extent permitted by the Constitution and laws of Georgia,
 883 whether local (of the City of Macon or Bibb County) or general;

- 884 (2) Occupation and business license taxes that are not prohibited by the Constitution and
885 general laws of Georgia. These taxes may be levied upon any person, firm, partnership,
886 company, or corporation which has a location or office within Macon-Bibb, Georgia, at
887 which a business, profession, or occupation is conducted. Subject to the restrictions
888 imposed by general law, the commission may also impose a regulatory fee, whether
889 designated as a license fee or permit fee or other name, on those businesses, professions,
890 or occupations that the government of Macon-Bibb, Georgia, regulates;
- 891 (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided
892 by law for counties and municipalities;
- 893 (4) License fees and taxes on insurance companies as authorized by Code Sections
894 33-8-8 through 33-8-8.6 of the O.C.G.A.;
- 895 (5) A public utility franchise tax, fee, or both on each electric light and power company,
896 gas company, telephone and telegraph company, and other public utility making use of
897 the roads, streets, alleys, or other public ways of Macon-Bibb, Georgia, for the purpose
898 of rendering services therein;
- 899 (6) Charge and collect franchise fees on cable television systems as now or hereafter
900 provided by law for counties;
- 901 (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening,
902 or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage
903 structures, or other utility mains and appurtenances from the abutting property owners
904 under any terms and conditions as provided by ordinance;
- 905 (8) Fees, assessments, charges, and tolls for sanitary and health services or any other
906 services rendered within and without the limits of the unified government under such
907 terms and conditions as provided by ordinance;
- 908 (9) All other such taxes, charges, or assessments as the City of Macon or Bibb County
909 were authorized and empowered to make and collect upon the effective date of this
910 charter, which powers may be exercised throughout the area of the unified government,
911 or appropriate portions thereof, including any tax now or hereafter authorized by state
912 law, and the specific mention of any right, power, or authority in this charter shall not be
913 construed as limiting in any way the general powers of the board to govern its local
914 affairs. When authorized by this charter or a statute or the Constitution of the State of
915 Georgia, the board shall have full power and authority to assess, levy, charge, and collect
916 taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on investments;
917 to accept funds, services, or property from other political subdivisions and public
918 agencies, either local, state, or national, and from private persons, firms, or corporations;
919 and to contract with them for any public purpose;

920 (10) An excise tax upon the sale of distilled spirits or alcoholic beverages for beverage
 921 purposes by the drink as now or hereafter provided by law for counties and
 922 municipalities;

923 (11) An excise tax upon the sale, transfer, or dispensing of malt beverages and alcoholic
 924 beverages within Macon-Bibb, Georgia, by wholesale or retail dealers as now or hereafter
 925 provided by law for counties and municipalities. In addition, the board shall have the
 926 authority to impose, assess, levy, and collect an excise tax upon the sale, transfer, or
 927 dispensing of wine by wholesale or retail dealers within Macon-Bibb, Georgia, as now
 928 or hereafter provided by law for counties and municipalities; and

929 (12) Such other taxes and charges as provided by law.

930 **SECTION 7-102.**

931 Collection of delinquent taxes and fees.

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

934 **SECTION 7-103.**

935 Homestead exemptions.

936 The homestead exemptions provided under the Constitution and laws of Georgia presently
 937 in force or as hereafter amended shall be applicable to all such property subject to ad valorem
 938 taxes within Macon-Bibb, Georgia.

939 **SECTION 7-104.**

940 Tax and services districts; taxation therein.

941 (a) The general services area as defined and authorized in paragraph (1) of subsection (a) of
 942 Section 7-301 of this charter shall constitute a general services tax district wherein the board
 943 shall levy and collect taxes and shall appropriate money to perform and discharge those
 944 powers, functions, and services provided therein by the unified government of Macon-Bibb,
 945 Georgia.

946 (b) The urban services area as authorized in paragraph (2) of subsection (a) of Section 7-301
 947 of this charter, together with any enlargement or modification thereof pursuant to the
 948 provisions of this charter, shall constitute an urban tax district, as the case may be, wherein
 949 the board may levy and collect additional taxes and may appropriate additional money

950 therefrom to perform and discharge those additional powers, functions, and additional
 951 services provided therein by the unified government of Macon-Bibb, Georgia.

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

958 **CHAPTER 2 - Borrowing and Indebtedness**

959 **SECTION 7-201.**

960 Issuance of general obligation bonds.

961 (a) The board shall be authorized to issue and sell general obligation bonds, after approval
 962 of the qualified voters, under the provisions of the Constitution and general laws of Georgia
 963 for any public purpose for the benefit of the unified government or any tax area or services
 964 district thereof; provided, however, that for the purpose of issuing and selling such general
 965 obligation bonds, the unified government of Macon-Bibb, Georgia, shall be deemed a county,
 966 and the provisions of the Constitution and laws of Georgia governing the limitations, terms,
 967 and procedures for the issuance and sale of bonds by counties shall apply to the unified
 968 government unless otherwise provided by this charter.

969 (b) All general obligation bonds shall be issued in the name of Macon-Bibb, Georgia, and
 970 shall be an obligation thereof, and the full faith and credit of the unified government of
 971 Macon-Bibb, Georgia, shall be pledged for all general obligation bonds issued thereunder
 972 which are payable from ad valorem taxes, and for such purpose, the board shall have the
 973 authority to levy and collect ad valorem taxes without limit as to rate or amount on all
 974 taxable property within the territorial limits of the unified government.

975 **SECTION 7-202.**

976 Debt limitation; general obligation bonds.

977 The total general obligation bond indebtedness of the unified government of Macon-Bibb,
 978 Georgia, payable from ad valorem taxes (including all outstanding general obligation bonds
 979 of the former City of Macon and Bibb County on the effective date of this charter) shall not
 980 exceed 10 percent of the assessed value of all taxable property within the territorial limits of
 981 the unified government.

982 **SECTION 7-203.**

983 Revenue bonds.

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

987 **SECTION 7-204.**

988 Use of bond proceeds.

989 All revenue derived by Macon-Bibb, Georgia, from the issuance and sale of bonds shall be
 990 used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes
 991 collected for the purpose of servicing or retiring such bonds shall be used exclusively for the
 992 payment of principal and interest thereof.

993 **SECTION 7-205.**

994 Allocation of indebtedness.

995 (a) All general indebtedness of Bibb County, whether represented by general obligation
 996 bonds or otherwise, which may be outstanding upon the effective date of this charter, shall
 997 be allocated to the general services area as defined in paragraph (1) of subsection (a) of
 998 Section 7-301 of this charter and is hereby recognized as the obligation of the general
 999 services area of Macon-Bibb, Georgia. All general indebtedness of the City of Macon,
 1000 whether represented by general obligation bonds or otherwise, which may be outstanding
 1001 upon the effective date of this charter, shall be allocated to the urban services area as defined
 1002 in paragraph (2) of subsection (a) of Section 7-301 of this charter. The board is hereby
 1003 authorized to levy taxes and otherwise provide for the retirement thereof, subject to the terms
 1004 of this charter. Any funds in the control of the heretofore existent City of Macon and Bibb
 1005 County, now consolidated into Macon-Bibb, Georgia, by this charter, which theretofore had
 1006 been allocated to the retirement of any bonded indebtedness of said municipality and county,
 1007 shall be so applied by the Board.

1008 (b) All general obligation bonds issued prior to the effective date of this charter by Bibb
 1009 County and all bonds authorized but unissued by Bibb County on the effective date of this
 1010 charter and thereafter issued by Macon-Bibb, Georgia, shall be allocated to the general
 1011 services area, and the principal of and interest on such bonds shall be paid from ad valorem
 1012 taxes or other revenues collected in the general services area. All general obligation bonds
 1013 issued prior to the effective date of this charter by the City of Macon and all bonds

1014 authorized but unissued by the City of Macon on the effective date of this charter and
 1015 thereafter issued by Macon-Bibb, Georgia, shall be allocated to the urban services area, and
 1016 the principal and interest on such bonds shall be paid from ad valorem taxes or other
 1017 revenues collected in the urban services area.

1018 (c) Any revenue bonds issued prior to the effective date of this charter by the City of Macon
 1019 or Bibb County under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue
 1020 Bond Law," and any such revenue bonds authorized but unissued by said city or county on
 1021 the effective date of this charter and thereafter issued by Macon-Bibb, Georgia, shall be
 1022 payable as to principal and interest from the revenues or sources and in the manner provided
 1023 in the proceedings which authorized the issuance of such revenue bonds.

1024 (d) Neither the allocation of bonds to the general services area nor any of the other
 1025 provisions of this charter shall impair or diminish any of the rights, revenues, or security and
 1026 source for payment of any of such bonds or revenue bonds issued by the City of Macon or
 1027 by Bibb County prior to the effective date of this charter, or authorized but unissued by the
 1028 City of Macon or by Bibb County on the effective date of this charter and thereafter issued
 1029 by Macon-Bibb, Georgia; and such holders of such bonds or revenue bonds shall have and
 1030 be entitled to enforce any and all rights, remedies, and security and sources for payment
 1031 granted such holders by the proceedings which authorized the issuance of such bonds or
 1032 revenue bonds as fully and to the same extent as if this charter had not been adopted.

1033 **CHAPTER 3 - Financing of Services**

1034 **SECTION 7-301.**

1035 **General and urban services areas.**

1036 (a) In Macon-Bibb, Georgia, there shall be:

1037 (1) A general services area which shall consist of the total area of Bibb County as fixed
 1038 and established upon the effective date of this charter or as hereafter modified according
 1039 to law;

1040 (2) An urban services area which shall consist of the area embraced within the corporate
 1041 limits of the City of Macon as the same exists upon the day immediately preceding the
 1042 effective date of this charter or as such area may be hereafter expanded as herein
 1043 provided; and

1044 (3) Such special services areas as the board may hereafter establish.

1045 (b) All other tax districts existing in the City of Macon or Bibb County immediately prior
 1046 to the effective date of this charter are continued in effect by this charter.

1047 (c) Such services areas shall be tax districts wherein taxes and other assessments shall be
 1048 assessed, levied, and collected by the unified government in accordance with the kind,

1049 character, type, and degree of services actually provided therein and may vary in any one
1050 services area from that of another or other areas in accordance with the provisions of this
1051 charter. The powers, authority, duties, liabilities, services, and functions of Macon-Bibb,
1052 Georgia, may vary in any services area from that in another or other services area.

1053 (d) The unified government is hereby empowered to exercise and provide within the general
1054 services area and within any urban services area established by this charter or by ordinance
1055 of the board those powers, functions, and services which have theretofore been exercised and
1056 provided by Bibb County or the City of Macon, or both; all powers, functions, and services
1057 authorized by this charter, and any amendments thereto; and all powers, functions, and
1058 services which counties and municipal corporations, or both, are now or hereafter authorized
1059 to exercise under the Constitution and laws of Georgia.

1060 (e) The unified government shall perform or procure the performance within the general
1061 services area of those governmental duties, functions, and services which are generally
1062 available and accessible to all residents throughout the total territory of Macon-Bibb,
1063 Georgia. As provided in subsection (a) of Section 1-105 of this charter, all services provided
1064 in the general services area shall be made available to the citizens of Payne City at the same
1065 rate provided all other citizens of the general services area pursuant to a contract executed
1066 between the governments of Payne City and Macon-Bibb for the amount of \$1.00 for a
1067 period not to exceed 50 years as provided in Article IX, Section III, Paragraph I of the
1068 Constitution of the State of Georgia.

1069 (f) The unified government shall perform within its urban services areas those additional,
1070 more comprehensive and intensive, and higher levels of governmental duties, functions, and
1071 services which benefit primarily the residents of such urban services areas.

1072 **SECTION 7-302.**

1073 **Creation of services areas by ordinance.**

1074 Except as otherwise provided by this charter, services areas of the unified government shall
1075 be created, expanded, merged, unified, or reduced only by ordinance duly adopted by the
1076 board under such general rules, procedures, regulations, requirements, and specifications as
1077 are established by the board and this charter. Such rules and regulations shall set forth the
1078 manner and method for the creation of new services areas and the expansion, unification,
1079 reduction, or merger of existing services areas; set forth requirements for defining functions
1080 and policies for rendering services, for changing levels of services within existing services
1081 areas, and for transferring territory from one services area to another; and set forth
1082 requirements for defining boundaries of services areas.

1083 **SECTION 7-303.**

1084 Requirements for defining boundaries.

1085 Whenever in this chapter it is required that the boundaries of a services area be set out, it
 1086 shall suffice if the boundaries are described in such a way as to convey an intelligent
 1087 understanding of the location of the land. In the discretion of the board, the boundaries may
 1088 be described: (1) by reference to a map; (2) by metes and bounds; (3) by general description
 1089 referring to roads or natural boundaries or to the boundaries of particular tracts or parcels of
 1090 land; or (4) by any combination of the above methods.

1091 **SECTION 7-304.**

1092 Notice of hearing prior to adoption of ordinance.

1093 Before it adopts any ordinance authorized or described in Sections 7-301 through 7-303 of
 1094 this charter, the board shall give notice of its intentions to consider the ordinance and shall
 1095 provide an opportunity for interested persons to be heard as provided for in Section 1-105
 1096 of this charter.

1097 **CHAPTER 4 - Financial Administration**

1098 **SECTION 7-401.**

1099 Fiscal year.

1100 The fiscal year of Macon-Bibb, Georgia, shall begin on the first day of July of each year and
 1101 shall end on the thirtieth day of June next following. The board may adopt a different fiscal
 1102 year by ordinance, which shall not be effective until at least six months after the date of
 1103 adoption thereof. The fiscal year shall constitute the budget year and the year for financial
 1104 accounting and reporting of each and every office, department, institution, agency, and
 1105 activity of the unified government, unless otherwise provided by state or federal law.

1106 **SECTION 7-402.**

1107 Preparation of budgets.

1108 The preparation of an annual budget and a capital improvements budget shall be as
 1109 prescribed by ordinance and provisions of this charter. In addition, the unified government
 1110 of Macon-Bibb, Georgia, may adopt budgets as are permitted by general law, including, but
 1111 not limited to, project budgets for major capital projects and fund budgets.

1112 **SECTION 7-403.**

1113 Scope of budgets.

1114 (a) The annual budget should consist of at least two parts:

1115 (1) Part I of the annual budget shall apply only to the operating expenses of the unified
1116 government; and

1117 (2) Part II of the annual budget shall apply only to capital improvement expenses of the
1118 unified government.

1119 (b) Each section of the annual operating and capital budget shall contain with respect to each
1120 of the operating funds of the government of Macon-Bibb, Georgia, to which they are
1121 applicable:

1122 (1) A reasonable estimate of cash revenues to be received during the ensuing year,
1123 classified according to source;

1124 (2) Proposed expenditures detailed by each department, board, commission, office,
1125 agency, and activity in accordance with an established classification of accounts,
1126 including those capital outlays which are to be financed from the revenues of the ensuing
1127 year and including all debt service requirements in full for such fiscal year; and

1128 (3) Such other information as may be considered necessary or desirable by the COO, the
1129 mayor, or the board.

1130 (c) In no event shall the total proposed expenditures from any fund exceed the total
1131 anticipated revenues plus the estimated unappropriated surplus or fund balance and
1132 applicable reserves less any estimated deficit at the end of the current fiscal year.

1133 (d) The capital improvements budget shall describe capital projects anticipated, the proposed
1134 expenditures therefore, and the revenues or other sources of funds anticipated to finance such
1135 capital projects.

1136 **SECTION 7-404.**

1137 Submission of budgets to the board of commissioners.

1138 (a) In advance of initiating preparations of the annual budget, the mayor, with participation
1139 of the board, shall develop a statement of the general fiscal policies of Macon-Bibb, Georgia,
1140 the important features of the budgets, explanations of major changes recommended for the
1141 next fiscal year, a general summary of the budgets, and such other comments and information
1142 as may be deemed pertinent.

1143 (b) On or before a date fixed by the board but not later than 60 days prior to the beginning
1144 of each fiscal year, the COO, in consultation with the department heads, shall prepare an
1145 operating budget to submit to the mayor. The mayor of the unified government shall submit

1146 to the board a proposed operating budget and a proposed capital improvements budget for
1147 the ensuing fiscal year. Such budgets shall be accompanied by a message from the mayor
1148 containing a statement of the general fiscal policies of Macon-Bibb, Georgia, the important
1149 features of the budgets, explanations of major changes recommended for the next fiscal year,
1150 a general summary of the budgets, and such other comments and information as may be
1151 deemed pertinent. A summary of the budgets and the mayor's message thereon shall be
1152 published in a newspaper of general circulation designated as the legal organ of the unified
1153 government. The operating budget and the capital improvements budget, the budget
1154 message, and all supporting schedules shall be filed in the COO's office and shall be open
1155 to public inspection.

1156 **SECTION 7-405.**

1157 Adoption of budgets.

1158 (a) The board shall approve, reject, or amend the proposed operating budget. The budget
1159 as finally adopted shall provide for all expenditures required by law or by other provisions
1160 of this charter and for all debt service requirements for the ensuing fiscal year. The total
1161 appropriations from any fund shall not exceed the estimated fund balance, reserves, and
1162 revenues constituting the resources available of such fund.

1163 (b) The board shall adopt the final annual operating budget for the ensuing fiscal year not
1164 later than the thirtieth day of June of each year, and such budget shall be effective for the
1165 fiscal year beginning on the first day of July. In the event the board fails to adopt the budget
1166 by this date, the amounts appropriated for current operation for the current fiscal year shall
1167 be deemed adopted for the ensuing fiscal year, with appropriate items prorated accordingly,
1168 until such time as the board shall adopt a budget for the ensuing fiscal year. Adoption of the
1169 annual operating budget shall take the form of an appropriation ordinance setting out
1170 estimated revenues in detail by source and making appropriations accordingly to fund
1171 organizational units, purposes, or activities as set forth in the budget document.

1172 (c) The amount set out in the adopted operating budget for each organizational unit, purpose,
1173 or activity shall constitute the annual appropriation for such item, and no expenditure shall
1174 be made or encumbrance created in excess of the otherwise unencumbered balance of the
1175 appropriation, or allotment thereof, to which it is chargeable.

1176 (d) The board shall adopt by ordinance the capital improvements program and capital budget
1177 for the ensuing fiscal year not later than the thirtieth day of June of each year. The capital
1178 budget ordinance shall show in detail the capital expenditures intended to be made or
1179 incurred in the ensuing fiscal year that are to be financed from funds subject to control or
1180 appropriation by the board and shall be in full conformity with that part of the capital

1181 program applicable to the year which it covers. Amounts specified as intended to be spent
 1182 out of new appropriations shall, upon enactment of the capital budget ordinance, constitute
 1183 appropriations of such amounts.

1184 **SECTION 7-406.**

1185 Property tax levies.

1186 Following the adoption of the operating and capital improvements budgets for each fiscal
 1187 year:

1188 (1) The board shall levy by ordinance a general services area tax on all real and personal
 1189 property within the general services tax district as provided by this charter. The tax rate
 1190 set by such ordinance shall be such that a reasonable estimate of cash revenues from such
 1191 levy shall be at least sufficient, together with other anticipated revenues, fund balances,
 1192 and applicable reserves, to equal the total amount appropriated for each of the several
 1193 funds set forth in the annual operating budget for defraying the expenses of the general
 1194 services area for services to be rendered throughout the entire area of Macon-Bibb,
 1195 Georgia. Such services shall include those functions set forth in subsections (c) and (d)
 1196 of Section 7-301 of this charter, and such other purposes, functions, and services as may
 1197 be authorized by the laws of Georgia, by this charter, or by ordinance of the board;

1198 (2) The board shall levy by ordinance an urban services area tax on all real and personal
 1199 property within the urban services tax district as authorized by this charter. The tax rates
 1200 set by such ordinance for each district shall be such that a reasonable estimate of cash
 1201 revenues from such levy shall be at least sufficient, together with other anticipated
 1202 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
 1203 for each of the several funds set forth in the annual operating budget for defraying the
 1204 expenses of a higher level of services to be rendered in urban services areas; and

1205 (3) The board shall levy by ordinance a special services area tax on all real and personal
 1206 property within any special services tax district as authorized by this charter. The tax
 1207 rates set by such ordinance for each district shall be such that a reasonable estimate of
 1208 cash revenues from such levy shall be at least sufficient, together with other anticipated
 1209 revenues, fund balances, and applicable reserves, to equal the total amount appropriated
 1210 for each of the several funds set forth in the annual operating budget for defraying the
 1211 expenses of a higher level of services to be rendered in a special services area.

1212 **SECTION 7-407.**

1213 Limitation of funds.

1214 Upon certification by the COO that the revenues or other resources actually realized with
 1215 respect to any fund will be less than was anticipated and will be insufficient to meet the
 1216 amounts appropriated from such fund, it shall be the duty of the COO upon the instruction
 1217 of the mayor of the unified government to limit such appropriations as may be necessary to
 1218 prevent deficit operation.

1219 **SECTION 7-408.**

1220 Transfer of funds.

1221 Upon recommendation of the COO and approval of the mayor, the board may make interfund
 1222 or interdepartmental transfers in the current operating budget or capital improvements budget
 1223 at any regular or special meeting called for such purpose, provided funds are also available.

1224 **SECTION 7-409.**

1225 Lapse of appropriations.

1226 All unencumbered balances of appropriations in the current operating budget at the end of
 1227 the fiscal year shall lapse into the unappropriated surplus or reserves of the fund or funds
 1228 from which such appropriations were made.

1229 **SECTION 7-410.**

1230 Continuing audit.

1231 The auditor shall conduct a continuing internal audit of the fiscal affairs and operations of
 1232 every department, office, and agency of the unified government.

1233 **SECTION 7-411.**

1234 Postaudit.

1235 (a) The board shall provide annually for an independent audit of the accounts and other
 1236 evidences of financial transactions of the government of Macon-Bibb, Georgia, and of every
 1237 office, department, board, commission, authority, or other agency. The audit shall be made
 1238 by a certified public accountant who shall have no personal interest, direct or indirect, in the
 1239 fiscal affairs of Macon-Bibb, Georgia, or of any of its departments, offices, boards,

1240 commissions, authorities, or agencies. The board shall by competitive bids, taking into
 1241 consideration the lowest and best bid, designate such accountant or firm annually or for a
 1242 period not exceeding three years.

1243 (b) The audit may be conducted on a quarterly or continuing basis, and the final report of
 1244 the annual audit shall be completed as soon as practicable after the close of the fiscal year,
 1245 and in no event later than six months after the close of the fiscal year. The audit report shall
 1246 be filed with the COO and made available to the public.

1247 (c) The board may at any time order an examination or special audit of any office,
 1248 department, board, commission, or other agency of Macon-Bibb, Georgia.

1249 CHAPTER 5 - Procurement and Disposition of Property

1250 SECTION 7-501.

1251 Contracting procedures.

1252 The board shall prescribe by ordinance rules and regulations which must be followed in the
 1253 making of contracts in order to bind the government of Macon-Bibb, Georgia. Except where
 1254 otherwise provided by law or by ordinance, all contracts of the government of Macon-Bibb,
 1255 Georgia, shall be signed by the mayor and authenticated by the COO.

1256 SECTION 7-502.

1257 Sale and disposition of property.

1258 (a) The board is authorized to sell any real or personal property owned or held by
 1259 Macon-Bibb, Georgia, and not needed for governmental or other public purposes in such
 1260 manner as is required in state law for counties, as provided for in Code Sections 36-9-2 and
 1261 36-9-3 of the O.C.G.A.

1262 (b) The board is empowered to authorize the following transactions:

- 1263 (1) A transfer of any real or personal property owned by Macon-Bibb, Georgia, to
 1264 another governmental entity upon finding that such transfer is in the public interest;
- 1265 (2) A sale of any such property to another governmental entity; and
- 1266 (3) An exchange of such property for property that is owned privately or by some other
 1267 governmental entity.

1268 In each instance, whether the property is transferred, sold, or exchanged, the requirements
 1269 of a public sale shall not be required; but a statement thereof shall be published in the
 1270 newspaper designated as the legal organ of the unified government once a week for the two
 1271 weeks preceding the day in which such transaction is to be concluded. Such statement shall

1272 contain a description of the property or properties involved and the prices and estimated
1273 values as to each item of property.

1274 (c) Macon-Bibb, Georgia, may quitclaim any rights it may have in property not needed for
1275 public purposes upon a report by the COO of the unified government and the adoption by the
1276 board of a resolution, both finding that the property is not needed for public purposes and
1277 that the interest of the government of Macon-Bibb, Georgia, therein has no readily
1278 ascertainable monetary value.

1279 (d) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1280 of Macon-Bibb, Georgia, a small parcel or tract of land is cut off or separated by such work
1281 from a larger tract of land owned by Macon-Bibb, Georgia, the board may authorize the
1282 execution and deliverance in the name of the government of Macon-Bibb, Georgia, of a deed
1283 conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property
1284 owner or owners in exchange for rights of way in said street, avenue, alley, or public place,
1285 or in settlement of any alleged damages sustained by said abutting or adjoining property
1286 owner. All deeds and conveyances so executed and delivered shall convey all title and
1287 interest the government of Macon-Bibb, Georgia, has in such property.

1288 ARTICLE VIII

1289 GENERAL PROVISIONS

1290 SECTION 8-101.

1291 Application of laws; laws in force.

1292 (a) The general laws of the State of Georgia of a criminal nature shall be applicable to and
1293 within the limits of the unified government. General laws of local application through
1294 classification by population, not in conflict with this charter:

1295 (1) Which on the effective date of this charter apply to the City of Macon or Bibb
1296 County, Georgia, shall be applicable to the unified government; and

1297 (2) Which apply to Macon-Bibb, Georgia, as either a city or a county at the time of their
1298 enactment or thereafter shall be effective; but those which did not apply to the City of
1299 Macon or Bibb County or the unified government at the time of their enactment shall not
1300 become applicable to the unified government except through the adoption of a resolution
1301 to that effect by the board.

1302 (b) Local Acts of the State of Georgia which apply specifically to either Bibb County or the
1303 City of Macon, or both, shall be applicable to the unified government.

1304 (c) In construing the applicability of provisions of the Constitution and the general laws of
1305 Georgia which apply in general terms to either counties or municipalities, or both, and local
1306 Acts of the General Assembly that apply specifically to Bibb County or the City of Macon,

1307 or both, the following terms as used in such laws shall be construed to include the unified
1308 government as follows:

- 1309 (1) "County" shall be construed to include Macon-Bibb, Georgia;
- 1310 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
1311 include Macon-Bibb, Georgia;
- 1312 (3) "Commissioners of Roads and Revenues" and "Board of County Commissioners"
1313 shall be construed to include the Board of Commissioners of Macon-Bibb, Georgia;
- 1314 (4) "Council," "Mayor and Council," "Aldermen," and "Board of Aldermen" shall be
1315 construed to include the Board of Commissioners of Macon-Bibb, Georgia;
- 1316 (5) "Chairman of the Commissioners of Roads and Revenues" and "Chairman of the
1317 Board of County Commissioners" shall be construed to include the mayor of
1318 Macon-Bibb, Georgia;
- 1319 (6) "Mayor" shall be construed to include the mayor of Macon-Bibb, Georgia; and
- 1320 (7) Any other terms and provisions as used in such Acts to refer specifically to Bibb
1321 County or the City of Macon, or both, and the officers, employees, departments, and
1322 agencies thereof shall be construed to mean Macon-Bibb, Georgia, and its officers,
1323 employees, departments, and agencies.

1324 (d) In construing the applicability of laws in force to the unified government, the following
1325 order shall prevail:

- 1326 (1) The Constitution of the State of Georgia;
- 1327 (2) The general laws of uniform application now in force or hereafter enacted by the
1328 General Assembly (as distinguished from general laws of local application through
1329 classification by population) applicable to municipal corporations or counties, or both;
- 1330 (3) The general laws of local application through classification by population as and to
1331 the extent provided in subsection (a) of this section;
- 1332 (4) Special laws applicable to Bibb County not in conflict with this charter;
- 1333 (5) Special laws applicable to the City of Macon not in conflict with this charter;
- 1334 (6) This charter and all ordinances and resolutions passed pursuant thereto; and
- 1335 (7) Existing ordinances and resolutions of the former City of Macon and existing
1336 ordinances and resolutions of the former County of Bibb not in conflict with this charter.

1337 **SECTION 8-102.**

1338 Limitation on claims and service.

1339 (a) All contractual claims against the unified government shall be presented within 12
1340 months after they accrue or become payable or the same as claimed, unless held by minors

1341 or other persons laboring under disabilities, who are allowed 12 months after the removal of
1342 such disability.

1343 (b) Service on the unified government of any suit, process, or order of court shall be served
1344 upon the mayor.

1345 **SECTION 8-103.**

1346 Tort and nuisance liability.

1347 The tort and nuisance liability of the unified government shall follow the law and rules of tort
1348 liability applicable to counties in Georgia.

1349 **SECTION 8-104.**

1350 Conflict of laws.

1351 For purposes of all applicable laws, the unified government of Macon-Bibb, Georgia, shall
1352 constitute a municipality and a county, or both. Except as otherwise provided by this charter,
1353 if a law applicable to municipalities and the same or another law applicable to counties are
1354 in conflict, the law applicable to municipalities shall prevail.

1355 **SECTION 8-105.**

1356 Competitive bidding.

1357 All departments and agencies of the unified government shall utilize competitive bidding
1358 procedures, as specified in an ordinance of the board, for all purchases in excess of an
1359 amount provided for in an ordinance of the board, unless such purchase shall be otherwise
1360 approved by six of the nine commissioners.

1361 **SECTION 8-106.**

1362 Execution of assessments.

1363 Whenever any tax or special assessment is authorized or empowered to be levied or imposed
1364 by this charter which is required to be collected by the unified government and such is not
1365 paid within the time period specified by the board and no specific provision is elsewhere
1366 provided in this charter for its collection, then the COO shall issue execution in the name of
1367 Macon-Bibb, Georgia, against such person, firm, or entity liable therefor or property subject
1368 thereto for such sums as may be due with interest at the legal rate from due date, and
1369 penalties and costs. The unified government shall have the right to enforce payment of such
1370 execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall

1371 acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued
 1372 by the COO of Macon-Bibb, Georgia, and the levy and sale thereunder shall be governed by
 1373 general law.

1374 **SECTION 8-107.**

1375 Authority to deal with federal and state agencies.

1376 The unified government of Macon-Bibb, Georgia, shall have the power and authority to
 1377 participate in, cooperate in, and take all necessary action with respect to any and all projects,
 1378 programs, and undertakings of any nature authorized by any statute, rule, or regulation of the
 1379 United States, the State of Georgia, or any federal or state agency or instrumentality,
 1380 including, but not limited to, community development, highways, aviation, aviation
 1381 terminals, airports, airport facilities, municipal area or regional development, sewer and
 1382 sewage disposal, public housing, housing for the aged, and transportation or mass transit or
 1383 any phase thereof; to borrow money and issue promissory notes, general obligation bonds,
 1384 or revenue bonds or a combination thereof for any such purposes in accordance with
 1385 provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal
 1386 agency, secured by property of which the unified government is the legal or beneficial or
 1387 equitable owner, or in favor of any private agency where the loan is guaranteed by a federal
 1388 agency.

1389 **SECTION 8-108.**

1390 Federal and state aid.

1391 The unified government of Macon-Bibb, Georgia, shall be deemed a county but shall also
 1392 be deemed an incorporated city or municipality for the purpose of determining its right to
 1393 receive and for the purpose of receiving state aid or grant-in-aid from the State of Georgia
 1394 or from the United States or from any agency or instrumentality thereof or from any other
 1395 source, public or private. The unified government shall be entitled to receive as state aid or
 1396 as grant-in-aid from the State of Georgia or from the United States or from any agency or
 1397 instrumentality thereof or from any other source, public or private, all funds to which a
 1398 county is, or may hereafter be, entitled, and also all funds to which an incorporated city or
 1399 municipality is, or may be hereafter entitled, and to receive the same without diminution or
 1400 loss by reason of unification. When state aid or other grant-in-aid is distributed to any
 1401 county on the basis of population or area, or both, then the entire population and the total
 1402 area of Macon-Bibb, Georgia, shall be considered in calculating and determining the basis
 1403 for such distribution. When state aid or other grant-in-aid is distributed to any county on the

1404 basis of rural area, rural road mileage, or rural population, or any combination thereof, then
 1405 that area of the general services area outside of the urban services area or areas of
 1406 Macon-Bibb, Georgia, shall be deemed to constitute rural area, its road mileage to constitute
 1407 rural road mileage, and its population to constitute rural population. When state aid or other
 1408 grant-in-aid is distributed to any incorporated city or municipality on the basis of population
 1409 or area, or both, then the population or the area of the urban services area or areas of
 1410 Macon-Bibb, Georgia, shall be deemed the population and the area used in calculating and
 1411 determining the basis of such distribution.

1412 **SECTION 8-109.**

1413 **Budgets of county officers and agencies.**

1414 All elected officers and all agencies not under the direct control and jurisdiction of the COO,
 1415 such as the Board of Health and the Board of Family and Children Services, which receive
 1416 appropriations from the board, shall, on the same date as is applicable to budgets submitted
 1417 by department heads, submit to the COO annual operating and capital budget requests for the
 1418 ensuing fiscal year. Such budget requests, after any revisions therein by the COO and the
 1419 mayor, shall be incorporated into the overall unified government budget for submission by
 1420 the mayor to the board, which shall grant a hearing to any such officer or agency on such
 1421 proposed budgets.

1422 **SECTION 8-110.**

1423 **Existing pension rights protected.**

1424 (a) Persons who, at the time this charter takes effect, are employed by any office,
 1425 department, board, commission, or agency of the former City of Macon shall retain all
 1426 pension rights which have accrued to them under any existing pension system. Macon-Bibb,
 1427 Georgia, shall continue in force and effect any existing pension system for city employees
 1428 covered thereby who are employed by the unified government, and the services of such
 1429 employees shall not be deemed to have been interrupted by the adoption of this charter.
 1430 (b) Persons who, at the time this charter takes effect, are employed by any office,
 1431 department, board, commission, or agency of the former County of Bibb shall retain all rights
 1432 which have accrued to them under any existing pension system. Macon-Bibb, Georgia, shall
 1433 continue in force and effect any existing pension system for county employees covered
 1434 thereby who are employed by the unified government, and the services of such employees
 1435 shall not be deemed to have been interrupted by the adoption of this charter.

SECTION 8-111.

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Establishment of new pension systems; merging of existing systems.

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The board is hereby authorized and empowered to establish and maintain a new pension system or pension systems affecting new employees and such other employees as desire to be covered thereby and to revise, combine, and consolidate any pension system in effect on the effective date of this charter; provided, however, that in no event shall any revision, combination, or unification of any existing pension system in effect when this charter is adopted result in the curtailment or diminishment of any right accrued under any existing pension system to any person heretofore employed by the City of Macon, Bibb County, or of any agency of such former governments.

SECTION 8-112.

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1447

Amending charter.

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

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- (1) An Act of the General Assembly of Georgia; or
- (2) An ordinance adopted by the Board of Commissioners of Macon-Bibb, Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia.

SECTION 8-113.

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Fidelity bonds.

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All officers of Macon-Bibb, Georgia, both elected and appointed, shall execute such official bonds in such amounts and upon such terms and conditions as the law or the board may require.

SECTION 8-114.

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Examples of powers.

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The powers of Macon-Bibb, Georgia, shall include, but shall not be limited to, the following powers:

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

- 1465 (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in
1466 accordance therewith;
- 1467 (3) Business regulation and taxation: to levy, assess, and collect occupation taxes and
1468 to license and regulate occupations and businesses;
- 1469 (4) Appropriations: to make appropriations and expend funds for support of the unified
1470 government and any other lawful purpose;
- 1471 (5) Debts: to borrow money and issue bonds as authorized by general law;
- 1472 (6) Property: to own property and interests in property;
- 1473 (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of
1474 the unified government on such terms as the donor may impose;
- 1475 (8) Condemnation: to condemn property inside the unified government for present or
1476 future use;
- 1477 (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- 1478 (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe
1479 the conditions of such franchises and contracts;
- 1480 (11) Roadways: to open, maintain, improve, and close streets and roads and to grant
1481 franchises and rights of way thereon;
- 1482 (12) Public facilities: to acquire, operate, and dispose of public buildings, public
1483 projects, parks, cemeteries, recreational facilities, and other public improvements inside
1484 the unified government;
- 1485 (13) Building regulation: to regulate the building trades and the construction of
1486 buildings and to adopt and enforce building, housing, plumbing, electrical, gas, heating,
1487 and air-conditioning codes;
- 1488 (14) Planning and zoning: to adopt land use plans and exercise the power of zoning,
1489 subdivision regulation, and the like;
- 1490 (15) Police power: to exercise the police power for the public safety and well-being of
1491 the citizens of the unified government;
- 1492 (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon
1493 or adjacent to streets and roads;
- 1494 (17) Health: to prescribe and enforce health and sanitation standards;
- 1495 (18) Pollution: to regulate emissions which pollute the air and water;
- 1496 (19) Fire safety: to fix fire limits and to prescribe and enforce fire safety regulations;
- 1497 (20) Public hazards: to provide for the destruction or removal of public hazards;
- 1498 (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling
1499 of garbage and wastes;
- 1500 (22) Garbage fees: to fix and collect garbage fees;
- 1501 (23) Nuisances: to define and provide for the abatement of nuisances;

- 1502 (24) Property protection: to preserve and protect the property of the unified government;
 1503 (25) Prisoners: to provide for public work by prisoners and for their confinement;
 1504 (26) Animal control: to regulate or prohibit the keeping of animals;
 1505 (27) Motor vehicles: to regulate the operation and parking of motor vehicles;
 1506 (28) Taxicabs: to regulate vehicles operated for hire in the unified government;
 1507 (29) Pensions: to provide and maintain a system of pensions and retirement for
 1508 employees and officers of the unified government;
 1509 (30) Special assessments: to levy, assess, and collect special assessments to cover the
 1510 cost of public improvements;
 1511 (31) Contracts: to enter into lawful contracts and agreements;
 1512 (32) Agencies: to create, alter, or abolish departments, boards, offices, commissions,
 1513 authorities, and agencies of the unified government and to confer appropriate authority
 1514 upon them;
 1515 (33) Penalties: to provide penalties for violations of ordinances of the unified
 1516 government;
 1517 (34) Police and fire protection: to exercise the power of arrest through appointed
 1518 policemen and to operate a fire department;
 1519 (35) Emergencies: to provide for the determination, proclamation, and combating of
 1520 emergencies;
 1521 (36) Urban redevelopment: to organize and operate an urban redevelopment program;
 1522 (37) Public transportation: to organize and operate public transportation systems; and
 1523 (38) General health, safety, and welfare: to define, regulate, and prohibit any act,
 1524 practice, conduct, or use of property which is detrimental to the health, sanitation,
 1525 cleanliness, welfare, and safety of the inhabitants of the unified government.

1526 **SECTION 8-115.**

1527 Provision of services.

- 1528 When determining services to be provided, the unified government of Macon-Bibb, Georgia,
 1529 shall always attempt:
- 1530 (1) To efficiently allocate resources to increase the quality of life for all citizens of
 1531 Macon-Bibb;
 1532 (2) To provide the highest quality services to all citizens of Macon-Bibb;
 1533 (3) To ensure efficient utilization of community resources;
 1534 (4) To promote equity for all citizens in the delivery of governmental services throughout
 1535 Macon-Bibb; and

1536 (5) To recognize and consider the advantages of the provision of services through
1537 contractual arrangements with other governments and private enterprises.

1538 **SECTION 8-116.**

1539 Historic items.

1540 It shall be the responsibility of the unified government to collect, preserve, and display
1541 documents and other items of historical significance to the City of Macon and Bibb County.

1542 **SECTION 8-117.**

1543 Section captions.

1544 The captions to the several sections of this charter are informative only and are not be
1545 construed as a part thereof.

1546 **SECTION 8-118.**

1547 Effect of repeals.

1548 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein
1549 of the repealing Act or by any provision of this charter that disclaims an intention to repeal
1550 or affect enumerated laws.

1551 **SECTION 8-119.**

1552 Severability clause.

1553 If any provision of this charter or the application thereof to any person or circumstance is
1554 held invalid, such invalidity shall not affect other provisions or applications of this charter
1555 which can be given effect without the invalid provision or application, and to this end, the
1556 provisions of this charter are declared to be severable.

1557 **SECTION 8-120.**

1558 Repeal of conflicting laws.

1559 All laws and parts of laws in conflict with this charter are hereby repealed.

1560 ARTICLE IX

1561 TRANSITION PROVISIONS

1562 SECTION 9-101.

1563 Election of first officials.

1564 (a) The initial election for the purpose of electing the first mayor and members of the board
 1565 of commissioners of the unified government shall be held on the Tuesday next following the
 1566 first Monday in November, 2012. The board of elections shall publish notice of the call for
 1567 such election in the newspaper in which the Bibb County sheriff's advertisements appear at
 1568 least 30 days prior to the date of such election.

1569 (b) The election shall be held in accordance with the provisions of Chapter 2 of Title 21 of
 1570 the O.C.G.A., the "Georgia Election Code." Within 30 days following the approval of this
 1571 charter as provided in Section 9-115 of this charter, the Board of Elections of Bibb County
 1572 shall prepare a list of qualified voters for each of the seven commission districts described
 1573 in Appendix A of this charter. The officials elected at such election shall commence the
 1574 terms of their office on the effective date of this charter.

1575 (c) The qualifications for office for such initial election shall be as prescribed by applicable
 1576 provisions of this charter.

1577 (d) Any elected official of Bibb County or of any municipality lying wholly or partially
 1578 therein and who is otherwise qualified under this charter shall be entitled to qualify and run
 1579 for an office of the unified government.

1580 SECTION 9-102.

1581 Initial terms of office.

1582 The initial terms of the mayor and commissioners of the unified government elected at the
 1583 November, 2012, election from the odd-numbered districts shall be for four years. The initial
 1584 terms of the first commissioners of the unified government elected at the November, 2012,
 1585 election from even-numbered districts shall be for two years. Such terms shall commence
 1586 on January 1, 2013. Thereafter elections, all commissioners shall be elected for four-year
 1587 terms.

1588 **SECTION 9-103.**

1589 Provision of services during transition.

1590 In order to unify the two governments and to assure the common and continued
1591 administration of services currently provided by both the City of Macon and Bibb County,
1592 the following procedures shall apply:

1593 (1) On January 1, 2013, all services currently provided by the county shall be provided
1594 through the general services area to all residents of the county, and all services provided
1595 by the city shall be provided through the urban services area to the current residents of
1596 the City of Macon. Assuming the continued availability of state and federal funds, these
1597 service arrangements shall apply until modified as provided under the provisions cited
1598 in this section;

1599 (2) Not later than January 1, 2016, the unified government shall adopt a service delivery
1600 plan that includes, but is not limited to, the following:

1601 (A) An administrative mechanism with appropriate status and adequate budget to
1602 develop and implement a comprehensive program of human and economic
1603 development. The program shall be responsible for identifying problems and needs that
1604 exist in the community and for identifying and securing resources needed to effectively
1605 address these problems and needs. The program shall encourage efforts to enable,
1606 empower, and involve the disadvantaged; address the causes of crime; work to enhance
1607 the quality of life of all citizens; and to help ensure that the unified government will be
1608 responsive to the needs of all citizens; and

1609 (B) An administrative mechanism with appropriate status and adequate budget to
1610 develop and implement adequate parks and recreation programs that will be available
1611 to all citizens of Macon-Bibb; and

1612 (3) The unified government shall work with due speed to equalize the charges for all
1613 services throughout the county.

1614 **SECTION 9-104.**

1615 Existing employees.

1616 (a) The unified government shall give hiring preference to full-time employees of the City
1617 of Macon and Bibb County and full-time employees of any department, office, or agency
1618 thereof upon the termination of said city and county governments and the inception of the
1619 unified government.

1620 (b) No person shall be appointed to, removed from, or in any way favored or discriminated
 1621 against with respect to any position in the unified government because of race, gender,
 1622 religion, age, handicap, or national origin.

1623 **SECTION 9-105.**

1624 Initial budget.

1625 (a) Until July 1, 2013, Macon-Bibb, Georgia shall operate under the funds remaining from
 1626 the fiscal year of the combined budgets of the City of Macon and Bibb County.

1627 (b) The first full 12 month budget of the unified government for fiscal year 2013 shall not
 1628 exceed an amount equal to the combined fiscal year general operating budgets of the City of
 1629 Macon and Bibb County, plus increases due to inflation as specified in the Consumer Price
 1630 Index, but not including capital road improvement and other special revenue funds.

1631 **SECTION 9-106.**

1632 Number of employees.

1633 From January 1, 2013, until July 1, 2013, the total number of employees of Macon-Bibb,
 1634 Georgia, shall not exceed the combined number of employees authorized for the
 1635 governments of the City of Macon and Bibb County on the effective date of this charter
 1636 except as otherwise mandated by law.

1637 **SECTION 9-107.**

1638 Cooperation of former governments.

1639 (a) All officers, officials, and employees of the former City of Macon and Bibb County shall
 1640 cooperate with and assist the mayor, the board, the chief operating officer, and other officers
 1641 of Macon-Bibb, Georgia:

1642 (1) In planning the unification of departments, boards, commissions, and agencies of said
 1643 former governments and in transferring the functions, duties, and responsibilities of such
 1644 departments, boards, commissions, authorities, and agencies to the appropriate agencies
 1645 of the unified government of Macon-Bibb, Georgia; and

1646 (2) In all other respects in order that the transfer of the governments be accomplished in
 1647 the most orderly manner possible. The officers of the unified government shall be
 1648 entitled to examine all records, files, and other data in the possession of the former
 1649 governments and of all officers, officials, employees, and departments thereof. The

1650 former governments shall, to the extent possible, provide working areas and facilities for
 1651 the officers of the unified government.

1652 (b) A schedule for activity during the transition period is contained in Appendix B, attached
 1653 to and made a part of this charter.

1654 **SECTION 9-108.**

1655 Existing ordinances and resolutions continued in effect.

1656 (a) Subject to subsection (d) of this section, existing ordinances and resolutions of the
 1657 Commission of Bibb County and existing rules and regulations of county departments or
 1658 agencies, not inconsistent with the provisions of this charter, shall continue in effect as
 1659 ordinances, resolutions, rules, or regulations of Macon-Bibb, Georgia, or the appropriate
 1660 department or agency thereof until they have been repealed, modified, or amended.

1661 (b) Subject to subsection (d) of this section, existing ordinances and resolutions of the City
 1662 of Macon, not inconsistent with the provisions of this charter, shall continue in effect as
 1663 ordinances and resolutions of Macon-Bibb, Georgia, and shall apply only to the area included
 1664 within the urban services area until they have been repealed, modified, or amended.

1665 (c) Subject to subsection (d) of this section, in the event of a conflict between any of the
 1666 ordinances or resolutions continued by this section, the provisions thereof shall apply only
 1667 to the territory of the unified government that such ordinance or resolution applied prior to
 1668 the effective date of this charter and until such ordinance or resolution is repealed, changed,
 1669 or amended to eliminate the conflict.

1670 (d) Prior to this date, the board shall review all ordinances and resolutions and take whatever
 1671 action is needed to remove any conflicts between ordinances and resolutions continued by
 1672 this section in order to produce a uniform body of ordinances and resolutions free of any
 1673 conflicts or contradictions between such provisions. This provision shall not prohibit the
 1674 unified government from ratifying existing ordinances or adopting new ordinances that
 1675 differentiate based on reasonable factors as determined by the board, including, but not
 1676 limited to, population density.

1677 **SECTION 9-109.**

1678 Contracts and obligations.

1679 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and
 1680 other obligations or instruments entered into by Bibb County or for its benefit prior to the
 1681 effective date of this charter shall continue in effect according to the terms thereof as
 1682 obligations and rights of the unified government; provided, however, that any obligation

1683 created by Bibb County to become effective after the date of approval of this charter and
1684 prior to the effective date of this charter shall be subject to ratification and approval by the
1685 Board of Commissioners of Macon-Bibb, Georgia, within six months following the effective
1686 date of this charter.

1687 (b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other
1688 obligations or instruments entered into by the City of Macon or for its benefit prior to the
1689 effective date of this charter shall continue in effect according to the terms thereof as
1690 obligations and rights of the unified government; provided, however, that any obligation
1691 created by the City of Macon to become effective after the date of approval of this charter
1692 and prior to the effective date of this charter shall be subject to ratification and approval by
1693 the Board of Commissioners of Macon-Bibb, Georgia, within six months following the
1694 effective date of this charter.

1695 (c) No pending action or proceeding of any nature (whether civil, criminal, judicial,
1696 administrative, or other) by or against the City of Macon or Bibb County or an agency or
1697 department thereof shall be abated or otherwise affected by the adoption of this charter, and
1698 Macon-Bibb, Georgia, shall stand substituted as a party in lieu thereof.

1699 **SECTION 9-110.**

1700 Dissolution of existing governments.

1701 (a) On January 1, 2013, the Commission of Bibb County and the mayor and Council of the
1702 City of Macon and all the officers thereof and the offices thereof not continued under this
1703 charter are abolished, and all emoluments appertaining thereto shall cease. Thereupon, the
1704 governments of Bibb County and the City of Macon shall terminate as separate political
1705 entities, and all powers, functions, duties, and obligations thereof shall be transferred to and
1706 vested in the unified government created by this charter.

1707 (b) The term of the mayor and councilmembers for the City of Macon whose terms expire
1708 in 2011 shall be extended for a period of one year, and there shall be no municipal election
1709 held for councilmembers in 2011.

1710 **SECTION 9-111.**

1711 Transfer of records and equipment.

1712 When an agency of the City of Macon or of Bibb County is abolished or unified by this
1713 charter, all books, papers, maps, charts, plans, records, other equipment, and personal
1714 property in possession of the same shall be delivered to the agency to which its rights,
1715 powers, duties, and obligations are transferred.

1716 **SECTION 9-112.**

1717 Officers serve until successors qualify.

1718 Notwithstanding any other provision of this charter, any officer performing duties under the
 1719 government of the City of Macon or Bibb County may continue to perform the duties thereof
 1720 until a successor, whether under the same title or office of another, shall be elected or
 1721 appointed and qualified to perform the duties, it being the intention hereof that no duty or
 1722 service shall lapse or be abandoned because of lack of an officer to perform same.

1723 **SECTION 9-113.**

1724 Changes required by the U.S. Department of Justice
 1725 after adjournment of the General Assembly.

1726 (a) In order to ensure that a referendum on the question of the creation of Macon-Bibb will
 1727 be held on the earliest possible date, the General Assembly, as provided in Article IX,
 1728 Section III, Paragraph II (a) of the Constitution of the State of Georgia, hereby authorizes the
 1729 original 15 member Macon-Bibb Unification Commission for Better Government, in
 1730 consultation with the members of the Bibb County legislative delegation, the power to amend
 1731 this charter to satisfy any required changes raised by the United States Department of Justice
 1732 after the adjournment of the 2010 session of the General Assembly.

1733 (b) If any member of the Macon-Bibb Unification Commission for Better Government is
 1734 unable to participate in such an effort for any reason, including, but not limited to, death,
 1735 illness, unwillingness, or nonresidency in Bibb County, the remaining members shall select
 1736 a citizen of Bibb County to assume the vacant position.

1737 **SECTION 9-114.**

1738 Referendum on the charter.

1739 (a) Not less than 30 days nor more than 60 days after receipt of the certified copy of the
 1740 proposed charter and after receipt of approval by the Department of Justice of such proposed
 1741 charter, it shall be the duty of the Bibb County Board of Elections to call a special election
 1742 for approval or rejection of the proposed charter. The date of the election shall be the date
 1743 of the state-wide general election in 2010. The board shall cause the date and purpose of the
 1744 election to be published once a week for two calendar weeks immediately preceding the date
 1745 thereof in the official legal organ of Bibb County. The ballot shall have written or printed
 1746 thereon the following:

1747 " YES Shall the charter unifying the governments of the City of Macon and Bibb
 1748 County and creating a single county-wide government to supersede and
 1749 NO replace those governments and which extends the terms of the mayor and
 1750 certain councilmembers of the City of Macon for one year be approved?"

1751 (b) All persons desiring to vote for approval of the charter shall vote "YES," and those
 1752 persons desiring to vote for rejection of the charter shall vote "NO." If more than one-half
 1753 of the votes cast by the qualified voters of Bibb County residing within the corporate limits
 1754 of the City of Macon are for approval of the charter and if more than one-half of the total
 1755 votes cast by all the qualified voters of Bibb County are for approval of the charter, then the
 1756 charter shall become effective. Otherwise, it shall be void and of no force and effect. The
 1757 expense of such election shall be borne equally by the City of Macon and Bibb County.

1758 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
 1759 O.C.G.A., the "Georgia Election Code."

1760 (d) A qualified voter, as used herein, shall mean a voter of Bibb County qualified to vote for
 1761 members of the General Assembly of Georgia. The board shall certify the returns to the
 1762 Secretary of State. The board shall also furnish a certified copy of the charter to the
 1763 Secretary of State. The Secretary of State shall issue a proclamation showing and declaring
 1764 the result of the election on the approval or rejection of the charter. One copy of the
 1765 proclamation shall be attached to the copy of the charter certified to the Secretary of State.
 1766 One copy of the proclamation shall be delivered to the clerk of the governing authority of the
 1767 City of Macon who shall attach the same to the copy of the charter previously certified to
 1768 him or her. One copy of the proclamation shall be delivered to the clerk of the governing
 1769 authority of Bibb County who shall attach the same to the copy of the charter previously
 1770 certified to him or her.

1771 (e) Whenever a charter for the unification of the governments of the City of Macon and Bibb
 1772 County has been accepted, the above-certified copies thereof, with the proclamation of the
 1773 Secretary of State of Georgia attached thereto, shall be deemed duplicate original copies of
 1774 the charter of the unified government for all purposes. The certified copy of the charter and
 1775 proclamation deposited with the clerk of the governing authority of the City of Macon and
 1776 the certified copy of the charter and proclamation deposited with the clerk of the governing
 1777 authority of Bibb County shall subsequently be delivered by them to the successor
 1778 government. The successor government may issue certified copies of the charter, and any
 1779 copy so certified shall be deemed a duplicate original copy of the charter of the unified
 1780 government for all purposes. The Secretary of State is authorized to issue certified copies
 1781 of the charter on file, and copies so certified shall be deemed duplicate original copies of the
 1782 charter of the unified government for all purposes.

1783 **SECTION 9-115.**

1784 Effective dates.

1785 Section 9-101 of this charter, relating to initial elections, subsection (b) of Section 9-110 of
 1786 this charter, relating to the extension of terms of certain City of Macon councilmembers, and
 1787 Section 9-114 of this charter, relating to a referendum, shall become effective on July 1,
 1788 2010. The remaining sections of this charter shall become effective on January 1, 2013.

1789 Appendix A

1790 For the purpose of electing the seven members of the board from commissioner districts, the
 1791 territory of Macon-Bibb shall be divided into the following districts, which are described by
 1792 the use of census terms:

1793 For the purposes of this appendix:

1794 (1) The terms "Tract," "Census Tract," "Block Group," and "Block" mean and shall
 1795 describe the same geographical boundaries as provided in the report of the Bureau of the
 1796 Census for the United States decennial census of 1980 for the State of Georgia.

1797 (2) Any part of Macon-Bibb, Georgia, which is not included in any district described in
 1798 this appendix shall be included within that district contiguous to such part which contains
 1799 the least population according to the United States decennial census of 1980 for the State
 1800 of Georgia.

1801 Appendix B

1802 Transition Schedule and Plan

1803 The following four-stage transition plan shall govern the implementation of this Act:

1804 Stage 1: Referendum on Charter to Initial Election

1805 Upon approval of unification, a transition team shall be formed. The transition team shall
 1806 be appointed and charged with anticipating implementation responsibilities, issues, and
 1807 opportunities related to the unification of the two governments. Their effort will involve
 1808 collecting data, assembling facts, and presenting options to the unified government officials
 1809 when they take office. The transition team shall not have any decision-making power and
 1810 will serve in an advisory function to the new government until such time as the newly elected
 1811 officials assume the responsibilities described below.

1812 The transition team shall consist of: the county administrator; the city administrator; one
1813 appointee of the mayor of the City of Macon who shall not be an elected official nor an
1814 employee of the City of Macon; one appointee of the chairman of the Bibb County Board of
1815 Commissioners who shall not be an elected official nor an employee of Bibb County; one
1816 individual appointed by the mayor of Payne City who shall not be an elected official or an
1817 employee of the city; and two members of the charter commission selected by the Bibb
1818 County legislative delegation on February 1, 2011, one of whom shall serve as chair of the
1819 transition team.

1820 Stage 2: Initial Election to December 31, 2012.

1821 The newly elected government assumes limited powers to plan for new government. During
1822 this time, the mayor and board may exercise the following powers:

1823 (a) Begin preparation for the appointment of the COO, attorney, and auditor;

1824 (b) Hold meetings, establish committees, plan the establishment of boundaries of the general
1825 and urban services districts, and plan for and schedule the initial organization of the unified
1826 government in accordance with the applicable provisions of this charter. The mayor and
1827 board shall be authorized to receive and expend appropriations from the Macon City Council
1828 and the Bibb County Board of Commissioners for the purposes of performing its
1829 responsibilities as provided herein;

1830 (c) Initiation of the preparation of the initial budget of the unified government;

1831 (d) Begin preparation of plans and schedules for the unification of the various departments
1832 and agencies of the City of Macon and Bibb County;

1833 (e) All officers, officials, and employees of the City of Macon and Bibb County shall
1834 cooperate and assist the mayor, board, and other officers of the unified government in
1835 planning for and scheduling the unification of departments, boards, and commissions of said
1836 former governments, and in transferring functions, duties, and responsibilities of such
1837 departments, boards, commissions, and agencies to the appropriate agencies of the unified
1838 government and in all other respects in order that the transfer of the governmental and
1839 corporate functions of the former governments shall be accomplished in the most orderly
1840 manner possible. The mayor, board, and officers of the unified government shall be entitled
1841 to examine all records, files, and other data in possession of the former governments and all
1842 officers, officials, and employees thereof. The former governments shall, to the extent
1843 possible, provide working areas and facilities to the transition team and the newly elected
1844 mayor and board of the unified government.

1845 Stage 3: January 1, 2013, to July 1, 2013.

1846 The unified government of Macon-Bibb, Georgia, takes office operating under the combined
1847 city and county budgets subject to the budget and employee caps specified above. The
1848 unified government budget for fiscal year 2014 is prepared. During this period, the
1849 government would begin combining operations.

1850 Stage 4: July 1, 2013, to December 31, 2013.

1851 The unified government begins operation under the first unified government budget. The
1852 budget for this fiscal year, 2014, shall be capped by combining the 2013 budgets of the city
1853 and county, plus increases due to inflation, as reflected in the Consumer Price Index.