

House Bill 122 (AS PASSED HOUSE AND SENATE)

By: Representatives Frazier of the 123rd, Jackson of the 142nd, and Burns of the 157th

A BILL TO BE ENTITLED
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate Boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

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

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

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

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

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

197 license, tax, regulate, or prohibit professional fortunetelling, palmistry, and massage
 198 parlors; and to restrict adult bookstores to certain areas;

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

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

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

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

209 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 210 and

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

222 **SECTION 1.14.**

223 Exercise of powers.

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

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ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.10.
City council creation; number; election.

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The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six (6) councilmembers. The city will be divided into three wards for the purpose of elections, which wards shall be designated as Ward I, Ward II, and Ward III. Two councilmembers will be elected from each ward by the voters in that ward. Each ward shall represent a defined geographical area of the city. The ward boundaries of this city at all times shall be shown on a map, a written description or any combination thereof, to be retained permanently in the city hall and to be designated, as the case may be "Official Map (or Description) of the ward boundaries of the City of Waynesboro, Georgia." The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the ward boundaries. A redrawn map shall supersede for all purposes the entire map which it is designated to replace. The city council established shall in all respects be successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

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SECTION 2.11.
City councilmembers;
terms and qualifications for office.

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The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as a councilmember unless that person shall have been a resident of the city for 12 months prior to the date of election of members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city. In addition to the above requirements, no person shall be eligible to serve as a councilmember representing a council ward unless that person has been a resident of the ward such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for councilmember and continues to reside in such ward during that person's period of service.

259 **SECTION 2.12.**

260 Vacancy; filling of vacancies; suspensions.

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

265 (b) Filling of Vacancies—A vacancy in the office of mayor or councilmember shall be filled
 266 for the remainder of the unexpired term, if any, by appointment by the city council or those
 267 members remaining if less than 14 months remains in the unexpired term. If such vacancy
 268 occurs 14 months or more prior to the expiration of the term of that office, it shall be filled
 269 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
 270 of this Charter.

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

273 **SECTION 2.13.**

274 Compensation and expenses.

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

277 **SECTION 2.14.**

278 Conflicts of interest; holding other offices.

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

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

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

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

- 291 (3) Disclose confidential information, including information obtained at meetings which
292 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
293 government, or affairs of the governmental body by which that person is engaged without
294 proper legal authorization or use such information to advance the financial or other
295 private interest of that person or others;
- 296 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
297 from any person, firm, or corporation which to that person's knowledge is interested,
298 directly or indirectly, in any manner whatsoever, in business dealings with the
299 governmental body by which that person is engaged; provided, however, that an elected
300 official who is a candidate for public office may accept campaign contributions and
301 services in connection with any such campaign;
- 302 (5) Represent other private interests in any action or proceeding against this city or any
303 portion of its government; or
- 304 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
305 any business or entity in which that person has a financial interest.
- 306 (c) Disclosure—Any elected official, appointed officer, or employee who shall have any
307 financial interest, directly or indirectly, in any contract or matter pending before or within
308 any department of the city shall disclose such interest to the city council. The mayor or any
309 councilmember who has a financial interest in any matter pending before the city council
310 shall disclose such interest and such disclosure shall be entered on the records of the city
311 council, and that person shall disqualify himself or herself from participating in any decision
312 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
313 or political entity to which this charter applies who shall have any financial interest, directly
314 or indirectly, in any contract or matter pending before or within such entity shall disclose
315 such interest to the governing body of such agency or entity.
- 316 (d) Use of public property—No elected official, appointed officer, or employee of the city
317 or any agency or entity to which this charter applies shall use property owned by such
318 governmental entity for personal benefit, convenience, or profit except in accordance with
319 policies promulgated by the city council or the governing body of such agency or entity.
- 320 (e) Contracts voidable and rescindable—Any violation of this section which occurs with the
321 knowledge, express or implied, of a party to a contract or sale shall render such contract or
322 sale voidable at the option of the city council.
- 323 (f) Ineligibility of elected official—Except where authorized by law, neither the mayor nor
324 any councilmember shall hold any other elective or compensated appointive office in the city
325 or otherwise be employed by said government or any agency thereof during the term for
326 which that person was elected. No former councilmember and no former mayor shall hold

327 any compensated appointive office in the city until one year after the expiration of the term
328 for which that person was elected.

329 (g) Political activities of certain officers and employees—No appointed officer and no
330 employee of the city shall continue in such employment upon qualifying as a candidate for
331 nomination or election to any public office. No employee of the city shall continue in such
332 employment upon election to any public office in this city or any other public office which
333 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
334 determination shall be made by the mayor and city council either immediately upon election
335 or at any time such conflict may arise.

336 (h) Penalties for violation—

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

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

344 **SECTION 2.15.**

345 Inquiries and investigations.

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

352 **SECTION 2.16.**

353 General power and authority of the city council.

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

356 (b) In addition to all other powers conferred upon it by law, the council shall have the
357 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
358 regulations, not inconsistent with this charter and the Constitution and the laws of the State
359 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,

360 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,
361 or well-being of the inhabitants of the City of Waynesboro and may enforce such ordinances
362 by imposing penalties for violation thereof.

363 **SECTION 2.17.**

364 Eminent domain.

365 The city council is hereby empowered to acquire, construct, operate and maintain public
366 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
367 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
368 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
369 penal and medical institutions, agencies and facilities, and any other public improvements
370 inside or outside the city, and to regulate the use thereof, and for such purposes, property
371 may be condemned under procedures established under general law applicable now or as
372 provided in the future.

373 **SECTION 2.18.**

374 Organizational meetings.

375 The city council shall hold an organizational meeting on the first Monday in January. The
376 meeting shall be called to order by the mayor and the oath of office shall be administered to
377 the newly elected members by an officer authorized to administer oaths and shall, to the
378 extent that it comports with federal and state law, be as follows:

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

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SECTION 2.19.

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Regular and special meetings.

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

395 (b) Special meetings of the city council may be held on call of the mayor or any two
396 members of the city council. Notice of such special meetings shall be served on all other
397 members personally, or by telephone personally, at least 48 hours in advance of the meeting.
398 Such notice to councilmembers shall not be required if the mayor and all councilmembers
399 are present when the special meeting is called. Such notice of any special meeting may be
400 waived by a councilmember in writing before or after such a meeting, and attendance at the
401 meeting shall also constitute a waiver of notice on any business transacted in such
402 councilmembers presence. Only the business stated in the call may be transacted at the
403 special meeting, except by unanimous consent of all members of the council.

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

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SECTION 2.20.

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Rules of procedure; committees.

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

413 (b) All committees and committee chairs of the city council shall be appointed by the mayor
414 and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new
415 members to any committee at any time.

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SECTION 2.21.

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Quorum; voting.

418 The mayor and three councilmembers shall constitute a quorum, or in the absence of the
419 mayor, four councilmembers shall constitute a quorum and shall be authorized to transact
420 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
421 the vote shall be recorded in the minutes, but any member of the city council shall have the
422 right to request a roll call vote and such vote shall be recorded in the minutes. Except as

423 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
424 required for the adoption of any ordinance, resolution, or motion.

425 **SECTION 2.22.**

426 Ordinance form; procedures.

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

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

439 **SECTION 2.23.**

440 Action requiring an ordinance.

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

442 **SECTION 2.24.**

443 Emergencies.

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

454 councilmembers shall be required for adoption. It shall become effective upon adoption or
 455 at such later time as it may specify. Every emergency ordinance shall automatically stand
 456 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 457 reenactment of the ordinance in the manner specified in this section if the emergency still
 458 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 459 in the same manner specified in this section for adoption of emergency ordinances.

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

464 **SECTION 2.25.**

465 Codes of technical regulations.

466 (a) The city council may adopt any standard code of technical regulations by reference
 467 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 468 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 469 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
 470 ordinance shall be construed to include copies of any code of technical regulations, as well
 471 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 472 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 473 Section 2.25 of this charter.

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

476 **SECTION 2.26.**

477 Signing; authenticating;
 478 recording; codification; printing.

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

481 (b) The city council shall provide for the preparation of a general codification of all the
 482 ordinances of the city having the force and effect of law. The general codification shall be
 483 adopted by the city council by ordinance and shall be published promptly, together with all
 484 amendments thereto and such codes of technical regulations and other rules and regulations
 485 as the city council may specify. This codification shall be known and cited officially as the
 486 "Code of Ordinances of the City of Waynesboro, Georgia." Copies of the Code of

487 Ordinances shall be furnished to all officers, departments and agencies of the city, and made
488 available for purchase by the public at a reasonable price as fixed by the city council.

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

498 **SECTION 2.27.**

499 City manager; appointment;
500 qualifications; compensation.

501 The city council shall appoint a city manager for an indefinite term and shall fix the city
502 manager's compensation. The city manager shall be appointed solely on the basis of that
503 person's executive and administrative qualifications.

504 **SECTION 2.28.**

505 Removal of city manager.

506 (a) The city council may remove the manager from office in accordance with the following
507 procedures:

508 (1) The city council shall adopt by affirmative vote of a majority of all its members a
509 preliminary resolution which must state the reasons for removal and may suspend the
510 manager from duty for a period not to exceed 45 days. A copy of the resolution shall be
511 delivered promptly to the manager;

512 (2) Within five days after a copy of the resolution is delivered to the manager, the
513 manager may file with the city council a written request for a public hearing. This
514 hearing shall be held within 30 days after the request is filed. The manager may file with
515 the council a written reply not later than five days before the hearing; and

516 (3) If the manager has not requested a public hearing within the time specified in
517 paragraph (2) above, the city council may adopt a final resolution for removal, which may
518 be made effective immediately, by an affirmative vote of a majority of all its members.
519 If the manager has requested a public hearing, the city council may adopt a final

520 resolution for removal, which may be made effective immediately, by an affirmative vote
521 of a majority of all its members at any time after the public hearing.

522 (b) The manager may continue to receive a salary until the effective date of a final resolution
523 of removal.

524 **SECTION 2.29.**

525 Acting city manager.

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

532 **SECTION 2.30.**

533 Powers and duties of the city manager.

534 The city manager shall be the chief executive and administrative officer of the city. The city
535 manager shall be responsible to the city council for the administration of all city affairs
536 placed in the city manager's charge by or under this charter. As the chief executive and
537 administrative officer, the city manager shall:

538 (1) Appoint and, when the city manager deems it necessary for the good of the city,
539 suspend or remove all city employees and administrative officers the city manager
540 appoints, except as otherwise provided by law or personnel ordinances adopted pursuant
541 to this charter. The city manager may authorize any administrative officer who is subject
542 to the city manager's direction and supervision to exercise these powers with respect to
543 subordinates in that officer's department, office, or agency;

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

546 (3) Attend all city council meetings, except for closed meetings held for the purposes of
547 deliberating on the appointment, discipline, or removal of the city manager, and have the
548 right to take part in discussion, but the city manager may not vote;

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

- 552 (5) Prepare and submit the annual operating budget and capital budget to the city
553 council;
- 554 (6) Submit to the city council and make available to the public a complete report on the
555 finances and administrative activities of the city as of the end of each fiscal year;
- 556 (7) Make such other reports as the city council may require concerning the operations
557 of city departments, offices, and agencies subject to the city manager's direction and
558 supervision;
- 559 (8) Keep the city council fully advised as to the financial condition and future needs of
560 the city, and make such recommendations to the city council concerning the affairs of the
561 city as the city manager deems desirable; and
- 562 (9) Perform other such duties as are specified in this charter or as may be required by the
563 city council.

564 **SECTION 2.31.**

565 Council's interference with administration.

566 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
567 city council or its members shall deal with city officers and employees who are subject to the
568 direction and supervision of the city manager solely through the city manager, and neither
569 the city council nor its members shall give orders to any such officer or employee, either
570 publicly or privately. The city council shall act in all matters as a body and no member shall
571 seek individually to influence the official acts of the manager or any other officer or
572 employee of the city, or direct or request the appointment of any person to, or his removal
573 from, any office or position of employment, or to interfere in any way with the performance
574 of the duties by the manager or other officers or employees.

575 **SECTION 2.32.**

576 Election of mayor; forfeiture.

577 The mayor shall be elected at large by the voters of the city and serve for a term of four years
578 and until a successor is elected and qualified. The mayor shall be a qualified elector of this
579 city and shall have been a resident of the city for 12 months prior to the date of election. The
580 mayor shall continue to reside in this city during the period of service. The mayor shall
581 forfeit the office on the same grounds and under the same procedure as for councilmembers.

582 **SECTION 2.33.**

583 Vice mayor.

584 The city council at the first regular meeting after the newly elected councilmembers have
 585 taken office following each election shall elect a councilmember to serve as vice mayor. The
 586 vice mayor shall be elected by a majority vote of the city council. The vice mayor shall serve
 587 for a term of two years. The vice mayor shall assume the duties and powers of the mayor
 588 during the mayor's physical or mental disability, suspension from office or absence. Any
 589 such disability of the mayor shall be declared by a majority vote of the city council. The vice
 590 mayor shall sign all contracts and ordinances in which the mayor has a disqualifying
 591 financial interest as provided in Section 2.14. When acting as mayor, the vice mayor shall
 592 not vote as a member of the council.

593 **SECTION 2.34.**

594 Powers and duties of mayor.

595 The mayor shall:

- 596 (1) Preside at all meetings of the city council;
- 597 (2) Exercise general supervision over administrative work of the city;
- 598 (3) Be the head of the city for the purpose of service of process and for ceremonial
 599 purposes, and be the official spokesperson for the city and the chief advocate of policy;
- 600 (4) Have the power to administer oaths and to take affidavits;
- 601 (5) Sign as a matter of course on behalf of the city all written and approved contracts,
 602 ordinances, resolutions, and other instruments executed by the city which by law are
 603 required to be in writing;
- 604 (6) Vote on matters before the city council only in the case of a tie vote between
 605 councilmembers;
- 606 (7) Approve or disapprove resolutions and ordinances as provided in Section 2.35; and
- 607 (8) Perform such other duties as may be required by law, this charter, or by ordinance.

608 **SECTION 2.35.**

609 Submission of ordinances to the mayor; veto power.

- 610 (a) Every resolution or ordinance adopted by the city council shall be presented by the city
 611 manager to the mayor within 96 hours after the adjournment of any council meeting.
- 612 (b) The mayor, within seven calendar days of receipt of a resolution or ordinance, shall
 613 return it to the city manager with or without the mayor's approval, or with his veto. If the

614 resolution or ordinance has been approved by the mayor, it shall become law upon its return
 615 to the city manager; if the resolution or ordinance is neither approved nor disapproved, it
 616 shall become law at twelve o'clock noon on the twelfth calendar day after its adoption by the
 617 city council; if the resolution or ordinance is vetoed, the mayor shall submit to the city
 618 council through the city manager a written statement explaining the reasons for the veto. The
 619 city manager shall record upon the resolution or ordinance the date of its delivery to and
 620 receipt from the mayor.

621 (c) Resolutions or ordinances vetoed by the mayor shall be presented by the city manager
 622 to the city council at its next meeting. If the city council then or at its next meeting adopts
 623 the resolution or ordinance over the veto by an affirmative vote of four of its members, it
 624 shall become law.

625 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 626 resolution or ordinance, except appropriations for auditing or investigating the office of
 627 mayor. The approved part or parts of any resolution or ordinance making appropriations
 628 shall become law, and the part or parts disapproved shall not become law unless
 629 subsequently passed by the city council over the mayor's veto as provided herein. The
 630 reduced part or parts shall be presented to city council as though disapproved and shall not
 631 become law unless overridden by the city council as provided in subsection (c) above.

632 (e) The mayor shall not have the power to veto any emergency ordinance.

633 ARTICLE III

634 ADMINISTRATIVE AFFAIRS

635 SECTION 3.10.

636 Administrative and service departments.

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

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

644 (c) All appointive officers and directors of departments shall receive such compensation as
 645 prescribed by ordinance or resolution.

646 (d) There shall be a director of each department or agency who shall be its principal officer.
 647 Each director shall, subject to the direction and supervision of the city manager, be

648 responsible for the administration and direction of the affairs and operations of that director's
649 department or agency.

650 (e) All directors of departments shall be subject to removal or suspension at any time by the
651 city manager in the manner provided by city's personnel policy and procedure manual.

652 **SECTION 3.11.**

653 **Boards, commissions, and authorities.**

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

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

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

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

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

669 (f) No member of a board, commission, or authority shall assume office until that person has
670 executed and filed with the clerk of the city an oath obligating himself to faithfully and
671 impartially perform the duties of that member's office.

672 (g) All members of boards, commissions, or authorities serve at-will and may be removed
673 at any time by a majority vote of the city council unless otherwise provided by law.

674 (h) Except as otherwise provided by this charter or by law, each board, commission, or
675 authority of the city shall elect one of its members as chair and one member as vice-chair,
676 and may elect as its secretary one of its own members or may appoint as secretary an
677 employee of the city. Each board, commission, or authority of the city government may
678 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
679 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
680 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the
681 clerk of the city.

682 **SECTION 3.12.**

683 City attorney.

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

692 The city attorney is not a public official of the city and does not take an oath of office. The
693 city attorney shall at all times be an independent contractor. A law firm, rather than an
694 individual, may be designated as the city attorney.

695 **SECTION 3.13.**

696 City clerk.

697 The mayor and city council shall appoint a city clerk who shall not be the mayor or a
698 councilmember. The city clerk shall be custodian of the official city seal and city records;
699 maintain city council records required by this charter; attend meetings of the city council and
700 keep minutes of its proceedings at such meetings; and perform such other duties as may be
701 required by the city council. With the approval of the city council, the city manager may
702 serve as the city clerk.

703 **SECTION 3.14.**

704 Position classification and pay plans.

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

711 **SECTION 3.15.**

712 Personnel policies.

713 The city council shall adopt by ordinance a personnel policy and procedure manual. All
714 employees shall be governed by the city's personnel policy and procedure manual.

715 **ARTICLE IV**
716 **JUDICIAL BRANCH**

717 **SECTION 4.10.**

718 Creation; name.

719 There shall be a court to be known as the Municipal Court of the City of Waynesboro.

720 **SECTION 4.11.**

721 Chief judge; associate judge.

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

724 (b) No person shall be qualified or eligible to serve as a judge on municipal court unless that
725 person shall have attained the age of 25 years, shall be a member of the State Bar of Georgia
726 and shall possess all qualifications required by law. All judges shall be appointed by the
727 mayor and city council and shall serve until a successor is appointed and qualified.

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

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

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

735 **SECTION 4.12.**

736 Convening.

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

738

SECTION 4.13.

739

Jurisdiction; powers.

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

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

744 (c) The municipal court may fix punishment for offenses within its jurisdiction not
745 exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and
746 imprisonment or may fix punishment by fine, imprisonment or alternative sentencing as now,
747 or hereafter provided by law.

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

751 (e) The municipal court shall have authority to establish bail and recognizances to ensure
752 the presence of those charged with violations before said court, and shall have discretionary
753 authority to accept cash or personal or real property as surety for the appearance of persons
754 charged with violations. Whenever any person shall give bail for that person's appearance
755 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
756 presiding at such time, and an execution issued thereon by serving the defendant and the
757 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
758 event that cash or property is accepted in lieu of bond for security for the appearance of a
759 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
760 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
761 property so deposited shall have a lien against it for the value forfeited which lien shall be
762 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

773 **SECTION 4.14.**

774 Certiorari.

775 The right of certiorari from the decision and judgment of the municipal court shall exist in
 776 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 777 the sanction of a judge of the Superior Court of Burke County under the laws of the State of
 778 Georgia regulating the granting and issuance of writs of certiorari.

779 **SECTION 4.15.**

780 Rules for court.

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

788 **ARTICLE V**

789 **ELECTIONS AND REMOVAL**

790 **SECTION 5.10.**

791 Applicability of general law.

792 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 793 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

794 **SECTION 5.11.**

795 Election of the city council and mayor.

796 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
 797 next following the first Monday in November.

798 (b) There shall be elected the mayor and three councilmembers at one election and at every
 799 other election thereafter. The remaining city council seats shall be filled at the election
 800 alternating with the first election so that a continuing body is created. Terms shall be for four
 801 years.

802 (c) In order to create a continuing body, the following provisions shall apply:

803 (1) On the Tuesday following the first Monday in November, 2011, an election shall be
 804 conducted to elect a mayor and three councilmembers. The mayor elected at that time
 805 shall take office on January 1, 2012, at the expiration of the term of office of the person
 806 serving as mayor on January 1, 2008, George L. Deloach. The candidates elected at that
 807 time to the council seats held on January 1, 2008 by Bill Tinley (Ward I, Post 1), Herman
 808 Brown (Ward II, Post 2) and Willie R. Williams (Ward III, Post 3) shall take office on
 809 January 1, 2012. The mayor and councilmembers elected in November 2011, shall serve
 810 for a four year term expiring December 31, 2015, and until such mayor's or
 811 councilmember's successors are elected and qualified. The successors to the positions
 812 expiring on December 31, 2015 shall be elected on the Tuesday following the first
 813 Monday in November 2015. The mayor candidate and city council candidates elected in
 814 November 2015, shall serve for a four year term beginning January 1, 2016 and expiring
 815 on December 31, 2019. Thereafter, the election schedule provided in subsection (a) and
 816 (b) of this section shall apply.

817 (2) On the Tuesday following the first Monday in November, 2013, an election shall be
 818 conducted to elect three councilmembers. The candidates elected at that time to the
 819 council seats held on January 1, 2010 by Richard Byne (Ward I, Post 4), James Jones
 820 (Ward II, Post 5) and Portia Washington (Ward III, Post 6) shall take office on January
 821 1, 2014. The councilmembers elected in November 2013, shall serve for a four year term
 822 expiring December 31, 2017, and until such councilmember's successors are elected and
 823 qualified. The successors to the positions expiring on December 31, 2017 shall be elected
 824 on the Tuesday following the first Monday in November 2017. The candidates elected
 825 in November 2017, shall serve for a four year term beginning January 1, 2018 and
 826 expiring on December 31, 2021. Thereafter, the election schedule provided in subsection
 827 (a) and (b) of this section shall apply.

828 **SECTION 5.12.**

829 Nonpartisan elections.

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

832 **SECTION 5.13.**

833 Election by majority.

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

835 **SECTION 5.14.**

836 Special elections; vacancies.

837 In the event that the office of mayor or councilmember shall become vacant as provided in
 838 Section 2.12 of this charter, the city council or those remaining shall order a special election
 839 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
 840 occurs within 14 months of the expiration of the term of that office, the city council or those
 841 members remaining shall appoint a successor for the remainder of the term. In all other
 842 respects, the special election shall be held and conducted in accordance with Chapter 2 of
 843 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

844 **SECTION 5.15.**

845 Other provisions.

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

849 **SECTION 5.16.**

850 Removal of officers.

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

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

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

865 (2) By an order of the Superior Court of Burke County following a hearing on a
 866 complaint seeking such removal brought by any resident of the City of Waynesboro.

896

SECTION 6.14.

897

Franchises.

898 (a) The city council shall have the power to grant franchises for the use of this city's streets
 899 and alleys for the purposes of railroads, street railways, telephone companies, electric
 900 companies, electric membership corporations, cable television and other telecommunications
 901 companies, gas companies, transportation companies, and other similar organizations. The
 902 city council shall determine the duration, terms, whether the same shall be exclusive or
 903 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 904 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 905 the city receives just and adequate compensation therefor. The city council shall provide for
 906 the registration of all franchises with the city clerk in a registration book kept by the city
 907 clerk. The city council may provide by ordinance for the registration within a reasonable
 908 time of all franchises previously granted.

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

914

SECTION 6.15.

915

Service charges.

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

921

SECTION 6.16.

922

Special assessments.

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

928 **SECTION 6.17.**

929 Construction; other taxes and fees.

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

933 **SECTION 6.18.**

934 Collection of delinquent taxes and fees.

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

942 **SECTION 6.19.**

943 General obligation bonds.

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

948 **SECTION 6.20.**

949 Revenue bonds.

950 Revenue bonds may be issued by the city council as state law now or hereafter provides.
951 Such bonds are to be paid out of any revenue produced by the project, program, or venture
952 for which they were issued.

953 **SECTION 6.21.**

954 Short-term loans.

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

957 **SECTION 6.22.**

958 Lease-purchase contracts.

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

966 **SECTION 6.23.**

967 Fiscal year.

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

972 **SECTION 6.24.**

973 Preparation of budgets.

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

978 **SECTION 6.25.**

979 Operating budget.

980 On or before a date fixed by the city council but not later than 30 days prior to the beginning
 981 of each fiscal year, the city manager shall submit to the city council a proposed operating
 982 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
 983 city manager containing a statement of the general fiscal policies of the city, the important
 984 features of the budget, explanations of major changes recommended for the next fiscal year,
 985 a general summary of the budget, and such other pertinent comments and information. The
 986 operating budget and the capital budget hereinafter provided for, the budget message, and

987 all supporting documents shall be filed in the office of the city clerk and shall be open to
988 public inspection.

989 **SECTION 6.26.**

990 Action by city council on budget.

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

996 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
997 year not later than the 31st day of December of each year. If the city council fails to adopt
998 the budget by said date, the amounts appropriated for operation for the then current fiscal
999 year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all
1000 items prorated accordingly, until such time as the city council adopts a budget for the ensuing
1001 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting
1002 out the estimated revenues in detail by sources and making appropriations according to fund
1003 and by organizational unit, purpose, or activity as set out in the budget preparation ordinance
1004 adopted pursuant to Section 6.24 of this charter.

1005 (c) The amount set out in the adopted operating budget for each organizational unit shall
1006 constitute the annual appropriation for such, and no expenditure shall be made or
1007 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1008 or allotment thereof to which it is chargeable.

1009 **SECTION 6.27.**

1010 Tax levies.

1011 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1012 set by such ordinance shall be such that reasonable estimates of revenues from such levy
1013 shall at least be sufficient, together with other anticipated revenues, fund balances, and
1014 applicable reserves, to equal the total amount appropriated for each of the several funds set
1015 forth in the annual operating budget for defraying the expenses of the general government
1016 of this city.

1017 **SECTION 6.28.**

1018 Changes in appropriations.

1019 The city council by ordinance may make changes in the appropriations contained in the
 1020 current operating budget, at any regular meeting, special, or emergency meeting called for
 1021 such purpose, but any additional appropriations may be made only from an existing
 1022 unexpended surplus.

1023 **SECTION 6.29.**

1024 Capital budget.

1025 (a) On or before the date fixed by the city council but no later than 30 days prior to the
 1026 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 1027 capital improvements plan with a recommended capital budget containing the means of
 1028 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 1029 power to accept, with or without amendments, or reject the proposed plan and proposed
 1030 budget. The city council shall not authorize an expenditure for the construction of any
 1031 building, structure, work or improvement, unless the appropriations for such project are
 1032 included in the capital budget, except to meet a public emergency as provided in Section 2.24
 1033 of this charter.

1034 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 1035 year not later than the 31st day of December of each year. No appropriation provided for in
 1036 a prior capital budget shall lapse until the purpose for which the appropriation was made
 1037 shall have been accomplished or abandoned; provided, however, the city manager may
 1038 submit amendments to the capital budget at any time during the fiscal year, accompanied by
 1039 recommendations. Any such amendments to the capital budget shall become effective only
 1040 upon adoption by ordinance.

1041 **SECTION 6.30.**

1042 Independent audit.

1043 There shall be an annual independent audit of all city accounts, funds, and financial
 1044 transactions by a certified public accountant selected by the city council. The audit shall be
 1045 conducted according to generally accepted auditing principles. Any audit of any funds by
 1046 the state or federal governments may be accepted as satisfying the requirements of this
 1047 charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.31.

Contracting procedures.

No contract with the city shall be binding on the city unless it is in writing and it is made or authorized by the city council and such approval is entered in the city council minute book pursuant to Section 2.21 of this charter.

SECTION 6.32.

Centralized purchasing.

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

SECTION 6.33.

Sale and lease of city property.

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

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

(c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut-off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the city manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as provided by the city council.

All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 7.14.

1103

1104

Severability.

1105 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1106 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1107 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1108 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1109 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1110 sentence, or part thereof be enacted separately and independent of each other.

SECTION 7.15.

1111

1112

Specific Repealer.

1113 An Act incorporating the City of Waynesboro in the County of Burke, approved April 10,
1114 1971 (Ga. L. 1971, p. 3328), is hereby repealed in its entirety and all amendatory acts thereto
1115 are likewise repealed in their entirety.

SECTION 7.16.

1116

1117

General Repealer.

1118 All other laws and parts of laws in conflict with this Act are hereby repealed.