

House Bill 98 (COMMITTEE SUBSTITUTE)

By: Representatives Peake of the 137th, Epps of the 140th, Holmes of the 125th, and Dickey of the 136th

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 a homestead exemption from ad valorem taxation; to
8 provide for procurement and distribution of property; to provide for the application of laws;
9 to provide for a limitation on claims; to provide for a retirement system; to provide for
10 powers; to provide for transition; to provide for the dissolution of existing governments; to
11 provide for a referendum; to provide for a conditional effective date and automatic repeal;
12 to provide for related matters; to repeal conflicting laws; and for other 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. If Payne City does not become a part
31 of the unified government as provided in Section 9-113 of this charter, such unified
32 government shall not include the municipal corporation of Payne City, Georgia, which shall
33 retain its charter and maintain the same legal relationship with the unified government as it
34 had with Bibb County prior to the effective date of this charter, except as otherwise provided
35 in this charter. The unified government shall be a public corporation; shall have perpetual
36 existence; shall adopt a common seal; shall, without the necessity or formality of a deed, bill
37 of sale, or other instrument of transfer, own, possess, and hold all the properties of
38 whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities,
39 and real and personal property theretofore owned, possessed, enjoyed, or held by the City of
40 Macon or Bibb County; and by the name of Macon-Bibb, Georgia, shall be capable of suing
41 and being sued when authorized by this charter and by the Constitution and laws of the State
42 of Georgia. From and after the effective date of this charter, the political subdivision known
43 as Bibb County, Georgia; the municipal corporation known as the City of Macon, Georgia;
44 and, if applicable, the municipality known as Payne City, Georgia, shall be unified into the
45 said new political entity created in this charter.

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

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

52 **SECTION 1-102.**

53 **Boundaries.**

54 Macon-Bibb, Georgia, shall embrace the total area included within the existing territorial
55 limits of Bibb County as such limits are fixed and established on the effective date of this
56 charter; provided, however, that if Payne City does not become a part of the unified
57 government as provided in Section 9-113 of this charter, those areas within the boundaries
58 of Payne City shall be excluded. However, such limits may be altered and changed from
59 time to time as provided by the Constitution and laws of the State of Georgia pertaining to

60 counties. That portion of the City of Macon which lies in Jones County shall not be included
61 in the area of Macon-Bibb, Georgia, but will remain a part of Jones County.

62 **SECTION 1-103.**

63 Status as municipal corporation and county.

64 Macon-Bibb, Georgia, shall be deemed to be both a municipal corporation and a county
65 throughout the total territory of said government. It is the express intention of this section
66 to declare as a city and as a part of the unified government all of the area of Bibb County;
67 provided, however, that if Payne City does not become a part of the unified government as
68 provided in Section 9-113 of this charter, those areas within the boundaries of Payne City
69 shall be excluded.

70 **SECTION 1-104.**

71 Powers.

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

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

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

88 (d) The unified government, in addition to the rights, duties, powers, privileges, and
89 authority expressly conferred upon it by this charter, shall have the right, duty, power,
90 privilege, and authority to exercise and enjoy all other powers, duties, functions, rights,
91 privileges, and immunities necessary and proper to promote or protect the safety, health,
92 peace, security, and general welfare of said government and its inhabitants and to exercise

93 all implied powers necessary to carry into execution all powers granted in this charter as fully
 94 and completely as if such powers were fully enumerated herein and to do and perform all of
 95 the acts pertaining to its property, affairs, and local government which are necessary or
 96 proper in the legitimate exercise of its corporate powers and governmental duties and
 97 functions.

98 (e) No enumeration of any right, power, privilege, or authority hereinafter made shall be
 99 construed as limiting or abolishing any right, power, privilege, or authority provided in this
 100 section.

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

104 **SECTION 1-105.**

105 Taxing districts.

106 (a) The unified government shall divide the county into two or more taxing districts (herein
 107 called "services districts"); provided, however, that at least one of such districts shall be
 108 known as the general services district. The general services district shall embrace the total
 109 geographic area of Bibb County. If Payne City does not become a part of the unified
 110 government as provided in Section 9-113 of this charter, such general services shall include
 111 the area of Payne City wherein all services provided in the general services area of
 112 Macon-Bibb shall be made available to the citizens of Payne City at the same rate such
 113 services are provided all citizens of the general services area pursuant to a contract executed
 114 between the governments of Payne City and Macon-Bibb for the amount of \$1.00 for a
 115 period not to exceed 50 years, as provided in Article IX, Section III, Paragraph I of the
 116 Constitution of the State of Georgia. In addition, the board of commissioners shall establish
 117 at least one or more urban services districts which shall embrace such territory or territories
 118 for which provision is made by the board for additional or higher levels of services than are
 119 provided uniformly throughout the territory of the unified government.

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

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

127 (d) In the establishment of the first urban services district or districts, the board shall hold
128 two or more public hearings thereon at which all interested persons affected thereby shall
129 have an opportunity to be heard. Notice of the time, place, and date of such hearings shall
130 be published on the official Macon-Bibb web site at least once a week during the two weeks
131 immediately preceding the date of hearing.

132 (e) In the establishment of special services districts, the board shall hold two or more public
133 hearings thereon at which all interested persons affected thereby shall have an opportunity
134 to be heard. Notice of the time, place, and date of such hearings shall be published on the
135 official Macon-Bibb website at least once a week during the two weeks immediately
136 preceding the date of hearing.

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

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

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

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

155 (j) Except as otherwise provided by this charter, urban and special services districts of the
156 unified government shall be created, expanded, merged, consolidated, or reduced only by an
157 ordinance duly adopted by the board under such general rules, procedures, regulations,
158 requirements, and specifications as established by the board; provided, however, that no new
159 urban or special service district shall be created or existing urban or special services district
160 expanded, abolished, merged, consolidated, or reduced without providing an opportunity for
161 interested persons to be heard by publishing a notice of at least two public hearings on the
162 proposed expansion, consolidation, reduction, or creation of an urban or special services
163 district on the official Macon-Bibb website at least once a week during the two weeks

164 immediately preceding the date of each hearing. Such rules and regulations shall set forth
 165 the manner and method for the creation of new urban and special services districts; the
 166 expansion, consolidation, reduction, or merger of existing urban or special services districts;
 167 requirements for defining functions and policies for rendering services; changes in levels of
 168 services within existing services districts; the transfer of territory from one services district
 169 to another; requirements for defining boundaries of services districts; procedures for the
 170 expansion, reduction, or consolidation of existing services districts; and requirements for
 171 defining boundaries of services districts.

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

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

179 **SECTION 1-106.**

180 Construction.

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

188 **ARTICLE II**

189 **LEGISLATIVE ARTICLE**

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

191 **SECTION 2-101.**

192 Name and composition.

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

196

SECTION 2-102.

197

Term of office; qualifications; disqualifications.

198 (a) The term of office of all members of the board of commissioners shall be four years, with
 199 members serving staggered terms and until their successors are elected and qualified, except
 200 that a commissioner appointed to fill a vacancy shall serve only for the balance of the
 201 unexpired term as provided in Section 2-106 of this charter. Initially, five members will
 202 serve two-year terms and four members will serve four-year terms to provide for staggered
 203 terms. Thereafter, all members shall be elected for four-year terms. All terms of office
 204 following the initial terms shall commence at the first regular meeting in January next
 205 following the election.

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

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

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

217

SECTION 2-103.

218

Salary and expenses.

219 (a) The salary of each commissioner shall be \$10,000.00 per year, payable in equal monthly
 220 installments.

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

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

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

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

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

235 **SECTION 2-104.**

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

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

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

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

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

252 (d) Six of the nine members of the board shall constitute a quorum for the transaction of
 253 business.

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

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

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

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

275 **SECTION 2-105.**

276 Powers.

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

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

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

282 (2) Approve or reject recommendations concerning the appointments of the chief
 283 operating officer, attorney, and fire chief, and enter into employment agreements with
 284 each of these officers;

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

286 (4) Override the mayor's veto with the affirmative vote of five commissioners.

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

295 (d) Except as otherwise provided by the Constitution, general or local law, or this charter,
 296 the board may by ordinance create, change, alter, combine, abolish, consolidate, and redefine
 297 the manner of appointment, membership, powers, and duties of bureaus, boards,
 298 commissions, departments, divisions, authorities, offices, and agencies of Macon-Bibb,

299 Georgia, including positions of public employment, and may transfer and delete functions
300 and assign additional functions to any bureaus, offices, agencies, departments, divisions,
301 boards, authorities, commissions, and positions of public employment existing under this
302 charter. The board may by ordinance transfer all the assets, liabilities, and obligations
303 thereof to a department, a division, or other unit of a department of the unified government,
304 which shall have the power, and its duty shall be to perform and exercise all the functions
305 and powers theretofore performed and exercised by such board, commission, authority,
306 division, agency, bureau, office, department, or position of public employment.

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

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

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

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

322 **SECTION 2-106.**

323 **Filling of vacancies.**

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

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

332 CHAPTER 2 - Legislative Procedure

333 **SECTION 2-201.**

334 Legislation by ordinance.

335 Every official act of the board which is to have the force and effect of law shall be by
336 ordinance and shall begin with the words: "The Board of Commissioners of Macon-Bibb,
337 Georgia, hereby ordains." All other acts of the board shall be by resolution or shall take such
338 other form as prescribed by its rules.

339 **SECTION 2-202.**

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

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

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

344 (c) Prior to the introduction of any ordinance, copies of it shall be prepared by the chief
345 operating officer and distributed to each member of the board and to the attorney. It shall be
346 the duty of the attorney to review the draftsmanship and impact of each ordinance. Within
347 seven days after a proposed ordinance has been introduced, the chief operating officer shall
348 publish on the official Macon-Bibb website a brief description of the subject and purpose of
349 the ordinance and notice of the availability of the proposed ordinance for public inspection
350 in the office of the chief operating officer.

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

355 (e) The adoption of any ordinance shall be by the affirmative vote of at least six of the nine
356 commissioners.

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

361 **SECTION 2-203.**

362 Emergency ordinances.

363 To meet a public emergency threatening life, health, property, or public safety, the board may
364 adopt emergency ordinances; provided, however, that such ordinances may not be enacted
365 to levy taxes; to grant, renew, or extend a franchise; to regulate the rate charged for any
366 public utility or service; or to authorize the borrowing of money unless it shall be repaid in
367 30 days or less. An emergency ordinance shall be in the form prescribed for ordinances
368 generally, except that it shall be plainly designated as an emergency ordinance and shall
369 contain a declaration stating what emergency exists. An emergency ordinance may be
370 adopted with or without amendment or it may be rejected at the meeting at which it is
371 introduced, but the affirmative vote of at least six of the nine members of the board shall be
372 required for adoption. An emergency ordinance shall become effective upon adoption or at
373 such later time as it may specify. Every emergency ordinance shall automatically stand
374 repealed on the sixteenth day following the date on which it was adopted; but if the
375 emergency still exists, this shall not prevent reenactment of the ordinance in the manner
376 specified in this section. An emergency ordinance may also be repealed by adoption of a
377 repealing ordinance in the same manner specified in this section for adoption of emergency
378 ordinances.

379 **SECTION 2-204.**

380 Submission of ordinances to mayor; veto.

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

394 **SECTION 2-205.**

395 Authentication; recording; effective date.

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

402 **SECTION 2-206.**

403 Codes of technical regulations.

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

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

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

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

417 **SECTION 2-207.**

418 Codification and printing of ordinances.

419 (a) The board shall, within two years of the effective date of this charter, provide for the
 420 preparation of a general codification of all ordinances of a general or permanent nature. Such
 421 code shall be adopted by the board by ordinance and shall be published promptly in
 422 loose-leaf form, together with all amendments thereto, this charter, any amendments hereto,
 423 and such codes of technical regulations and other rules and regulations as the board may
 424 specify. This compilation shall be known and cited officially as the "Code of Macon-Bibb,
 425 Georgia." As determined by the board, copies of the code shall be furnished to officers,

426 departments, and agencies of the unified government; placed in libraries and public offices
 427 for public reference; and made available for purchase by the public at a reasonable price.

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

431 **SECTION 2-208.**

432 Prima-facie evidence.

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

436 **CHAPTER 3 - Ethics and Prohibited Practices**

437 **SECTION 2-301.**

438 Conflict of interest.

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

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

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

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

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

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

462 **SECTION 2-302.**

463 Disclosure.

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

475 **SECTION 2-303.**

476 Testimony of public officials relating to public affairs.

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

482 **SECTION 2-304.**

483 Contracts voidable and rescindable.

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

490

SECTION 2-305.

491

Hearings and determinations; penalties for violation.

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

498 (b) Any officer or employee of Macon-Bibb, Georgia, or of any board, commission,
 499 authority, or agency thereof who is found to have knowingly concealed his or her personal
 500 financial interest or who is found to have knowingly violated any of the requirements of this
 501 charter shall be deemed guilty of malfeasance in office or position. The officer or employee
 502 shall be subject to such punishment as may be deemed appropriate by the board and which
 503 may include forfeiture of office or position.

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

509

ARTICLE III

510

MAYOR

511

SECTION 3-101.

512

Election; term.

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

518

SECTION 3-102.

519

Qualifications of office.

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

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

522 (2) Have resided in the territory of Macon-Bibb, Georgia, for at least one year
 523 immediately preceding the date of election and shall continue such residence therein
 524 during the term of office;

525 (3) Be a registered voter of Macon-Bibb, Georgia; and

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

527 (b) No person elected as mayor shall, during that person's term of office, hold any other
 528 federal, state, or local government office.

529 **SECTION 3-103.**

530 Compensation.

531 (a) The mayor shall receive as compensation for the services of this office an annual salary
 532 of not less than \$105,000.00, payable in equal monthly installments.

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

535 (c) The salary and expenses of the mayor may be changed by ordinance, subject to the
 536 following conditions:

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

541 (2) Any action to increase the salary of the mayor shall not become effective until the
 542 date of commencement of the term of the mayor elected at the next regular election
 543 following such action; and

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

547 **SECTION 3-104.**

548 Powers and duties.

549 The mayor shall have the powers and duties to:

550 (a) Serve as the official representative of Macon-Bibb, Georgia, including serving as the
 551 unified government's representative to federal, state, and local governmental bodies and
 552 officials;

553 (b) Appoint a chief operating officer, who will be confirmed by a majority of the board.
 554 Initiate the process, with the involvement of commissioners and appropriate staff, to search

555 and screen candidates for the positions of attorney and fire chief and to appoint candidates
 556 for these positions to the board of commissioners subject to concurrence of majority of the
 557 entire board;

558 (c) Remove the chief operating officer, attorney, and fire chief.

559 (d) Set the agenda, after receiving input from members of the board, the chief operating
 560 officer, and the public, for meetings of the board;

561 (e) Make committee appointments;

562 (f) Present the annual budget and the capital improvements budget, which has been prepared
 563 by the chief operating officer with the assistance of all department and agency heads and all
 564 others who supervise the implementation of a budget that uses funds of Macon-Bibb,
 565 Georgia, for approval by the mayor, to the board for approval;

566 (g) Approve or veto proposed ordinances or resolutions as provided by this charter;

567 (h) Call special meetings of the board of commissioners as provided by this charter and by
 568 rules of the board;

569 (i) Execute all deeds, contracts, and obligations of the unified government, provided such
 570 execution shall be attested to by the chief operating officer;

571 (j) Recommend to the board the adoption of such measures as deemed necessary or
 572 expedient; and

573 (k) Perform any other duties and exercise any other powers required by state or federal law
 574 or authorized by a duly adopted ordinance that is not in conflict with this charter.

575 **SECTION 3-105.**

576 Voting.

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

578 **SECTION 3-106.**

579 Vacancy in office of mayor.

580 (a) In the event that the office of mayor shall become vacant by reason of death, resignation,
 581 or any other cause, within one year of the end of the term, the unexpired term shall be filled
 582 by the chairperson of the board of commissioners who shall serve as mayor with all powers
 583 of the mayor until the next general election.

584 (b) If the term of the mayor will continue for more than one year, a special election shall be
 585 held as provided in general law to elect a new mayor for the remainder of the vacant mayor's
 586 term, provided that the chairperson of the board shall serve as mayor pro tempore until an
 587 election is held and a successor is elected and qualified.

588 ARTICLE IV
 589 ADMINISTRATION
 590 CHAPTER 1 - Officers
 591 **SECTION 4-101.**

592 Chief operating officer; appointment; qualifications; compensation.

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

606 **SECTION 4-102.**
 607 Chief operating officer; powers and duties.

- 608 (a) The COO shall be responsible for:
- 609 (1) The management and coordination of the operations and activities of the various
 610 departments and agencies of the unified government;
- 611 (2) The appointment and removal of all department heads with the exception the city
 612 attorney, auditor, and fire chief;
- 613 (3) The preparation of the proposed annual budget with the assistance of all department
 614 heads for approval by the board;
- 615 (4) Keeping the board at all times fully advised as to the financial condition and needs
 616 of the unified government;
- 617 (5) Conducting studies and investigations and making reports thereon to the board
 618 concerning the operations of the departments, offices, and agencies of the unified
 619 government;
- 620 (6) Requiring any department, board, commission, or agency under the COO jurisdiction
 621 to submit written reports and to provide other information as deemed necessary;

- 622 (7) Prescribing, requiring, publishing, and implementing standards of administrative,
 623 management, and operating practices and procedures to be followed and adhered to by
 624 all offices, departments, boards, commissions, authorities, and other agencies of the
 625 unified government which are subject to the COO's supervision and jurisdiction;
- 626 (8) Acting as the purchasing agent of Macon-Bibb as provided for in Section 8-105 of
 627 this charter; and
- 628 (9) Maintaining all required records of the operations and activities of Macon-Bibb,
 629 including the minutes of all meetings of the board.
- 630 (b) Except for the purpose of inquiry and investigation, the mayor and board shall deal with
 631 employees of the unified government who are subject to appointment and removal by the
 632 COO solely through the COO and shall not give orders or directions to any such employee,
 633 either publicly or privately, directly or indirectly.

634 **SECTION 4-103.**

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

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

649 **SECTION 4-104.**

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

- 651 (a) Any member of the board of commissioners may nominate candidates to the board for
 652 the office of auditor of the unified government (referred to at times in this charter as the
 653 "auditor"). The board shall, by majority vote, appoint an auditor who shall make all reports

654 to the board of commissioners. The board shall have the authority to remove the auditor
655 from office.
656 (b) The qualifications, duties, and compensation of the auditor shall be as prescribed in a
657 duly adopted ordinance.

658 **SECTION 4-105.**

659 Sheriff.

660 (a) The sheriff of Bibb County in office on the effective date of this charter shall be the
661 sheriff of Macon-Bibb, Georgia. The sheriff shall serve for the same term as provided by
662 law, and the compensation shall be fixed as provided by law. Subsequent elections for
663 sheriff shall be on the same basis as provided by law for the election of sheriffs generally.
664 (b) The sheriff shall be responsible for all law enforcement, the operation of the jail, the
665 transport of prisoners, the service of process, and such other powers and duties as are
666 provided by the Board of Commissioners of Macon-Bibb, Georgia, and by the Constitution
667 and laws of Georgia.
668 (c) The sheriff shall submit a budget to the board of commissioners. The budget shall be
669 under the control of the board of commissioners which shall have the authority to amend or
670 change estimates of required expenditures. The action of the board of commissioners in
671 making such appropriations may be reviewed only for abuse of discretion.
672 (d) All purchases required by the sheriff's office shall be made in accordance with procedures
673 prescribed for other purchases made by the county.

674 **SECTION 4-106.**

675 Judge of the probate court.

676 The judge of the probate court of Bibb County in office on the effective date of this charter
677 shall be the judge of the probate court of Macon-Bibb, Georgia. The judge of the probate
678 court shall serve for the same term as provided by law, and the compensation shall be fixed
679 as provided by law. Subsequent elections for the judge of the probate court shall be on the
680 same basis as provided by law for the election of probate judges generally. The judge of the
681 probate court shall perform the same duties and exercise the same powers as conferred on
682 probate judges generally by the Constitution and laws of Georgia.

683

SECTION 4-107.

684

Clerk of superior court.

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

692

SECTION 4-108.

693

Tax commissioner.

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

701

SECTION 4-109.

702

Coroner.

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

709 CHAPTER 2 - Administrative and Service Departments

710 **SECTION 4-201.**

711 Creation and functions; generally.

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

716 **SECTION 4-202.**

717 Administrative reorganization.

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

723 **SECTION 4-203.**

724 Appointment of directors of departments.

725 All directors of departments under the supervision and direction of the COO shall be
726 appointed by the COO. The directors of all such departments shall serve at the pleasure of
727 the COO.

728 **SECTION 4-204.**

729 Departments under state law.

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

733 CHAPTER 3 - Merit System of Personnel Administration

734 SECTION 4-301.

735 Establishment of merit system.

736 The board may establish, by ordinance, a Merit System of Personnel Administration for
737 Macon-Bibb, Georgia. The following positions are declared to be in the Unclassified
738 Service:

- 739 (1) Officers elected by the people and persons appointed to fill vacancies in elective
740 offices;
- 741 (2) Members of boards and commissions;
- 742 (3) Directors of departments;
- 743 (4) Persons temporarily employed in a professional or scientific capacity or to conduct
744 a special inquiry, investigation, examination, or installation;
- 745 (5) Temporary and part-time employees; and
- 746 (6) Such other employees as may be excluded from coverage under the merit system as
747 provided by ordinance or other applicable law.

748 CHAPTER 4 - Boards, Commissions, and Authorities

749 SECTION 4-401.

750 Certain boards, commissions, and authorities continued.

751 (a) All existing boards, commissions, and authorities are continued without interruption on
752 the effective date of this charter. As used in the Acts and amendments creating the existing
753 boards, commissions, and authorities, the terms "Macon City Council" and "Bibb County
754 Board of Commissioners" shall mean the Board of Commissioners of Macon-Bibb,
755 Georgia, and the terms "Mayor of the City of Macon" and "Chairman of the Bibb County
756 Board of Commissioners" shall mean the chairperson of the Board of Commissioners of
757 Macon-Bibb, Georgia.

758 (b) Not later than December 31, 2014, the Board of Commissioners of Macon-Bibb,
759 Georgia, shall examine all existing boards, commissions, and authorities of the former City
760 of Macon and Bibb County for the purpose of determining whether any such boards,
761 commissions, and authorities should be reorganized or reconstituted for the purpose of
762 increasing their efficient operation. The detailed findings and proposed actions as a result
763 of such review shall be posted on the official Macon-Bibb website. Thereafter, the board
764 of commissioners shall review each board, commission, and authority of the unified
765 government on a regularly scheduled basis not less often than once every two years 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. The
 768 results and proposed actions as a result of such reviews shall be posted quarterly on the
 769 official Macon-Bibb website. The provisions of this subsection shall not be construed to
 770 authorize the board to affect any board, commission, and authority created by general law
 771 or by local constitutional amendment.

772 **ARTICLE V**

773 **JUDICIARY**

774 **SECTION 5-101.**

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

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

780 **SECTION 5-102.**

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

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

786 **SECTION 5-103.**

787 Juvenile court; unaffected by charter; redesignation.

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

792 **SECTION 5-104.**

793 Probate court; unaffected by charter; redesignation.

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

797 **SECTION 5-105.**

798 Magistrate court; unaffected by charter; redesignation.

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

803 **SECTION 5-106.**

804 Municipal court of the City of Macon; abolishment of
805 operations in the unified government.

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

811 **ARTICLE VI**

812 **ELECTIONS**

813 **CHAPTER 1 - Conduct of Elections**

814 **SECTION 6-101.**

815 Applicability of general laws.

816 Except as otherwise provided by this charter, primaries and regular and special elections shall
817 be conducted in accordance with provisions of Chapter 2 of Title 21 of the O.C.G.A., the
818 "Georgia Election Code." As used in said Code section, the terms "election" or "general
819 election" shall be construed to include the term "regular election" as provided in Section
820 6-102 of this charter; the term "governing authority" shall include the mayor and the board
821 of commissioners of Macon-Bibb, Georgia; the terms "municipal," "municipality," or

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

824 **SECTION 6-102.**

825 Regular election, time for holding; voting.

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

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

833 **SECTION 6-103.**

834 Special elections.

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

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

838 **SECTION 6-201.**

839 Number of districts; boundaries.

840 The territory of Macon-Bibb, Georgia, shall consist of nine single-member election districts.
841 Council Districts 1 through 9 shall consist of the described territory of Macon-Bibb, Georgia,
842 attached to this Act and made a part thereof and further identified as Plan Name: bibb9dp2
843 Plan Type: Local User: Gina Administrator: H137. When used in such attachment, the terms
844 "Tract" and "BG" (Block Group) shall mean and describe the same geographical boundaries
845 as provided in the report of the Bureau of the Census for the United States decennial census
846 of 2010 for the State of Georgia. The separate numeric designations in a Tract description
847 which are underneath a BG heading shall mean and describe individual blocks within a block
848 group as provided in the report of the Bureau of the Census for the United States decennial
849 census of 2010 for the State of Georgia. Any part of Macon-Bibb, Georgia, which is not
850 included in any such district described in that attachment shall be included within that district
851 contiguous to such part which contains the least population according to the United States
852 decennial census of 2010 for the State of Georgia. Any part of Macon-Bibb, Georgia, which

853 is described in that attachment as being in a particular district shall nevertheless not be
 854 included within such district if such part is not contiguous to such district. Such
 855 noncontiguous part shall instead be included with that district contiguous to such part which
 856 contains the least population according to the United States decennial census of 2010 for the
 857 State of Georgia.

858 **SECTION 6-202.**

859 Reapportionment of election districts.

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

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

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

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

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

874 **ARTICLE VII**

875 **REVENUE AND FINANCE**

876 **CHAPTER 1 - Taxation and Other Revenues**

877 **SECTION 7-101.**

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

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

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

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

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

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

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

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

900 (2) Occupation and business license taxes that are not prohibited by the Constitution and
 901 general laws of Georgia. These taxes may be levied upon any person, firm, partnership,
 902 company, or corporation which has a location or office within Macon-Bibb, Georgia, at
 903 which a business, profession, or occupation is conducted. Subject to the restrictions
 904 imposed by general law, the commission may also impose a regulatory fee, whether
 905 designated as a license fee or permit fee or other name, on those businesses, professions,
 906 or occupations that the government of Macon-Bibb, Georgia, regulates;

907 (3) An excise tax on rooms, lodgings, or accommodations as now or hereafter provided
 908 by law for counties and municipalities;

909 (4) License fees and taxes on insurance companies as authorized by Code Sections
 910 33-8-8 through 33-8-8.6 of the O.C.G.A.;

911 (5) A public utility franchise tax, fee, or both on each electric light and power company,
 912 gas company, telephone and telegraph company, and other public utility making use of
 913 the roads, streets, alleys, or other public ways of Macon-Bibb, Georgia, for the purpose
 914 of rendering services therein;

915 (6) Charge and collect franchise fees on cable television systems as now or hereafter
 916 provided by law for counties;

917 (7) Fees, assessments, and charges for the cost of constructing, reconstructing, widening,
 918 or improving any public way, street, sidewalk, curbing, gutters, storm sewers, drainage
 919 structures, or other utility mains and appurtenances from the abutting property owners
 920 under any terms and conditions as provided by ordinance;

921 (8) Fees, assessments, charges, and tolls for sanitary and health services or any other
 922 services rendered within and without the limits of the unified government under such
 923 terms and conditions as provided by ordinance;

924 (9) All other such taxes, charges, or assessments as the City of Macon or Bibb County
 925 were authorized and empowered to make and collect upon the effective date of this
 926 charter, which powers may be exercised throughout the area of the unified government,
 927 or appropriate portions thereof, including any tax now or hereafter authorized by state
 928 law, and the specific mention of any right, power, or authority in this charter shall not be
 929 construed as limiting in any way the general powers of the board to govern its local
 930 affairs. When authorized by this charter or a statute or the Constitution of the State of
 931 Georgia, the board shall have full power and authority to assess, levy, charge, and collect
 932 taxes, rentals, interest, fees, penalties, fines, and costs; to receive income on investments;
 933 to accept funds, services, or property from other political subdivisions and public
 934 agencies, either local, state, or national, and from private persons, firms, or corporations;
 935 and to contract with them for any public purpose;

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

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

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

946 **SECTION 7-102.**

947 Collection of delinquent taxes and fees.

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

950

SECTION 7-103.

951

Homestead exemptions.

952 (a) The homestead exemptions provided under the Constitution and laws of Georgia
953 presently in force or as hereafter amended shall be applicable to all such property subject to
954 ad valorem taxes within Macon-Bibb, Georgia.

955 (b)(1) As used in this subsection, the term:

956 (A) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes
957 for municipal purposes levied by, for, or on behalf of Macon-Bibb, Georgia, including,
958 but not limited to, taxes to pay interest on and to retire municipal bonded indebtedness.

959 (B) "Base year" means the later of 2011 and the taxable year immediately preceding the
960 taxable year in which the exemption under this Act is first granted to the most recent
961 owner of such homestead.

962 (C) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
963 the O.C.G.A., with the additional qualification that it shall include only the primary
964 residence and not more than five contiguous acres of land immediately surrounding such
965 residence.

966 (2) Each resident of Macon-Bibb, Georgia, is granted an exemption on that person's
967 homestead from all Macon-Bibb, Georgia, ad valorem taxes for municipal purposes in an
968 amount equal to the amount by which the current year assessed value of that homestead
969 exceeds the base year assessed value of that homestead. This exemption shall not apply
970 to taxes assessed on improvements to the homestead or additional land that is added to the
971 homestead after January 1 of the base year. If any real property is removed from the
972 homestead, the base year assessed value shall be recalculated accordingly. The value of
973 that property in excess of such exempted amount shall remain subject to taxation.

974 (3) A person shall not receive the homestead exemption granted by paragraph (2) of this
975 subsection unless the person or person's agent files an application with the governing
976 authority of Macon-Bibb, Georgia, or the designee thereof, giving such information relative
977 to receiving such exemption as will enable the governing authority of Macon-Bibb,
978 Georgia, or the designee thereof, to make a determination as to whether such owner is
979 entitled to such exemption.

980 (4) The governing authority of Macon-Bibb, Georgia, or the designee thereof, shall provide
981 application forms for the exemption granted by paragraph (2) of this subsection which shall
982 require such information as may be necessary to determine the initial and continuing
983 eligibility of the owner for the exemption.

984 (5) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1
 985 of the O.C.G.A. The exemption shall be automatically renewed from year to year as long
 986 as the owner occupies the residence as a homestead. After a person has filed the proper
 987 application as provided in paragraph (3) of this subsection, it shall not be necessary to
 988 make application thereafter for any year, and the exemption shall continue to be allowed
 989 to such person. It shall be the duty of any person granted the homestead exemption under
 990 paragraph (2) of this subsection to notify the governing authority of Macon-Bibb, Georgia,
 991 or the designee thereof, in the event that person for any reason becomes ineligible for that
 992 exemption.

993 (6) The exemption granted by this subsection shall not apply to or affect state ad valorem
 994 taxes or ad valorem taxes for educational purposes. The homestead exemption granted by
 995 paragraph (2) of this subsection shall be in addition to and not in lieu of any other
 996 homestead exemption applicable to municipal ad valorem taxes.

997 (7) The exemption granted by paragraph (2) of this subsection shall apply to all taxable
 998 years beginning on or after January 1, 2011.

999 **SECTION 7-104.**

1000 Tax and services districts; taxation therein.

1001 (a) The general services area as defined and authorized in paragraph (1) of subsection (a) of
 1002 Section 7-301 of this charter shall constitute a general services tax district wherein the board
 1003 shall levy and collect taxes and shall appropriate money to perform and discharge those
 1004 powers, functions, and services provided therein by the unified government of Macon-Bibb,
 1005 Georgia.

1006 (b) The urban services area as authorized in paragraph (2) of subsection (a) of Section 7-301
 1007 of this charter, together with any enlargement or modification thereof pursuant to the
 1008 provisions of this charter, shall constitute an urban tax district, as the case may be, wherein
 1009 the board may levy and collect additional taxes and may appropriate additional money
 1010 therefrom to perform and discharge those additional powers, functions, and additional
 1011 services provided therein by the unified government of Macon-Bibb, Georgia.

1012 (c) The assessment of real and personal property for ad valorem tax purposes shall be upon
 1013 a uniform basis throughout the entire area of the unified government; provided, however, that
 1014 the rate and manner of additional taxation of services districts may vary in any services tax
 1015 district from that in another or other services tax districts in such a way as to reflect
 1016 reasonably the kind, character, type, degree, and level of services afforded to such services
 1017 tax district or districts.

1018 CHAPTER 2 - Borrowing and Indebtedness

1019 **SECTION 7-201.**

1020 Issuance of general obligation bonds.

1021 (a) The board shall be authorized to issue and sell general obligation bonds, after approval
 1022 of the qualified voters, under the provisions of the Constitution and general laws of Georgia
 1023 for any public purpose for the benefit of the unified government or any tax area or services
 1024 district thereof; provided, however, that for the purpose of issuing and selling such general
 1025 obligation bonds, the unified government of Macon-Bibb, Georgia, shall be deemed a county,
 1026 and the provisions of the Constitution and laws of Georgia governing the limitations, terms,
 1027 and procedures for the issuance and sale of bonds by counties shall apply to the unified
 1028 government unless otherwise provided by this charter.

1029 (b) All general obligation bonds shall be issued in the name of Macon-Bibb, Georgia, and
 1030 shall be an obligation thereof, and the full faith and credit of the unified government of
 1031 Macon-Bibb, Georgia, shall be pledged for all general obligation bonds issued thereunder
 1032 which are payable from ad valorem taxes, and for such purpose, the board shall have the
 1033 authority to levy and collect ad valorem taxes without limit as to rate or amount on all
 1034 taxable property within the territorial limits of the unified government.

1035 **SECTION 7-202.**

1036 Debt limitation; general obligation bonds.

1037 The total general obligation bond indebtedness of the unified government of Macon-Bibb,
 1038 Georgia, payable from ad valorem taxes (including all outstanding general obligation bonds
 1039 of the former City of Macon and Bibb County on the effective date of this charter) shall not
 1040 exceed 10 percent of the assessed value of all taxable property within the territorial limits of
 1041 the unified government.

1042 **SECTION 7-203.**

1043 Revenue bonds.

1044 The board shall be empowered and authorized to issue revenue bonds for the purposes and
 1045 in the manner as now or hereafter provided by Article 3 of Chapter 82 of Title 36 of the
 1046 O.C.G.A., the "Revenue Bond Law."

1047 **SECTION 7-204.**

1047

1048

Use of bond proceeds.

1049 All revenue derived by Macon-Bibb, Georgia, from the issuance and sale of bonds shall be
 1050 used exclusively for the purposes for which such bonds were issued, and all ad valorem taxes
 1051 collected for the purpose of servicing or retiring such bonds shall be used exclusively for the
 1052 payment of principal and interest thereof.

1053 **SECTION 7-205.**

1053

1054

Allocation of indebtedness.

1055 (a) All general indebtedness of Bibb County, whether represented by general obligation
 1056 bonds or otherwise, which may be outstanding upon the effective date of this charter, shall
 1057 be allocated to the general services area as defined in paragraph (1) of subsection (a) of
 1058 Section 7-301 of this charter and is hereby recognized as the obligation of the general
 1059 services area of Macon-Bibb, Georgia. All general indebtedness of the City of Macon,
 1060 whether represented by general obligation bonds or otherwise, which may be outstanding
 1061 upon the effective date of this charter, shall be allocated to the urban services area as defined
 1062 in paragraph (2) of subsection (a) of Section 7-301 of this charter. The board is hereby
 1063 authorized to levy taxes and otherwise provide for the retirement thereof, subject to the terms
 1064 of this charter. Any funds in the control of the heretofore existent City of Macon and Bibb
 1065 County, now consolidated into Macon-Bibb, Georgia, by this charter, which theretofore had
 1066 been allocated to the retirement of any bonded indebtedness of said municipality and county,
 1067 shall be so applied by the Board.

1068 (b) All general obligation bonds issued prior to the effective date of this charter by Bibb
 1069 County and all bonds authorized but unissued by Bibb County on the effective date of this
 1070 charter and thereafter issued by Macon-Bibb, Georgia, shall be allocated to the general
 1071 services area, and the principal of and interest on such bonds shall be paid from ad valorem
 1072 taxes or other revenues collected in the general services area. All general obligation bonds
 1073 issued prior to the effective date of this charter by the City of Macon and all bonds
 1074 authorized but unissued by the City of Macon on the effective date of this charter and
 1075 thereafter issued by Macon-Bibb, Georgia, shall be allocated to the urban services area, and
 1076 the principal and interest on such bonds shall be paid from ad valorem taxes or other
 1077 revenues collected in the urban services area.

1078 (c) Any revenue bonds issued prior to the effective date of this charter by the City of Macon
 1079 or Bibb County under Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue
 1080 Bond Law," and any such revenue bonds authorized but unissued by said city or county on

1081 the effective date of this charter and thereafter issued by Macon-Bibb, Georgia, shall be
 1082 payable as to principal and interest from the revenues or sources and in the manner provided
 1083 in the proceedings which authorized the issuance of such revenue bonds.

1084 (d) Neither the allocation of bonds to the general services area nor any of the other
 1085 provisions of this charter shall impair or diminish any of the rights, revenues, or security and
 1086 source for payment of any of such bonds or revenue bonds issued by the City of Macon or
 1087 by Bibb County prior to the effective date of this charter, or authorized but unissued by the
 1088 City of Macon or by Bibb County on the effective date of this charter and thereafter issued
 1089 by Macon-Bibb, Georgia; and such holders of such bonds or revenue bonds shall have and
 1090 be entitled to enforce any and all rights, remedies, and security and sources for payment
 1091 granted such holders by the proceedings which authorized the issuance of such bonds or
 1092 revenue bonds as fully and to the same extent as if this charter had not been adopted.

1093 **CHAPTER 3 - Financing of Services**

1094 **SECTION 7-301.**

1095 **General and urban services areas.**

1096 (a) In Macon-Bibb, Georgia, there shall be:

1097 (1) A general services area which shall consist of the total area of Bibb County as fixed
 1098 and established upon the effective date of this charter or as hereafter modified according
 1099 to law;

1100 (2) An urban services area which shall consist of the area embraced within the corporate
 1101 limits of the City of Macon as the same exists upon the day immediately preceding the
 1102 effective date of this charter or as such area may be hereafter expanded as herein
 1103 provided; and

1104 (3) Such special services areas as the board may hereafter establish.

1105 (b) All other tax districts existing in the City of Macon or Bibb County immediately prior
 1106 to the effective date of this charter are continued in effect by this charter.

1107 (c) Such services areas shall be tax districts wherein taxes and other assessments shall be
 1108 assessed, levied, and collected by the unified government in accordance with the kind,
 1109 character, type, and degree of services actually provided therein and may vary in any one
 1110 services area from that of another or other areas in accordance with the provisions of this
 1111 charter. The powers, authority, duties, liabilities, services, and functions of Macon-Bibb,
 1112 Georgia, may vary in any services area from that in another or other services area.

1113 (d) The unified government is hereby empowered to exercise and provide within the general
 1114 services area and within any urban services area established by this charter or by ordinance
 1115 of the board those powers, functions, and services which have theretofore been exercised and

1116 provided by Bibb County or the City of Macon, or both; all powers, functions, and services
 1117 authorized by this charter, and any amendments thereto; and all powers, functions, and
 1118 services which counties and municipal corporations, or both, are now or hereafter authorized
 1119 to exercise under the Constitution and laws of Georgia.

1120 (e) The unified government shall perform or procure the performance within the general
 1121 services area of those governmental duties, functions, and services which are generally
 1122 available and accessible to all residents throughout the total territory of Macon-Bibb,
 1123 Georgia. As provided in subsection (a) of Section 1-105 of this charter, all services provided
 1124 in the general services area shall be made available to the citizens of Payne City at the same
 1125 rate provided all other citizens of the general services area pursuant to a contract executed
 1126 between the governments of Payne City and Macon-Bibb for the amount of \$1.00 for a
 1127 period not to exceed 50 years as provided in Article IX, Section III, Paragraph I of the
 1128 Constitution of the State of Georgia.

1129 (f) The unified government shall perform within its urban services areas those additional,
 1130 more comprehensive and intensive, and higher levels of governmental duties, functions, and
 1131 services which benefit primarily the residents of such urban services areas.

1132 **SECTION 7-302.**

1133 Creation of services areas by ordinance.

1134 Except as otherwise provided by this charter, services areas of the unified government shall
 1135 be created, expanded, merged, unified, or reduced only by ordinance duly adopted by the
 1136 board under such general rules, procedures, regulations, requirements, and specifications as
 1137 are established by the board and this charter. Such rules and regulations shall set forth the
 1138 manner and method for the creation of new services areas and the expansion, unification,
 1139 reduction, or merger of existing services areas; set forth requirements for defining functions
 1140 and policies for rendering services, for changing levels of services within existing services
 1141 areas, and for transferring territory from one services area to another; and set forth
 1142 requirements for defining boundaries of services areas.

1143 **SECTION 7-303.**

1144 Requirements for defining boundaries.

1145 Whenever in this chapter it is required that the boundaries of a services area be set out, it
 1146 shall suffice if the boundaries are described in such a way as to convey an intelligent
 1147 understanding of the location of the land. In the discretion of the board, the boundaries may
 1148 be described: (1) by reference to a map; (2) by metes and bounds; (3) by general description

1149 referring to roads or natural boundaries or to the boundaries of particular tracts or parcels of
1150 land; or (4) by any combination of the above methods.

1151 **SECTION 7-304.**

1152 Notice of hearing prior to adoption of ordinance.

1153 Before it adopts any ordinance authorized or described in Sections 7-301 through 7-303 of
1154 this charter, the board shall give notice of its intentions to consider the ordinance and shall
1155 provide an opportunity for interested persons to be heard as provided for in Section 1-105
1156 of this charter.

1157 **CHAPTER 4 - Financial Administration**

1158 **SECTION 7-401.**

1159 Fiscal year.

1160 The fiscal year of Macon-Bibb, Georgia, shall begin on the first day of July of each year and
1161 shall end on the thirtieth day of June next following. The board may adopt a different fiscal
1162 year by ordinance, which shall not be effective until at least six months after the date of
1163 adoption thereof. The fiscal year shall constitute the budget year and the year for financial
1164 accounting and reporting of each and every office, department, institution, agency, and
1165 activity of the unified government, unless otherwise provided by state or federal law.

1166 **SECTION 7-402.**

1167 Preparation of budgets.

1168 The preparation of an annual budget and a capital improvements budget shall be as
1169 prescribed by ordinance and provisions of this charter. In addition, the unified government
1170 of Macon-Bibb, Georgia, may adopt budgets as are permitted by general law, including, but
1171 not limited to, project budgets for major capital projects and fund budgets.

1172 **SECTION 7-403.**

1173 Scope of budgets.

1174 (a) The annual budget should consist of at least two parts:

1175 (1) Part I of the annual budget shall apply only to the operating expenses of the unified
1176 government; and

- 1177 (2) Part II of the annual budget shall apply only to capital improvement expenses of the
 1178 unified government.
- 1179 (b) Each section of the annual operating and capital budget shall contain with respect to each
 1180 of the operating funds of the government of Macon-Bibb, Georgia, to which they are
 1181 applicable:
- 1182 (1) A reasonable estimate of cash revenues to be received during the ensuing year,
 1183 classified according to source;
- 1184 (2) Proposed expenditures detailed by each department, board, commission, office,
 1185 agency, and activity in accordance with an established classification of accounts,
 1186 including those capital outlays which are to be financed from the revenues of the ensuing
 1187 year and including all debt service requirements in full for such fiscal year; and
- 1188 (3) Such other information as may be considered necessary or desirable by the COO, the
 1189 mayor, or the board.
- 1190 (c) In no event shall the total proposed expenditures from any fund exceed the total
 1191 anticipated revenues plus the estimated unappropriated surplus or fund balance and
 1192 applicable reserves less any estimated deficit at the end of the current fiscal year.
- 1193 (d) The capital improvements budget shall describe capital projects anticipated, the proposed
 1194 expenditures therefore, and the revenues or other sources of funds anticipated to finance such
 1195 capital projects.

1196 **SECTION 7-404.**

1197 Submission of budgets to the board of commissioners.

- 1198 (a) In advance of initiating preparations of the annual budget, the mayor, with participation
 1199 of the board, shall develop a statement of the general fiscal policies of Macon-Bibb, Georgia,
 1200 the important features of the budgets, explanations of major changes recommended for the
 1201 next fiscal year, a general summary of the budgets, and such other comments and information
 1202 as may be deemed pertinent.
- 1203 (b) On or before a date fixed by the board but not later than 60 days prior to the beginning
 1204 of each fiscal year, the COO, in consultation with the department heads, shall prepare an
 1205 operating budget to submit to the mayor. The mayor of the unified government shall submit
 1206 to the board a proposed operating budget and a proposed capital improvements budget for
 1207 the ensuing fiscal year. Such budgets shall be accompanied by a message from the mayor
 1208 containing a statement of the general fiscal policies of Macon-Bibb, Georgia, the important
 1209 features of the budgets, explanations of major changes recommended for the next fiscal year,
 1210 a general summary of the budgets, and such other comments and information as may be
 1211 deemed pertinent. A summary of the budgets and the mayor's message thereon shall be

1212 published on the official Macon-Bibb website. The operating budget and the capital
1213 improvements budget, the budget message, and all supporting schedules shall be filed in the
1214 COO's office and shall be open to public inspection.

1215 **SECTION 7-405.**

1216 Adoption of budgets.

1217 (a) The board shall approve, reject, or amend the proposed operating budget. The budget
1218 as finally adopted shall provide for all expenditures required by law or by other provisions
1219 of this charter and for all debt service requirements for the ensuing fiscal year. The total
1220 appropriations from any fund shall not exceed the estimated fund balance, reserves, and
1221 revenues constituting the resources available of such fund.

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

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

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

SECTION 7-406.

Property tax levies.

1243

1244

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

1247 (1) The board shall levy by ordinance a general services area tax on all real and personal

1248 property within the general services tax district as provided by this charter. The tax rate

1249 set by such ordinance shall be such that a reasonable estimate of cash revenues from such

1250 levy shall be at least sufficient, together with other anticipated revenues, fund balances,

1251 and applicable reserves, to equal the total amount appropriated for each of the several

1252 funds set forth in the annual operating budget for defraying the expenses of the general

1253 services area for services to be rendered throughout the entire area of Macon-Bibb,

1254 Georgia. Such services shall include those functions set forth in subsections (c) and (d)

1255 of Section 7-301 of this charter, and such other purposes, functions, and services as may

1256 be authorized by the laws of Georgia, by this charter, or by ordinance of the board;

1257 (2) The board shall levy by ordinance an urban services area tax on all real and personal

1258 property within the urban services tax district as authorized by this charter. The tax rates

1259 set by such ordinance for each district shall be such that a reasonable estimate of cash

1260 revenues from such levy shall be at least sufficient, together with other anticipated

1261 revenues, fund balances, and applicable reserves, to equal the total amount appropriated

1262 for each of the several funds set forth in the annual operating budget for defraying the

1263 expenses of a higher level of services to be rendered in urban services areas; and

1264 (3) The board shall levy by ordinance a special services area tax on all real and personal

1265 property within any special services tax district as authorized by this charter. The tax

1266 rates set by such ordinance for each district shall be such that a reasonable estimate of

1267 cash revenues from such levy shall be at least sufficient, together with other anticipated

1268 revenues, fund balances, and applicable reserves, to equal the total amount appropriated

1269 for each of the several funds set forth in the annual operating budget for defraying the

1270 expenses of a higher level of services to be rendered in a special services area.

SECTION 7-407.

Limitation of funds.

1271

1272

1273 Upon certification by the COO that the revenues or other resources actually realized with

1274 respect to any fund will be less than was anticipated and will be insufficient to meet the

1275 amounts appropriated from such fund, it shall be the duty of the COO upon the instruction

1276 of the mayor of the unified government to limit such appropriations as may be necessary to
 1277 prevent deficit operation.

1278 **SECTION 7-408.**

1279 Transfer of funds.

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

1283 **SECTION 7-409.**

1284 Lapse of appropriations.

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

1288 **SECTION 7-410.**

1289 Continuing audit.

1290 The auditor shall conduct a continuing internal audit of the fiscal affairs and operations of
 1291 every department, office, and agency of the unified government.

1292 **SECTION 7-411.**

1293 Postaudit.

1294 (a) The board shall provide annually for an independent audit of the accounts and other
 1295 evidences of financial transactions of the government of Macon-Bibb, Georgia, and of every
 1296 office, department, board, commission, authority, or other agency. The audit shall be made
 1297 by a certified public accountant who shall have no personal interest, direct or indirect, in the
 1298 fiscal affairs of Macon-Bibb, Georgia, or of any of its departments, offices, boards,
 1299 commissions, authorities, or agencies. The board shall by competitive bids, taking into
 1300 consideration the lowest and best bid, designate such accountant or firm annually or for a
 1301 period not exceeding three years.

1302 (b) The audit may be conducted on a quarterly or continuing basis, and the final report of
 1303 the annual audit shall be completed as soon as practicable after the close of the fiscal year,

1304 and in no event later than six months after the close of the fiscal year. The audit report shall
1305 be filed with the COO and made available to the public.

1306 (c) The board may at any time order an examination or special audit of any office,
1307 department, board, commission, or other agency of Macon-Bibb, Georgia.

1308 **CHAPTER 5 - Procurement and Disposition of Property**

1309 **SECTION 7-501.**

1310 Contracting procedures.

1311 The board shall prescribe by ordinance rules and regulations which must be followed in the
1312 making of contracts in order to bind the government of Macon-Bibb, Georgia. Except where
1313 otherwise provided by law or by ordinance, all contracts of the government of Macon-Bibb,
1314 Georgia, shall be signed by the mayor and authenticated by the COO.

1315 **SECTION 7-502.**

1316 Sale and disposition of property.

1317 (a) The board is authorized to sell any real or personal property owned or held by
1318 Macon-Bibb, Georgia, and not needed for governmental or other public purposes in such
1319 manner as is required in state law for counties, as provided for in Code Sections 36-9-2 and
1320 36-9-3 of the O.C.G.A.

1321 (b) The board is empowered to authorize the following transactions:

1322 (1) A transfer of any real or personal property owned by Macon-Bibb, Georgia, to
1323 another governmental entity upon finding that such transfer is in the public interest;

1324 (2) A sale of any such property to another governmental entity; and

1325 (3) An exchange of such property for property that is owned privately or by some other
1326 governmental entity.

1327 In each instance, whether the property is transferred, sold, or exchanged, the requirements
1328 of a public sale shall not be required; but a statement thereof shall be published in the
1329 newspaper designated as the legal organ of the unified government once a week for the two
1330 weeks preceding the day in which such transaction is to be concluded. Such statement shall
1331 contain a description of the property or properties involved and the prices and estimated
1332 values as to each item of property.

1333 (c) Macon-Bibb, Georgia, may quitclaim any rights it may have in property not needed for
1334 public purposes upon a report by the COO of the unified government and the adoption by the
1335 board of a resolution, both finding that the property is not needed for public purposes and

1336 that the interest of the government of Macon-Bibb, Georgia, therein has no readily
1337 ascertainable monetary value.

1338 (d) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1339 of Macon-Bibb, Georgia, a small parcel or tract of land is cut off or separated by such work
1340 from a larger tract of land owned by Macon-Bibb, Georgia, the board may authorize the
1341 execution and deliverance in the name of the government of Macon-Bibb, Georgia, of a deed
1342 conveying said cut-off or separated parcel or tract of land to an abutting or adjoining property
1343 owner or owners in exchange for rights of way in said street, avenue, alley, or public place,
1344 or in settlement of any alleged damages sustained by said abutting or adjoining property
1345 owner. All deeds and conveyances so executed and delivered shall convey all title and
1346 interest the government of Macon-Bibb, Georgia, has in such property.

1347 **ARTICLE VIII**

1348 **GENERAL PROVISIONS**

1349 **SECTION 8-101.**

1350 **Application of laws; laws in force.**

1351 (a) The general laws of the State of Georgia of a criminal nature shall be applicable to and
1352 within the limits of the unified government. General laws of local application through
1353 classification by population, not in conflict with this charter:

1354 (1) Which on the effective date of this charter apply to the City of Macon or Bibb
1355 County, Georgia, shall be applicable to the unified government; and

1356 (2) Which apply to Macon-Bibb, Georgia, as either a city or a county at the time of their
1357 enactment or thereafter shall be effective; but those which did not apply to the City of
1358 Macon or Bibb County or the unified government at the time of their enactment shall not
1359 become applicable to the unified government except through the adoption of a resolution
1360 to that effect by the board.

1361 (b) Local Acts of the State of Georgia which apply specifically to either Bibb County or the
1362 City of Macon, or both, shall be applicable to the unified government.

1363 (c) In construing the applicability of provisions of the Constitution and the general laws of
1364 Georgia which apply in general terms to either counties or municipalities, or both, and local
1365 Acts of the General Assembly that apply specifically to Bibb County or the City of Macon,
1366 or both, the following terms as used in such laws shall be construed to include the unified
1367 government as follows:

1368 (1) "County" shall be construed to include Macon-Bibb, Georgia;

1369 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to
1370 include Macon-Bibb, Georgia;

- 1371 (3) "Commissioners of Roads and Revenues" and "Board of County Commissioners"
 1372 shall be construed to include the Board of Commissioners of Macon-Bibb, Georgia;
 1373 (4) "Council," "Mayor and Council," "Aldermen," and "Board of Aldermen" shall be
 1374 construed to include the Board of Commissioners of Macon-Bibb, Georgia;
 1375 (5) "Chairman of the Commissioners of Roads and Revenues" and "Chairman of the
 1376 Board of County Commissioners" shall be construed to include the mayor of
 1377 Macon-Bibb, Georgia;
 1378 (6) "Mayor" shall be construed to include the mayor of Macon-Bibb, Georgia; and
 1379 (7) Any other terms and provisions as used in such Acts to refer specifically to Bibb
 1380 County or the City of Macon, or both, and the officers, employees, departments, and
 1381 agencies thereof shall be construed to mean Macon-Bibb, Georgia, and its officers,
 1382 employees, departments, and agencies.
- 1383 (d) In construing the applicability of laws in force to the unified government, the following
 1384 order shall prevail:
- 1385 (1) The Constitution of the State of Georgia;
 1386 (2) The general laws of uniform application now in force or hereafter enacted by the
 1387 General Assembly (as distinguished from general laws of local application through
 1388 classification by population) applicable to municipal corporations or counties, or both;
 1389 (3) The general laws of local application through classification by population as and to
 1390 the extent provided in subsection (a) of this section;
 1391 (4) Special laws applicable to Bibb County not in conflict with this charter;
 1392 (5) Special laws applicable to the City of Macon not in conflict with this charter;
 1393 (6) This charter and all ordinances and resolutions passed pursuant thereto; and
 1394 (7) Existing ordinances and resolutions of the former City of Macon and existing
 1395 ordinances and resolutions of the former County of Bibb not in conflict with this charter.

1396 **SECTION 8-102.**

1397 **Limitation on claims and service.**

- 1398 (a) All contractual claims against the unified government shall be presented within 12
 1399 months after they accrue or become payable or the same as claimed, unless held by minors
 1400 or other persons laboring under disabilities, who are allowed 12 months after the removal of
 1401 such disability.
- 1402 (b) Service on the unified government of any suit, process, or order of court shall be served
 1403 upon the mayor.

SECTION 8-103.

1404

1405

Tort and nuisance liability.

1406 The tort and nuisance liability of the unified government shall follow the law and rules of tort
1407 liability applicable to counties in Georgia.

SECTION 8-104.

1408

1409

Conflict of laws.

1410 For purposes of all applicable laws, the unified government of Macon-Bibb, Georgia, shall
1411 constitute a municipality and a county, or both. Except as otherwise provided by this charter,
1412 if a law applicable to municipalities and the same or another law applicable to counties are
1413 in conflict, the law applicable to municipalities shall prevail.

SECTION 8-105.

1414

1415

Competitive bidding.

1416 All departments and agencies of the unified government shall utilize competitive bidding
1417 procedures, as specified in an ordinance of the board, for all purchases in excess of an
1418 amount provided for in an ordinance of the board, unless such purchase shall be otherwise
1419 approved by six of the nine commissioners.

SECTION 8-106.

1420

1421

Execution of assessments.

1422 Whenever any tax or special assessment is authorized or empowered to be levied or imposed
1423 by this charter which is required to be collected by the unified government and such is not
1424 paid within the time period specified by the board and no specific provision is elsewhere
1425 provided in this charter for its collection, then the COO shall issue execution in the name of
1426 Macon-Bibb, Georgia, against such person, firm, or entity liable therefor or property subject
1427 thereto for such sums as may be due with interest at the legal rate from due date, and
1428 penalties and costs. The unified government shall have the right to enforce payment of such
1429 execution by levy and sale as in the case of county taxes, and the purchaser at such sale shall
1430 acquire the same title and rights as a purchaser at a sale for county taxes. Executions issued
1431 by the COO of Macon-Bibb, Georgia, and the levy and sale thereunder shall be governed by
1432 general law.

1433 **SECTION 8-107.**

1434 Authority to deal with federal and state agencies.

1435 The unified government of Macon-Bibb, Georgia, shall have the power and authority to
 1436 participate in, cooperate in, and take all necessary action with respect to any and all projects,
 1437 programs, and undertakings of any nature authorized by any statute, rule, or regulation of the
 1438 United States, the State of Georgia, or any federal or state agency or instrumentality,
 1439 including, but not limited to, community development, highways, aviation, aviation
 1440 terminals, airports, airport facilities, municipal area or regional development, sewer and
 1441 sewage disposal, public housing, housing for the aged, and transportation or mass transit or
 1442 any phase thereof; to borrow money and issue promissory notes, general obligation bonds,
 1443 or revenue bonds or a combination thereof for any such purposes in accordance with
 1444 provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal
 1445 agency, secured by property of which the unified government is the legal or beneficial or
 1446 equitable owner, or in favor of any private agency where the loan is guaranteed by a federal
 1447 agency.

1448 **SECTION 8-108.**

1449 Federal and state aid.

1450 The unified government of Macon-Bibb, Georgia, shall be deemed a county but shall also
 1451 be deemed an incorporated city or municipality for the purpose of determining its right to
 1452 receive and for the purpose of receiving state aid or grant-in-aid from the State of Georgia
 1453 or from the United States or from any agency or instrumentality thereof or from any other
 1454 source, public or private. The unified government shall be entitled to receive as state aid or
 1455 as grant-in-aid from the State of Georgia or from the United States or from any agency or
 1456 instrumentality thereof or from any other source, public or private, all funds to which a
 1457 county is, or may hereafter be, entitled, and also all funds to which an incorporated city or
 1458 municipality is, or may be hereafter entitled, and to receive the same without diminution or
 1459 loss by reason of unification. When state aid or other grant-in-aid is distributed to any
 1460 county on the basis of population or area, or both, then the entire population and the total
 1461 area of Macon-Bibb, Georgia, shall be considered in calculating and determining the basis
 1462 for such distribution. When state aid or other grant-in-aid is distributed to any county on the
 1463 basis of rural area, rural road mileage, or rural population, or any combination thereof, then
 1464 that area of the general services area outside of the urban services area or areas of
 1465 Macon-Bibb, Georgia, shall be deemed to constitute rural area, its road mileage to constitute
 1466 rural road mileage, and its population to constitute rural population. When state aid or other

1467 grant-in-aid is distributed to any incorporated city or municipality on the basis of population
 1468 or area, or both, then the population or the area of the urban services area or areas of
 1469 Macon-Bibb, Georgia, shall be deemed the population and the area used in calculating and
 1470 determining the basis of such distribution.

1471 **SECTION 8-109.**

1472 Budgets of county officers and agencies.

1473 All elected officers and all agencies not under the direct control and jurisdiction of the COO,
 1474 such as the Board of Health and the Board of Family and Children Services, which receive
 1475 appropriations from the board, shall, on the same date as is applicable to budgets submitted
 1476 by department heads, submit to the COO annual operating and capital budget requests for the
 1477 ensuing fiscal year. Such budget requests, after any revisions therein by the COO and the
 1478 mayor, shall be incorporated into the overall unified government budget for submission by
 1479 the mayor to the board, which shall grant a hearing to any such officer or agency on such
 1480 proposed budgets.

1481 **SECTION 8-110.**

1482 Existing pension rights protected.

1483 (a) Persons who, at the time this charter takes effect, are employed by any office,
 1484 department, board, commission, or agency of the former City of Macon shall retain all
 1485 pension rights which have accrued to them under any existing pension system. Macon-Bibb,
 1486 Georgia, shall continue in force and effect any existing pension system for city employees
 1487 covered thereby who are employed by the unified government, and the services of such
 1488 employees shall not be deemed to have been interrupted by the adoption of this charter.

1489 (b) Persons who, at the time this charter takes effect, are employed by any office,
 1490 department, board, commission, or agency of the former County of Bibb shall retain all rights
 1491 which have accrued to them under any existing pension system. Macon-Bibb, Georgia, shall
 1492 continue in force and effect any existing pension system for county employees covered
 1493 thereby who are employed by the unified government, and the services of such employees
 1494 shall not be deemed to have been interrupted by the adoption of this charter.

1495 **SECTION 8-111.**

1496 Establishment of new pension systems; merging of existing systems.

1497 The board is hereby authorized and empowered to establish and maintain a new pension
 1498 system or pension systems affecting new employees and such other employees as desire to
 1499 be covered thereby and to revise, combine, and consolidate any pension system in effect on
 1500 the effective date of this charter; provided, however, that in no event shall any revision,
 1501 combination, or unification of any existing pension system in effect when this charter is
 1502 adopted result in the curtailment or diminishment of any right accrued under any existing
 1503 pension system to any person heretofore employed by the City of Macon, Bibb County, or
 1504 of any agency of such former governments.

1505 **SECTION 8-112.**

1506 Amending charter.

1507 This charter may be modified, rescinded, changed, or amended by only the following
 1508 methods:

- 1509 (1) An Act of the General Assembly of Georgia; or
 1510 (2) An ordinance adopted by the Board of Commissioners of Macon-Bibb, Georgia, as
 1511 provided for in Article IX, Section II, Paragraph I of the Constitution of the State of
 1512 Georgia.

1513 **SECTION 8-113.**

1514 Fidelity bonds.

1515 All officers of Macon-Bibb, Georgia, both elected and appointed, shall execute such official
 1516 bonds in such amounts and upon such terms and conditions as the law or the board may
 1517 require.

1518 **SECTION 8-114.**

1519 Examples of powers.

1520 The powers of Macon-Bibb, Georgia, shall include, but shall not be limited to, the following
 1521 powers:

- 1522 (1) Ad valorem taxation: to levy, assess, and collect ad valorem taxes on all taxable
 1523 property;

- 1524 (2) Other taxes: to levy, assess, and collect other taxes allowed by general law and in
1525 accordance therewith;
- 1526 (3) Business regulation and taxation: to levy, assess, and collect occupation taxes and
1527 to license and regulate occupations and businesses;
- 1528 (4) Appropriations: to make appropriations and expend funds for support of the unified
1529 government and any other lawful purpose;
- 1530 (5) Debts: to borrow money and issue bonds as authorized by general law;
- 1531 (6) Property: to own property and interests in property;
- 1532 (7) Gifts: to accept gifts and grants for any purpose related to the powers and duties of
1533 the unified government on such terms as the donor may impose;
- 1534 (8) Condemnation: to condemn property inside the unified government for present or
1535 future use;
- 1536 (9) Public utilities: to acquire, lease, operate, and dispose of public utilities;
- 1537 (10) Franchises: to grant franchises or make contracts for public utilities and to prescribe
1538 the conditions of such franchises and contracts;
- 1539 (11) Roadways: to open, maintain, improve, and close streets and roads and to grant
1540 franchises and rights of way thereon;
- 1541 (12) Public facilities: to acquire, operate, and dispose of public buildings, public
1542 projects, parks, cemeteries, recreational facilities, and other public improvements inside
1543 the unified government;
- 1544 (13) Building regulation: to regulate the building trades and the construction of
1545 buildings and to adopt and enforce building, housing, plumbing, electrical, gas, heating,
1546 and air-conditioning codes;
- 1547 (14) Planning and zoning: to adopt land use plans and exercise the power of zoning,
1548 subdivision regulation, and the like;
- 1549 (15) Police power: to exercise the police power for the public safety and well-being of
1550 the citizens of the unified government;
- 1551 (16) Roadside regulation: to prohibit or regulate signs, billboards, and other items upon
1552 or adjacent to streets and roads;
- 1553 (17) Health: to prescribe and enforce health and sanitation standards;
- 1554 (18) Pollution: to regulate emissions which pollute the air and water;
- 1555 (19) Fire safety: to fix fire limits and to prescribe and enforce fire safety regulations;
- 1556 (20) Public hazards: to provide for the destruction or removal of public hazards;
- 1557 (21) Waste disposal: to provide for and regulate the collection, disposal, and recycling
1558 of garbage and wastes;
- 1559 (22) Garbage fees: to fix and collect garbage fees;
- 1560 (23) Nuisances: to define and provide for the abatement of nuisances;

- 1561 (24) Property protection: to preserve and protect the property of the unified government;
 1562 (25) Prisoners: to provide for public work by prisoners and for their confinement;
 1563 (26) Animal control: to regulate or prohibit the keeping of animals;
 1564 (27) Motor vehicles: to regulate the operation and parking of motor vehicles;
 1565 (28) Taxicabs: to regulate vehicles operated for hire in the unified government;
 1566 (29) Pensions: to provide and maintain a system of pensions and retirement for
 1567 employees and officers of the unified government; provided, however, that any such
 1568 retirement system or pension plan shall be a public retirement system subject to all
 1569 provisions of general law including, without limitation, the minimum funding standards,
 1570 the investment authority, and other provisions of Chapter 20 of Title 47 of the O.C.G.A.,
 1571 the "Public Retirement Systems Standards Law";
 1572 (30) Special assessments: to levy, assess, and collect special assessments to cover the
 1573 cost of public improvements;
 1574 (31) Contracts: to enter into lawful contracts and agreements;
 1575 (32) Agencies: to create, alter, or abolish departments, boards, offices, commissions,
 1576 authorities, and agencies of the unified government and to confer appropriate authority
 1577 upon them;
 1578 (33) Penalties: to provide penalties for violations of ordinances of the unified
 1579 government;
 1580 (34) Emergencies: to provide for the determination, proclamation, and combating of
 1581 emergencies;
 1582 (35) Urban redevelopment: to organize and operate an urban redevelopment program;
 1583 (36) Public transportation: to organize and operate public transportation systems; and
 1584 (37) General health, safety, and welfare: to define, regulate, and prohibit any act,
 1585 practice, conduct, or use of property which is detrimental to the health, sanitation,
 1586 cleanliness, welfare, and safety of the inhabitants of the unified government.

1587 **SECTION 8-115.**

1588 Provision of services.

- 1589 When determining services to be provided, the unified government of Macon-Bibb, Georgia,
 1590 shall always attempt:
- 1591 (1) To efficiently allocate resources to increase the quality of life for all citizens of
 1592 Macon-Bibb;
 1593 (2) To provide the highest quality services to all citizens of Macon-Bibb;
 1594 (3) To ensure efficient utilization of community resources;

- 1595 (4) To promote equity for all citizens in the delivery of governmental services throughout
- 1596 Macon-Bibb; and
- 1597 (5) To recognize and consider the advantages of the provision of services through
- 1598 contractual arrangements with other governments and private enterprises.

SECTION 8-116.

Historic items.

1601 It shall be the responsibility of the unified government to collect, preserve, and display
1602 documents and other items of historical significance to the City of Macon and Bibb County.

SECTION 8-117.

Section captions.

1605 The captions to the several sections of this charter are informative only and are not be
1606 construed as a part thereof.

SECTION 8-118.

Effect of repeals.

1609 No law heretofore repealed, expressly or by implication, shall be revived by the repeal herein
1610 of the repealing Act or by any provision of this charter that disclaims an intention to repeal
1611 or affect enumerated laws.

SECTION 8-119.

Severability clause.

1614 If any provision of this charter or the application thereof to any person or circumstance is
1615 held invalid, such invalidity shall not affect other provisions or applications of this charter
1616 which can be given effect without the invalid provision or application, and to this end, the
1617 provisions of this charter are declared to be severable.

SECTION 8-120.

Repeal of conflicting laws.

1620 All laws and parts of laws in conflict with this charter are hereby repealed.

1621
1622
1623
1624

ARTICLE IX
TRANSITION PROVISIONS
SECTION 9-101.
Election of first officials.

1625
1626
1627
1628
1629
1630
1631
1632
1633
1634
1635
1636
1637
1638
1639
1640

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

(b) The election shall be held in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Within 30 days following the approval of this charter as provided in Section 9-113 of this charter, the Board of Elections of Bibb County shall prepare a list of qualified voters for each of the nine commission districts described in Appendix A of this charter. The officials elected at such election shall commence the terms of their office on the effective date of this charter.

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

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

1641
1642

SECTION 9-102.
Initial terms of office.

1643
1644
1645
1646
1647
1648

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

1649 **SECTION 9-103.**

1650 Provision of services during transition.

1651 In order to unify the two governments and to assure the common and continued
1652 administration of services currently provided by both the City of Macon and Bibb County,
1653 the following procedures shall apply:

1654 (1) On January 1, 2013, all services currently provided by the county shall be provided
1655 through the general services area to all residents of the county, and all services provided
1656 by the city shall be provided through the urban services area to the current residents of
1657 the City of Macon. Assuming the continued availability of state and federal funds, these
1658 service arrangements shall apply until modified as provided under the provisions cited
1659 in this section;

1660 (2) Not later than January 1, 2014, the unified government shall adopt a service delivery
1661 plan that includes, but is not limited to, the following:

1662 (A) An administrative mechanism with appropriate status and adequate budget to
1663 develop and implement a comprehensive program of human and economic
1664 development. The program shall be responsible for identifying problems and needs that
1665 exist in the community and for identifying and securing resources needed to effectively
1666 address these problems and needs. The program shall encourage efforts to enable,
1667 empower, and involve the disadvantaged; address the causes of crime; work to enhance
1668 the quality of life of all citizens; and to help ensure that the unified government will be
1669 responsive to the needs of all citizens; and

1670 (B) An administrative mechanism with appropriate status and adequate budget to
1671 develop and implement adequate parks and recreation programs that will be available
1672 to all citizens of Macon-Bibb; and

1673 (3) The unified government shall work with due speed to equalize the charges for all
1674 services throughout the county.

1675 **SECTION 9-104.**

1676 Existing employees.

1677 (a) The unified government shall give hiring preference to full-time employees of the City
1678 of Macon and Bibb County and full-time employees of any department, office, or agency
1679 thereof upon the termination of said city and county governments and the inception of the
1680 unified government.

1681 (b) No person shall be appointed to, removed from, or in any way favored or discriminated
1682 against with respect to any position in the unified government because of race, gender,
1683 religion, age, handicap, or national origin.

1684 **SECTION 9-105.**

1685 Initial budget.

1686 (a) Until July 1, 2013, Macon-Bibb, Georgia shall operate under the funds remaining from
1687 the fiscal year of the combined budgets of the City of Macon and Bibb County.

1688 (b)(1) The first full 12 month budget of the unified government for fiscal year 2013 shall
1689 not exceed an amount equal to the combined fiscal year general operating budgets of the
1690 City of Macon and Bibb County, plus increases due to inflation as specified in the
1691 Consumer Price Index, but not including capital road improvement and other special
1692 revenue funds or one-time costs related to the unification.

1693 (2) The 12 month budget of the unified government for fiscal year 2014 shall not exceed
1694 an amount equal to 98 percent of the preceding year's fiscal year general operating
1695 budgets, plus increases due to inflation as specified in the Consumer Price Index, but not
1696 including capital road improvement and other special revenue funds.

1697 (3) The 12 month budget of the unified government for fiscal year 2015 shall not exceed
1698 an amount equal to 97 percent of the preceding year's fiscal year general operating
1699 budgets, plus increases due to inflation as specified in the Consumer Price Index, but not
1700 including capital road improvement and other special revenue funds.

1701 (4) The 12 month budget of the unified government for fiscal year 2016 shall not exceed
1702 an amount equal to 96 percent of the preceding year's fiscal year general operating
1703 budgets, plus increases due to inflation as specified in the Consumer Price Index, but not
1704 including capital road improvement and other special revenue funds.

1705 (5) The 12 month budget of the unified government for fiscal year 2017 shall not exceed
1706 an amount equal to 95 percent of the preceding year's fiscal year general operating
1707 budgets, plus increases due to inflation as specified in the Consumer Price Index, but not
1708 including capital road improvement and other special revenue funds.

1709 (c) The budget limits established by subsection (b) of this section may be exceeded by not
1710 more than 15 percent in any given year if extreme economic circumstances require, but only
1711 by a vote of seven of nine councilmembers at an open meeting after notice on the official
1712 website of Macon-Bibb once a week for two consecutive weeks prior to the meeting and the
1713 hearing of public comments.

1714 **SECTION 9-106.**

1715 Number of employees.

1716 From January 1, 2013, until July 1, 2013, the total number of employees of Macon-Bibb,
1717 Georgia, shall not exceed the combined number of employees authorized for the
1718 governments of the City of Macon and Bibb County on the effective date of this charter.

1719 **SECTION 9-107.**

1720 Cooperation of former governments.

1721 (a) All officers, officials, and employees of the former City of Macon and Bibb County shall
1722 cooperate with and assist the mayor, the board, the chief operating officer, and other officers
1723 of Macon-Bibb, Georgia:

1724 (1) In planning the unification of departments, boards, commissions, and agencies of said
1725 former governments and in transferring the functions, duties, and responsibilities of such
1726 departments, boards, commissions, authorities, and agencies to the appropriate agencies
1727 of the unified government of Macon-Bibb, Georgia; and

1728 (2) In all other respects in order that the transfer of the governments be accomplished in
1729 the most orderly manner possible. The officers of the unified government shall be
1730 entitled to examine all records, files, and other data in the possession of the former
1731 governments and of all officers, officials, employees, and departments thereof. The
1732 former governments shall, to the extent possible, provide working areas and facilities for
1733 the officers of the unified government.

1734 (b) A schedule for activity during the transition period is contained in Appendix B, attached
1735 to and made a part of this charter.

1736 **SECTION 9-108.**

1737 Existing ordinances and resolutions continued in effect.

1738 (a) Subject to subsection (d) of this section, existing ordinances and resolutions of the
1739 Commission of Bibb County and existing rules and regulations of county departments or
1740 agencies, not inconsistent with the provisions of this charter, shall continue in effect as
1741 ordinances, resolutions, rules, or regulations of Macon-Bibb, Georgia, or the appropriate
1742 department or agency thereof until they have been repealed, modified, or amended.

1743 (b) Subject to subsection (d) of this section, existing ordinances and resolutions of the City
1744 of Macon, not inconsistent with the provisions of this charter, shall continue in effect as

1745 ordinances and resolutions of Macon-Bibb, Georgia, and shall apply only to the area included
 1746 within the urban services area until they have been repealed, modified, or amended.

1747 (c) Subject to subsection (d) of this section, in the event of a conflict between any of the
 1748 ordinances or resolutions continued by this section, the provisions thereof shall apply only
 1749 to the territory of the unified government that such ordinance or resolution applied prior to
 1750 the effective date of this charter and until such ordinance or resolution is repealed, changed,
 1751 or amended to eliminate the conflict.

1752 (d) Prior to this date, the board shall review all ordinances and resolutions and take whatever
 1753 action is needed to remove any conflicts between ordinances and resolutions continued by
 1754 this section in order to produce a uniform body of ordinances and resolutions free of any
 1755 conflicts or contradictions between such provisions. This provision shall not prohibit the
 1756 unified government from ratifying existing ordinances or adopting new ordinances that
 1757 differentiate based on reasonable factors as determined by the board, including, but not
 1758 limited to, population density.

1759 **SECTION 9-109.**

1760 **Contracts and obligations.**

1761 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and
 1762 other obligations or instruments entered into by Bibb County or for its benefit prior to the
 1763 effective date of this charter shall continue in effect according to the terms thereof as
 1764 obligations and rights of the unified government; provided, however, that any obligation
 1765 created by Bibb County to become effective after the date of approval of this charter and
 1766 prior to the effective date of this charter shall be subject to ratification and approval by the
 1767 Board of Commissioners of Macon-Bibb, Georgia, within six months following the effective
 1768 date of this charter.

1769 (b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other
 1770 obligations or instruments entered into by the City of Macon or for its benefit prior to the
 1771 effective date of this charter shall continue in effect according to the terms thereof as
 1772 obligations and rights of the unified government; provided, however, that any obligation
 1773 created by the City of Macon to become effective after the date of approval of this charter
 1774 and prior to the effective date of this charter shall be subject to ratification and approval by
 1775 the Board of Commissioners of Macon-Bibb, Georgia, within six months following the
 1776 effective date of this charter.

1777 (c) No pending action or proceeding of any nature (whether civil, criminal, judicial,
 1778 administrative, or other) by or against the City of Macon or Bibb County or an agency or

1779 department thereof shall be abated or otherwise affected by the adoption of this charter, and
 1780 Macon-Bibb, Georgia, shall stand substituted as a party in lieu thereof.

1781 **SECTION 9-110.**

1782 Dissolution of existing governments.

1783 (a) On January 1, 2013, the Commission of Bibb County and the mayor and Council of the
 1784 City of Macon and all the officers thereof and the offices thereof not continued under this
 1785 charter are abolished, and all emoluments appertaining thereto shall cease. Thereupon, the
 1786 governments of Bibb County and the City of Macon shall terminate as separate political
 1787 entities, and all powers, functions, duties, and obligations thereof shall be transferred to and
 1788 vested in the unified government created by this charter.

1789 (b) The term of the mayor and councilmembers for the City of Macon and Payne City whose
 1790 terms began in January, 2012, shall expire on January 1, 2013.

1791 **SECTION 9-111.**

1792 Transfer of records and equipment.

1793 When an agency of the City of Macon or of Bibb County is abolished or unified by this
 1794 charter, all books, papers, maps, charts, plans, records, other equipment, and personal
 1795 property in possession of the same shall be delivered to the agency to which its rights,
 1796 powers, duties, and obligations are transferred.

1797 **SECTION 9-112.**

1798 Officers serve until successors qualify.

1799 Notwithstanding any other provision of this charter, any officer performing duties under the
 1800 government of the City of Macon, Payne City, or Bibb County may continue to perform the
 1801 duties thereof until a successor, whether under the same title or office of another, shall be
 1802 elected or appointed and qualified to perform the duties, it being the intention hereof that no
 1803 duty or service shall lapse or be abandoned because of lack of an officer to perform same.

1804 **SECTION 9-113.**

1805 Referendum on the charter.

1806 (a) Not less than 30 days nor more than 60 days after receipt of the certified copy of the
 1807 proposed charter and after receipt of approval by the Department of Justice of such proposed
 1808 charter, it shall be the duty of the Bibb County Board of Elections to call a special election
 1809 for approval or rejection of the proposed charter. The date of the election shall be Tuesday
 1810 following, the first Monday in November 2011. The board shall cause the date and purpose
 1811 of the election to be published once a week for two calendar weeks immediately preceding
 1812 the date thereof in the official legal organ of Bibb County. The ballot shall have written or
 1813 printed thereon the following:

1814 "() YES Shall the charter unifying the governments of the City of Macon, Payne
 1815 City, and Bibb County and creating a single county-wide government to
 1816 () NO supersede and replace those governments and which shortens the terms of
 1817 the mayor and certain councilmembers of the City of Macon and Payne City
 1818 for one year be approved?"

1819 (b) All persons desiring to vote for approval of the charter shall vote "YES," and those
 1820 persons desiring to vote for rejection of the charter shall vote "NO." If more than one-half
 1821 of the votes cast by the qualified voters of Bibb County residing within the corporate limits
 1822 of the City of Macon are for approval of the charter and if more than one-half of the total
 1823 votes cast by all the qualified voters of Bibb County are for approval of the charter, then the
 1824 charter shall become effective. Otherwise, it shall be void and of no force and effect. If more
 1825 than one-half of the votes cast by the qualified voters of Bibb County residing within the
 1826 corporate limits of Payne City are for approval of the charter, and if the charter otherwise
 1827 becomes effective, then the charter of Payne City shall be repealed, and the territory of Payne
 1828 City shall become a part of the unified government as otherwise provided in this charter.
 1829 Otherwise, Payne City shall retain its charter and shall not become a part of the unified
 1830 government. The expense of such election shall be borne equally by the City of Macon and
 1831 Bibb County.

1832 (c) The special election shall be conducted pursuant to Chapter 2 of Title 21 of the
 1833 O.C.G.A., the "Georgia Election Code."

1834 (d) A qualified voter, as used herein, shall mean a voter of Bibb County qualified to vote for
 1835 members of the General Assembly of Georgia. The board shall certify the returns to the
 1836 Secretary of State. The board shall also furnish a certified copy of the charter to the
 1837 Secretary of State. The Secretary of State shall issue a proclamation showing and declaring
 1838 the result of the election on the approval or rejection of the charter. One copy of the
 1839 proclamation shall be attached to the copy of the charter certified to the Secretary of State.

1840 One copy of the proclamation shall be delivered to the clerk of the governing authority of the
1841 City of Macon who shall attach the same to the copy of the charter previously certified to
1842 him or her. One copy of the proclamation shall be delivered to the clerk of the governing
1843 authority of Bibb County who shall attach the same to the copy of the charter previously
1844 certified to him or her. If Payne City becomes a part of the unified government as provided
1845 in this section, one copy of the proclamation shall be delivered to the clerk of the governing
1846 authority of Payne City who shall attach the same to the copy of the charter previously
1847 certified to him or her.

1848 (e) Whenever a charter for the unification of the governments of the City of Macon, Payne
1849 City, and Bibb County has been accepted, the above-certified copies thereof, with the
1850 proclamation of the Secretary of State of Georgia attached thereto, shall be deemed duplicate
1851 original copies of the charter of the unified government for all purposes. The certified copy
1852 of the charter and proclamation deposited with the clerk of the governing authority of the
1853 City of Macon, the certified copy of the charter and proclamation deposited with the clerk
1854 of the governing authority of the Payne City, if applicable, and the certified copy of the
1855 charter and proclamation deposited with the clerk of the governing authority of Bibb County
1856 shall subsequently be delivered by them to the successor government. The successor
1857 government may issue certified copies of the charter, and any copy so certified shall be
1858 deemed a duplicate original copy of the charter of the unified government for all purposes.
1859 The Secretary of State is authorized to issue certified copies of the charter on file, and copies
1860 so certified shall be deemed duplicate original copies of the charter of the unified government
1861 for all purposes.

1862 **SECTION 9-114.**

1863 Effective dates.

1864 Section 9-101 of this charter, relating to initial elections, subsection (b) of Section 9-110 of
1865 this charter, relating to the extension of terms of certain City of Macon and Payne City
1866 councilmembers, and Section 9-113 of this charter, relating to a referendum, shall become
1867 effective on July 1, 2011. The remaining sections of this charter shall become effective on
1868 January 1, 2013.