

House Bill 436

By: Representative Reece of the 11th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Name.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

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

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

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

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

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

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

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

(h) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment.

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

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

franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission.

(dd) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights-of-way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances.

(ee) Retirement. To provide and maintain a retirement plan and other employee benefit plans and programs for officers and employees of the city.

(ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; and to grant franchises and rights-of-way throughout the streets and roads, and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands, and to impose penalties for failure to do so.

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

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

(ii) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas.

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

197 (kk) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and
198 collection of taxes on all property subject to taxation.

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

201 (mm) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
202 number of such vehicles; to require the operators thereof to be licensed; to require public
203 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
204 regulate the parking of such vehicles.

205 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

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

216 **SECTION 1.14.**

217 Exercise of powers.

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

222 **ARTICLE II**

223 **GOVERNMENT STRUCTURE**

224 **SECTION 2.10.**

225 City council creation; number; election.

226 The legislative authority of the government of this city, except as otherwise specifically
227 provided in this charter, shall be vested in a city council to be composed of a mayor and five
228 councilmembers. The city council established shall in all respects be a successor to and

229 continuation of the governing authority under prior law. The mayor and councilmembers
230 shall be elected in the manner provided by general law and this charter.

231 **SECTION 2.11.**

232 City council terms and qualifications for office.

233 The mayor and members of the city council shall serve for terms of two years and until their
234 respective successors are elected and qualified. No person shall be eligible to serve as mayor
235 or councilmember unless that person shall have been a resident of the city for 12 months
236 prior to the date of election of mayor or members of the council; each shall continue to reside
237 therein during that member's period of service and to be registered and qualified to vote in
238 municipal elections of this city.

239 **SECTION 2.12.**

240 Vacancy; filling of vacancies.

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

245 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
246 for the remainder of the unexpired term, if any, by appointment by the city council or those
247 members remaining if less than 12 months remains in the unexpired term. If such vacancy
248 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
249 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
250 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or other such laws
251 as are or may hereafter be enacted.

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

254 **SECTION 2.13.**

255 Compensation and expenses.

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

SECTION 2.14.**Conflicts of interest; holding other offices.**

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

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

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

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

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

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

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

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

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

or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property. No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

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

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

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

(h) Penalties for violation.

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

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

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and the conduct of any department, office, or agency

329 thereof, and for this purpose may subpoena witnesses, administer oaths, take testimony, and
330 require the production of evidence. Any person who fails or refuses to obey a lawful order
331 issued in the exercise of these powers by the city council shall be punished as provided by
332 ordinance.

333 **SECTION 2.16.**

334 General power and authority of the city council.

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

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

344 **SECTION 2.17.**

345 Eminent domain.

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

354 **SECTION 2.18.**

355 Organizational meetings.

356 The city council shall hold an organizational meeting at its first meeting of each
357 even-numbered year. The meeting shall be called to order by the city clerk and the oath of
358 office shall be administered to the newly elected members by a judicial officer authorized to

359 administer oaths and shall, to the extent that it comports with federal and state law, be as
360 follows:

361 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
362 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
363 as well as the constitution and laws of the State of Georgia and of the United States of
364 America. I am not the holder of any unaccounted for public money due this state or any
365 political subdivision or authority thereof. I am not the holder of any office of trust under
366 the government of the United States, any other state, or any foreign state which I by the
367 laws of the State of Georgia am prohibited from holding. I am otherwise qualified to hold
368 said office according to the Constitution and laws of Georgia. I have been a resident of the
369 City of Menlo for the time required by the Constitution and laws of this state and by the
370 municipal charter. I will perform the duties of my office in the best interest of the City of
371 Menlo to the best of my ability without fear, favor, affection, reward, or expectation
372 thereof."

373 **SECTION 2.19.**

374 Regular and special meetings.

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

377 (b) Special meetings of the city council may be held on call of the mayor or three members
378 of the city council. Notice of such special meetings shall be served on all other members
379 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
380 notice to councilmembers shall not be required if the mayor and all councilmembers are
381 present when the special meeting is called. Such notice of any special meeting may be
382 waived by a councilmember in writing before or after such a meeting, and attendance at the
383 meeting shall also constitute a waiver of notice on any business transacted in such
384 councilmembers presence. Only the business stated in the call may be transacted at the
385 special meeting.

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

SECTION 2.20.

Rules of procedure.

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

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

SECTION 2.21.

Quorum; voting.

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

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

SECTION 2.22.

Ordinance form; procedures.

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

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however,

422 an ordinance shall not be adopted the same day it is introduced, except for emergency
423 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the
424 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and
425 shall file a reasonable number of copies in the office of the clerk and at such other public
426 places as the city council may designate.

427 **SECTION 2.23.**

428 Action requiring an ordinance.

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

430 **SECTION 2.24.**

431 Emergencies.

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

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

SECTION 2.25.

Codes of technical regulations.

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

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

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

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

SECTION 2.26.

Signing; authenticating; recording; codification; printing.

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

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

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

SECTION 2.27.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and serve for a term of two years and until a successor is elected and qualified. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of service. The mayor shall forfeit the office on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.28.

Mayor pro tem.

By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem. The mayor pro tem shall assume the duties and powers of the mayor during the mayor's physical or mental disability, suspension from office or absence. Any such disability or absence shall be declared by a majority vote of the city council. The mayor pro tem shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall continue to have a vote as a member of the city council.

SECTION 2.29.

Powers and duties of mayor.

The mayor shall:

- (a) Preside at all meetings of the city council;
- (b) Be the head of the city for the purpose of service of process and for ceremonial purposes, and be the official spokesperson for the city and the chief advocate of policy;
- (c) Have the power to administer oaths and to take affidavits;
- (d) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (e) Vote on matters before the city council only in the case of a tie and shall not be counted toward a quorum as other councilmembers;
- (f) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and

517 (g) Fulfill such other executive and administrative duties as the city council shall by
518 ordinance establish.

519 **ARTICLE III**

520 **ADMINISTRATIVE AFFAIRS**

521 **SECTION 3.10.**

522 Administrative and service departments.

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

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

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

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

536 (e) All appointive officers and directors under the supervision of the mayor shall be
537 nominated by the mayor with confirmation of appointment by the city council. All
538 appointive officers and directors shall be employees at-will and subject to removal or
539 suspension at any time by the mayor unless otherwise provided by law or ordinance.

540 **SECTION 3.11.**

541 Boards, commissions, and authorities.

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

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

550 (c) The city council, by ordinance, may provide for the compensation and reimbursement
551 for actual and necessary expenses of the members of any board, commission, or authority.
552 (d) Except as otherwise provided by charter or by law, no member of any board,
553 commission, or authority shall hold any elective office in the city.
554 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the
555 unexpired term in the manner prescribed herein for original appointment, except as otherwise
556 provided by this charter or by law.
557 (f) No member of a board, commission, or authority shall assume office until that person has
558 executed and filed with the clerk of the city an oath obligating himself to faithfully and
559 impartially perform the duties of that member's office, such oath to be prescribed by
560 ordinance and administered by the mayor.
561 (g) All board members serve at-will and may be removed at any time by a vote of three
562 members of the city council unless otherwise provided by law.
563 (h) Except as otherwise provided by this charter or by law, each board, commission, or
564 authority of the city shall elect one of its members as chairperson and one member as
565 vice chairperson, and may elect as its secretary one of its own members or may appoint as
566 secretary an employee of the city. Each board, commission, or authority of the city
567 government may establish such bylaws, rules, and regulations, not inconsistent with this
568 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
569 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
570 regulations shall be filed with the clerk of the city.

571 **SECTION 3.12.**

572 City attorney.

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

SECTION 3.13.

City clerk.

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

(b) The person serving as city recorder on the effective date of this charter shall serve out the term to which he or she was elected which term shall end on December 31, 2011. No election shall be held to elect a successor to such person in 2011. After December 31, 2011, the office of city recorder shall be abolished.

SECTION 3.14.

Position classification and pay plans.

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

SECTION 3.15.

Personnel policies.

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

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

Upon the passage of an appropriate ordinance or resolution by the mayor and council determining that there is a need for a municipal court and authorizing the implementation of such court, there shall be a court to be known as the Municipal Court of the City of Menlo.

SECTION 4.11.

Chief judge; associate judge.

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

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

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

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

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

SECTION 4.12.

Convening.

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

SECTION 4.13.

Jurisdiction; powers.

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

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

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

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

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

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in

674 part or in toto the rules and regulations applicable to municipal courts. The rules and
675 regulations made or adopted shall be filed with the city clerk, shall be available for public
676 inspection, and, upon request, a copy shall be furnished to all defendants in municipal court
677 proceedings at least 48 hours prior to said proceedings.

678 **ARTICLE V**
679 **ELECTIONS AND REMOVAL**
680 **SECTION 5.10.**
681 **Applicability of general law.**

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

684 **SECTION 5.11.**
685 **Election of the city council and mayor.**

686 (a) There shall be a municipal general election annually on the Tuesday next following the
687 first Monday in November.

688 (b) The mayor and councilmembers in office on the effective date of this charter shall serve
689 out the terms to which they were elected.

690 (c) In the November, 2011, municipal general election, successors shall be elected for the
691 mayor and the councilmembers holding Seats 1 and 2 on the council. Such successors shall
692 take office on the first day of January, 2012, and serve for a term of two years and until their
693 respective successors are elected and qualified. Thereafter successors to the mayor and
694 councilmembers holding Seats 1 and 2 on the council shall be elected at the November
695 municipal general election occurring immediately prior to the end of their terms of office,
696 and such successors shall take office on the first day of January immediately following such
697 election and shall serve terms of two years and until their respective successors are elected
698 and qualified.

699 (d) At the November, 2012, municipal general election, successors shall be elected for the
700 councilmembers holding Seats 3, 4, and 5 on the council. Such successors shall take office
701 on the first day of January, 2013, and serve for terms of two years and until their respective
702 successors are elected and qualified. Thereafter successors to the councilmembers holding
703 Seats 3, 4, and 5 on the council shall be elected at the November municipal general election
704 occurring immediately prior to the end of their terms of office, and such successors shall take
705 office on the first day of January immediately following such election and shall serve terms
706 of two years and until their respective successors are elected and qualified.

707 **SECTION 5.12.**

708 Non-partisan elections.

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

711 **SECTION 5.13.**

712 Election by plurality.

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

714 **SECTION 5.14.**

715 Special elections; vacancies.

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

723 **SECTION 5.15.**

724 Other provisions.

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

728 **SECTION 5.16.**

729 Removal of officers.

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

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

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

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

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

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

SECTION 6.11.

Millage rate; due dates; payment methods.

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

SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or

766 professions for the purpose of such taxation in any way which may be lawful and may
767 compel the payment of such taxes as provided in Section 6.18 of this charter.

768 **SECTION 6.13.**

769 Regulatory fees; permits.

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

775 **SECTION 6.14.**

776 Franchises.

777 (a) The city council shall have the power to grant franchises for the use of this city's streets
778 and alleys for the purposes of railroads, street railways, telephone companies, electric
779 companies, electric membership corporations, cable television and other telecommunications
780 companies, gas companies, transportation companies, and other similar organizations. The
781 city council shall determine the duration, terms, whether the same shall be exclusive or
782 nonexclusive, and the consideration for such franchises; provided, however, no franchise
783 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
784 the city receives just and adequate compensation therefor. The city council shall provide for
785 the registration of all franchises with the city clerk in a registration book kept by the clerk.
786 The city council may provide by ordinance for the registration within a reasonable time of
787 all franchises previously granted.

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

793 **SECTION 6.15.**

794 Service charges.

795 The city council by ordinance shall have the power to assess and collect fees, charges,
796 assessments, and tolls for sewers, sanitary and health services, or any other services provided

797 or made available within and without the corporate limits of the city. If unpaid, such charges
798 shall be collected as provided in Section 6.18 of this charter.

799 **SECTION 6.16.**

800 Special assessments.

801 The city council by ordinance shall have the power to assess and collect the cost of
802 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
803 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
804 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

805 **SECTION 6.17.**

806 Construction; other taxes and fees.

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

810 **SECTION 6.18.**

811 Collection of delinquent taxes and fees.

812 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
813 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
814 whatever reasonable means as are not precluded by law. This shall include providing for the
815 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
816 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
817 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
818 city taxes or fees; and providing for the assignment or transfer of tax executions.

819 **SECTION 6.19.**

820 General obligation bonds.

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

825 **SECTION 6.20.**

826 Revenue bonds.

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

830 **SECTION 6.21.**

831 Short-term loans.

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

834 **SECTION 6.22.**

835 Lease-purchase contracts.

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

843 **SECTION 6.23.**

844 Fiscal year.

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

849 **SECTION 6.24.**

850 Preparation of budgets.

851 The city council shall provide an ordinance on the procedures and requirements for the
852 preparation and execution of an annual operating budget, a capital improvement plan, and

853 a capital budget, including requirements as to the scope, content, and form of such budgets
854 and plans.

855 **SECTION 6.25.**

856 Submission of operating budget to city council.

857 On or before a date fixed by the city council but not later than 60 days prior to the beginning
858 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
859 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
860 containing a statement of the general fiscal policies of the city, the important features of the
861 budget, explanations of major changes recommended for the next fiscal year, a general
862 summary of the budget, and such other pertinent comments and information. The operating
863 budget and the capital budget hereinafter provided for, the budget message, and all
864 supporting documents shall be filed in the office of the city clerk and shall be open to public
865 inspection.

866 **SECTION 6.26.**

867 Action by city council on budget.

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

873 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
874 year not later than the 15th day of June of each year. If the city council fails to adopt the
875 budget by this date, the amounts appropriated for operation for the current fiscal year shall
876 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
877 prorated accordingly until such time as the city council adopts a budget for the ensuing fiscal
878 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
879 the estimated revenues in detail by sources and making appropriations according to fund and
880 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
881 adopted pursuant to Section 6.24 of this charter.

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

SECTION 6.27.

Tax levies.

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

SECTION 6.28.

Changes in appropriations.

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

SECTION 6.29.

Capital budget.

(a) On or before the date fixed by the city council but no later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and proposed budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement, unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.24 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than the 15th day of June of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

918 **SECTION 6.30.**

919 Independent audit.

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

925 **SECTION 6.31.**

926 Contracting procedures.

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

928 (a) It is in writing;

929 (b) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
930 course, is signed by the city attorney to indicate such drafting or review; and

931 (c) It is made or authorized by the city council and such approval is entered in the city
932 council journal of proceedings pursuant to Section 2.21 of this charter.

933 **SECTION 6.32.**

934 Centralized purchasing.

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

937 **SECTION 6.33.**

938 Sale and lease of city property.

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

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

945 (c) Whenever in opening, extending or widening any street, avenue, alley, or public place
946 of the city, a small parcel or tract of land is cut-off or separated by such work from a larger
947 tract or boundary of land owned by the city, the city council may authorize the mayor to sell

948 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
949 property owner or owners where such sale and conveyance facilitates the enjoyment of the
950 highest and best use of the abutting owner's property. Included in the sales contract shall be
951 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
952 property owner shall be notified of the availability of the property and given the opportunity
953 to purchase said property under such terms and conditions as set out by ordinance. All deeds
954 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
955 interest the city has in such property, notwithstanding the fact that no public sale after
956 advertisement was or is hereafter made.

957 **ARTICLE VII**

958 **GENERAL PROVISIONS**

959 **SECTION 7.10.**

960 Bonds for officials.

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

964 **SECTION 7.11.**

965 Prior ordinances.

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

969 **SECTION 7.12.**

970 Existing personnel and officers.

971 Except as specifically provided otherwise by this charter, all personnel and officers of the
972 city and their rights, privileges, and powers shall continue beyond the time this charter takes
973 effect for a period of 60 days before or during which the existing city council shall pass a
974 transition ordinance detailing the changes in personnel and appointive officers required or
975 desired and arranging such titles, rights, privileges, and powers as may be required or desired
976 to allow a reasonable transition.

977 **SECTION 7.13.**

978 Pending matters.

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

983 **SECTION 7.14.**

984 Construction.

985 (a) Section captions in this charter are informative only and are not to be considered as a part
986 thereof.

987 (b) The word "shall" is mandatory and the word "may" is permissive.

988 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
989 versa.

990 **SECTION 7.15.**

991 Severability.

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

998 **SECTION 7.16.**

999 Specific repealer.

1000 An Act incorporating the City of Menlo, approved August 11, 1903 (Ga. L. 1903, p. 588),
1001 is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their
1002 entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

1004 Effective date.

1006 **SECTION 7.18.**

1008 All laws and parts of laws in conflict with this Act are repealed.