

The House Committee on Intragovernmental Coordination offers the following substitute to SB 274:

A BILL TO BE ENTITLED  
AN ACT

1 To provide for the restructuring of the governments of the City of Macon, the City of Payne  
2 City, and Bibb County; to create and incorporate a new political body corporate under the  
3 name Macon-Bibb County; to provide for the status, boundaries, and powers of the  
4 restructured government; to provide for the form, administration, and affairs of the  
5 restructured government; to provide for officers and employees, elections, courts, authorities,  
6 taxation, and finance; to provide for related matters; to provide for severability; to provide  
7 for a referendum; to provide for effective dates; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 (a) The governmental and corporate powers, duties, and functions now vested in the City of  
12 Macon, a municipal corporation created by an Act of the General Assembly, approved  
13 March 23, 1977 (Ga. L. 1977, p. 3776), as amended, are restructured with the governmental  
14 and corporate powers, duties, and functions of the County of Bibb and the City of Payne City  
15 (if consolidated with the governments of Bibb County and the City of Macon as provided in  
16 this Act), such restructuring of the governments of the City of Macon, the City of Payne City  
17 (if consolidated with the governments of Bibb County and the City of Macon as provided in  
18 this Act), and the County of Bibb being pursuant to the constitutional power granted by  
19 Article IX, Section III, Paragraph II of the Constitution of Georgia, as amended. Said  
20 restructuring shall result in the establishment of a single county-wide government with  
21 powers and jurisdiction throughout the territorial limits of Bibb County, which single  
22 government shall supersede and replace the governments of the City of Macon, the City of  
23 Payne City (if consolidated with the governments of Bibb County and the City of Macon as  
24 provided in this Act), and the County of Bibb, and, to the extent provided in this charter,  
25 shall also supersede and replace any public authorities and special service districts located  
26 and operating within 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 of Georgia, to be  
 28 known as "Macon-Bibb County" (in this charter at times called "the restructured  
 29 government"), having all of the governmental and corporate powers, duties, and functions  
 30 heretofore held by and vested in the City of Macon, the City of Payne City (if consolidated  
 31 with the governments of Bibb County and the City of Macon as provided in this Act), and  
 32 Bibb County, and also the powers, duties, and functions provided in this charter. The  
 33 restructured government shall be a public corporation; shall have perpetual existence; shall,  
 34 without the necessity or formality of a deed, bill of sale, or other instrument of transfer, own,  
 35 possess, and hold all properties of whatsoever kind or nature, assets, contracts, franchises,  
 36 things, rights, privileges, immunities, and real and personal property theretofore owned,  
 37 possessed, enjoyed, or held by the City of Macon, the City of Payne City (if consolidated  
 38 with the governments of Bibb County and the City of Macon as provided in this Act), and  
 39 the County of Bibb; by the name of Macon-Bibb County shall be able to contract and be  
 40 contracted with, sue and be sued as provided by this charter, plead and be impleaded in all  
 41 courts of this state, and do all other acts relating to its corporate capacity; and shall be able  
 42 in law and equity to purchase, have and hold, receive, enjoy, accept, possess, and retain for  
 43 the use and benefit of said Macon-Bibb County, in perpetuity or for any term of years, any  
 44 estate or estates, real or personal, lands, tenements, or hereditaments of whatsoever kind or  
 45 nature inside or outside the territorial limits of the restructured government, as may be  
 46 devised, bequeathed, sold, or by any manner conveyed or dedicated to or otherwise acquired  
 47 by the restructured government and to use, manage, improve, sell and convey, rent, or lease  
 48 same; and to have and use a common seal. From and after the effective date of this charter,  
 49 the political subdivision known as Bibb County, Georgia, and the municipal corporations  
 50 known as the City of Macon and the City of Payne City (if consolidated with the  
 51 governments of Bibb County and the City of Macon as provided in this Act) shall be merged  
 52 into the said new political entity created in this charter.

53 (b) The territory embraced in the restructured government shall be the total area of Bibb  
 54 County, as the same may be now or hereafter fixed and established by law. Any portion of  
 55 the City of Macon as it exists on December 31, 2013, which extends in to any other county  
 56 shall not be included in the territory of the restructured government and shall on  
 57 January 1, 2014, become unincorporated land of the county in which it is located.

58

## SECTION 2.

59 (a) The restructured government shall have and be vested with, to the same extent as if  
 60 repeated in this charter, all rights, powers, duties, privileges, and authority that the City of  
 61 Macon, the City of Payne City (if consolidated with the governments of Bibb County and the  
 62 City of Macon as provided in this Act), or Bibb County, or all collectively, have under the

63 Constitution and general and special laws of Georgia at the time of the adoption of this  
64 charter, except as expressly modified in this charter.

65 (b) In addition to the foregoing, the restructured government shall have all rights, powers,  
66 duties, privileges, and authority conferred or enlarged by this charter, and such other rights,  
67 powers, duties, privileges, and authority as may be necessary and proper for carrying the  
68 same into execution, and also all rights, powers, duties, privileges, and authority, whether  
69 express or implied, that may now be vested in or hereafter granted to counties or municipal  
70 corporations, or both, by the Constitution and laws of this state, including the powers vested  
71 in the restructured government by this charter.

72 (c) The restructured government, in addition to the rights, duties, powers, privileges, and  
73 authority expressly conferred upon it by this charter, shall have the right, duty, power,  
74 privilege, and authority to exercise and enjoy all other powers, duties, functions, rights,  
75 privileges, and immunities necessary and proper to promote or protect the safety, health,  
76 peace, security, and general welfare of said government and its inhabitants and to exercise  
77 all implied powers necessary to carry into execution all powers granted in this charter as fully  
78 and completely as if such powers were fully enumerated in this charter and to do and perform  
79 all of the acts pertaining to its local affairs, property, and government that are necessary or  
80 proper in the legitimate exercise of its corporate powers and governmental duties and  
81 functions.

82 (d) No enumeration of any right, power, privilege, or authority hereinafter made shall be  
83 construed as limiting or abolishing any right, power, privilege, or authority set forth in this  
84 charter.

85 (e) No repeal of any law under which the restructured government derives any right, power,  
86 privilege, or authority, except by amendment of this charter as provided in this charter, shall  
87 be construed as limiting or abolishing any such right, power, privilege, or authority set forth  
88 in this charter.

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

92 (1) Which on the effective date of this charter apply to the City of Macon or Bibb County  
93 shall be applicable to the restructured government; and

94 (2) Which apply to the restructured government as either a city or a county at the time  
95 of their enactment or thereafter shall be effective, but those which did not apply to the  
96 City of Macon or Bibb County or the restructured government at the time of their  
97 enactment shall not become applicable to the restructured government except through the  
98 adoption of a resolution to that effect by the council.

99 (g) Local Acts of the State of Georgia which apply specifically to Bibb County, the City of  
 100 Payne City (if consolidated with the governments of Bibb County and the City of Macon as  
 101 provided in this Act), or the City of Macon, or all collectively, shall be applicable to the  
 102 restructured government.

103 (h) In construing the applicability of provisions of the Constitution and the general laws of  
 104 Georgia which apply in general terms to either counties or municipalities, or both, and local  
 105 Acts of the General Assembly that apply specifically to Bibb County, the City of Payne City  
 106 (if consolidated with the governments of Bibb County and the City of Macon as provided in  
 107 this Act), or the City of Macon, or all collectively, the following terms as used in such laws  
 108 shall be construed to include the restructured government as follows:

109 (1) "County" shall be construed to include Macon-Bibb County;

110 (2) "City," "town," "municipal corporation," or "municipality" shall be construed to  
 111 include Macon-Bibb County;

112 (3) "Commissioners of roads and revenues" and "board of county commissioners" shall  
 113 be construed to include the council of Macon-Bibb County;

114 (4) "Council," "mayor and council," "aldermen," and "board of aldermen" shall be  
 115 construed to include the council of Macon-Bibb County, Georgia; and

116 (5) Any other terms and provisions as used in such Acts to refer specifically to Bibb  
 117 County or the City of Macon, or both, and the officers, employees, departments, and  
 118 agencies thereof shall be construed to mean Macon-Bibb County and its officers,  
 119 employees, departments, and agencies.

120 (i) In construing the applicability of laws in force to the restructured government, the  
 121 following order shall prevail:

122 (1) The Constitution of the State of Georgia;

123 (2) The general laws of uniform application now in force or hereafter enacted by the  
 124 General Assembly, as distinguished from general laws of local application through  
 125 classification by population, applicable to municipal corporations or counties, or both;

126 (3) The general laws of local application through classification by population as and to  
 127 the extent provided in subsection (a) of this section;

128 (4) Special laws applicable to Bibb County, not in conflict with this charter;

129 (5) Special laws applicable to the City of Macon, not in conflict with this charter;

130 (6) Special laws applicable to the City of Payne City (if consolidated with the  
 131 governments of Bibb County and the City of Macon as provided in this Act), not in  
 132 conflict with this charter;

133 (7) This charter and all ordinances and resolutions passed pursuant thereto; and

134 (8) Existing ordinances and resolutions of the former City of Macon and City of Payne  
 135 City (if consolidated with the governments of Bibb County and the City of Macon as

136 provided in this Act) and existing ordinances and resolutions of the former County of  
 137 Bibb not in conflict with this charter.

138 (j) The tort and nuisance liability of the restructured government shall follow the law and  
 139 rules of tort liability applicable to counties in Georgia.

140 (k) For purposes of all applicable laws, the restructured government shall constitute a  
 141 municipality and a county, or both. Except as otherwise provided by this charter, if a law  
 142 applicable to municipalities and the same or another law applicable to counties are in  
 143 conflict, the law applicable to municipalities shall prevail.

144 (l) The restructured government shall have the power and authority to participate in,  
 145 cooperate in, and take all necessary action with respect to any and all projects, programs, and  
 146 undertakings of any nature authorized by any statute, rule, or regulation of the United States,  
 147 the State of Georgia, or any federal or state agency or instrumentality, including, but not  
 148 limited to, community development, highways, aviation, aviation terminals, airports, airport  
 149 facilities, municipal area or regional development, sewer and sewage disposal, public  
 150 housing, housing for the aged, and transportation or mass transit or any phase thereof; to  
 151 borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or  
 152 a combination thereof, for any such purposes in accordance with the provisions of this  
 153 charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured  
 154 by property of which the restructured government is the legal or beneficial or equitable  
 155 owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

156 **SECTION 3.**

157 (a) Prior to the effective date of this charter, all powers vested in Bibb County, the City of  
 158 Macon, or the City of Payne City (if consolidated with the governments of Bibb County and  
 159 the City of Macon as provided in this Act), or any of their respective officers, agents, or  
 160 agencies shall remain in full force and effect. Upon such effective date, the board of  
 161 commissioners of Bibb County, the mayor and council of the City of Macon, the mayor and  
 162 council of the City of Payne City (if consolidated with the governments of Bibb County and  
 163 the City of Macon as provided in this Act), and the offices of all members thereof shall stand  
 164 abolished, and all emoluments appertaining thereto shall cease. Thereupon, the governments  
 165 of Bibb County, the City of Macon, and the City of Payne City (if consolidated with the  
 166 governments of Bibb County and the City of Macon as provided in this Act) shall terminate  
 167 as such separate political entities and be merged into the government created by this charter.

168 (b) When an agency of the City of Macon, the City of Payne City (if consolidated with the  
 169 governments of Bibb County and the City of Macon as provided in this Act), or Bibb County  
 170 is abolished or restructured by this charter, all books, papers, maps, charts, plans, records,

171 other equipment, and personal property in possession of the same shall be delivered to the  
172 agency to which its rights, powers, duties, and obligations are transferred.

173 (c) Notwithstanding any other provision of this charter, any officer performing duties under  
174 the government of the City of Macon, the City of Payne City (if consolidated with the  
175 governments of Bibb County and the City of Macon as provided in this Act), or Bibb County  
176 may continue to perform the duties thereof until a successor, whether under the same title of  
177 office or another, shall be elected or appointed and qualified to perform the duties, it being  
178 the intention of this charter that no duty or service shall lapse or be abandoned because of  
179 lack of an officer to perform same.

180

#### SECTION 4.

181 (a) All contracts, orders, leases, bonds, and other obligations or instruments entered into by  
182 the City of Macon, the City of Payne City (if consolidated with the governments of Bibb  
183 County and the City of Macon as provided in this Act), or Bibb County or for its benefit prior  
184 to the effective date of this charter shall continue in effect according to the terms thereof as  
185 obligations and rights of Macon-Bibb County.

186 (b) No action or proceeding of any nature, whether civil or criminal, judicial or  
187 administrative, or otherwise, pending on the effective date of this charter by or against the  
188 City of Macon or its departments and agencies, the City of Payne City (if consolidated with  
189 the governments of Bibb County and the City of Macon as provided in this Act) or its  
190 departments and agencies, or Bibb County or its departments or agencies shall be abated or  
191 otherwise affected by the adoption of this charter.

192 (c) The departmental organization of the cities existing immediately prior to adoption of this  
193 charter shall continue in effect upon the effective date of this charter until such organization  
194 is changed or reorganized as provided by ordinance of the council and administrative  
195 regulations consistent therewith.

196 (d) The provisions of this charter notwithstanding, the annual compensation of the mayor  
197 and councilmembers of the City of Macon and the City of Payne City (if consolidated with  
198 the governments of Bibb County and the City of Macon as provided in this Act) for the  
199 remainder of their present terms of office shall be the same annual compensation as such  
200 officers received in the calendar year immediately preceding the date of adoption of this  
201 charter.

202 (e) The provisions of this charter notwithstanding, the annual compensation of the board of  
203 commissioners of Bibb County for the remainder of their present terms of office shall be the  
204 same annual compensation as such officers received in the calendar year immediately  
205 preceding the date of adoption of this charter.

206

**SECTION 5.**

207 The governing authority of Macon-Bibb County shall consist of a mayor and a council of  
 208 said county composed of 11 members. Said board is designated as the Macon-Bibb County  
 209 Council, referred to in this charter as the "council." The members of said board are  
 210 designated and referred to in this charter as "councilpersons." The council shall exercise and  
 211 be subject to all of the rights, powers, duties, and obligations imposed by this charter or  
 212 previously applicable to the governing authorities of the City of Macon, the City of Payne  
 213 City (if consolidated with the governments of Bibb County and the City of Macon as  
 214 provided in this Act), and Bibb County and to any general laws, local laws, or constitutional  
 215 provisions applicable or effective within the former City of Macon, City of Payne City (if  
 216 consolidated with the governments of Bibb County and the City of Macon as provided in this  
 217 Act), and Bibb County. The council shall constitute a county as well as a municipality for  
 218 the purpose of the application of the general laws and Constitution of this state. The council  
 219 may exercise the powers vested in the governing authority of the municipality and  
 220 municipalities generally as well as the powers vested in the former governing authority of  
 221 the county and counties generally.

222

**SECTION 6.**

223 The governing authority shall exercise the jurisdiction, powers, and authorities vested in such  
 224 body by this charter and perform and discharge the duties, obligations, and responsibilities  
 225 imposed upon it by law, either directly or through such officers, agents, and employees as  
 226 it may from time to time ordain, constitute, and appoint in addition to those created and  
 227 provided for in this charter; and the governing authority shall, except as otherwise provided  
 228 in this charter, prescribe by ordinances or resolutions the manners and methods in which such  
 229 jurisdiction, powers, authorities, duties, obligations, and responsibilities shall be exercised,  
 230 performed, and discharged, and the respective officers, agents, and employees by whom the  
 231 several portions thereof shall be exercised, performed, and discharged.

232

**SECTION 7.**

233 (a) The Superior Court of Bibb County, including the office of the district attorney, shall  
 234 continue its operations without interruption resulting from the adoption of this charter, and  
 235 nothing in this charter shall be construed as affecting the status of said court. The court shall  
 236 be known as the Superior Court of Macon-Bibb County.

237 (b) The State Court of Bibb County, including the office of the solicitor, shall continue its  
 238 operations without interruption resulting from the adoption of this charter, and nothing in this  
 239 charter shall be construed as affecting the status of said court. The court shall be known as  
 240 the State Court of Macon-Bibb County.

241 (c) The Juvenile Court of Bibb County shall continue its operations without interruption  
242 resulting from the adoption of this charter, and nothing in this charter shall be construed as  
243 affecting the status of said court. The court shall be known as the Juvenile Court of  
244 Macon-Bibb County.

245 (d) The Probate Court of Bibb County shall continue its operations without interruption  
246 resulting from the adoption of this charter, and nothing in this charter shall be construed as  
247 affecting the status of said court. The court shall be known as the Probate Court of  
248 Macon-Bibb County.

249 (e) The Magistrate Court of Bibb County shall continue its operations without interruption  
250 resulting from the adoption of this charter, and nothing in this charter shall be construed as  
251 affecting the status of said court. The court shall be known as the Magistrate Court of  
252 Macon-Bibb County.

253 (f) On the effective date of this charter, the operations and employees of the Municipal Court  
254 of the City of Macon shall continue its operations without interruption resulting from the  
255 adoption of this charter. The employees of such court shall become employees of the  
256 restructured government of Macon-Bibb County. The court shall be known as the Municipal  
257 Court of Macon-Bibb County. The judge of the Municipal Court of the City of Macon shall  
258 be authorized to serve as the judge of said court. Vacancies in the office of judge of the  
259 Municipal Court of Macon-Bibb County shall be filled by appointment of the mayor with the  
260 approval of a majority of the members of the council. Such court shall have jurisdiction over  
261 all traffic offenses and code violations occurring in Macon-Bibb County and the same  
262 jurisdiction as provided for other municipal courts under general law.

263 **SECTION 8.**

264 Except as otherwise provided in this charter, the duties of the sheriff, the tax commissioner,  
265 and the clerk of the superior court shall remain as such duties are presently imposed by law  
266 for such respective officers as county officers. The compensation paid to any such officer  
267 shall be fixed as heretofore provided by law and may not be reduced during his or her term  
268 of office below the amount of such compensation as fixed at the commencement of such  
269 term, nor shall his or her compensation during his or her term of office in effect upon the  
270 effective date of this charter be reduced below the salary then being paid such officer. Such  
271 compensation as so fixed shall be the sole remuneration to such officers for their services and  
272 any and all other compensation for such services to Macon-Bibb County, the State of  
273 Georgia, or any agency thereof, including salaries, fees, commissions, fines, or forfeitures  
274 received from any source whatsoever, shall be the property of Macon-Bibb County and paid  
275 into its treasury.

276

**SECTION 9.**

277 (a) The territory of the restructured government shall consist of 11 election wards to be  
 278 designated as Council Wards 1 through 11 and the boundaries of the initial wards shall be  
 279 as described in the districting plan attached to and made a part of this charter and further  
 280 identified as Plan Name: bibb11p2 Plan Type: Local User: staff Administrator: S026.

281 (b) When used in such attachment, the terms "Tract" and "BG" (Block Group) shall mean  
 282 and describe the same geographical boundaries as provided in the report of the Bureau of the  
 283 Census for the United States decennial census of 2000 for the State of Georgia. The separate  
 284 numeric designations in a Tract description which are underneath a "BG" heading shall mean  
 285 and describe individual Blocks within a Block Group as provided in the report of the Bureau  
 286 of the Census for the United States decennial census of 2000 for the State of Georgia. Any  
 287 part of Macon-Bibb County which is not included in any such district described in that  
 288 attachment shall be included within that district contiguous to such part which contains the  
 289 least population according to the United States decennial census of 2000 for the State of  
 290 Georgia. Any part of Macon-Bibb County which is described in that attachment as being in  
 291 a particular district shall nevertheless not be included within such district if such part is not  
 292 contiguous to such district. Such noncontiguous part shall instead be included within that  
 293 district contiguous to such part which contains the least population according to the United  
 294 States decennial census of 2000 for the State of Georgia.

295 (c) The General Assembly shall adopt a new district plan for the election of members of the  
 296 council utilizing the 2010 United States decennial census prior to the referendum provided  
 297 for in Section 42 of this Act.

298 (d)(1) The council ward boundaries of the restructured government shall be  
 299 reapportioned by the council following the publication of each official federal decennial  
 300 census of the population of Macon-Bibb County. Such reapportionment of wards shall  
 301 be effective for the election of members to council at the next regular general municipal  
 302 election following the publication of the decennial census.

303 (2) The reapportionment of election wards shall comply with the following  
 304 specifications:

305 (A) Each election ward shall be formed of contiguous territory and its boundary lines  
 306 shall be the center lines of streets or other well defined boundaries as utilized by the  
 307 United States Bureau of the Census;

308 (B) Such election wards shall be as nearly equal in population as practicable, and they  
 309 shall comply with the requirements of the federal Voting Rights Act of 1965, as  
 310 amended;

311 (C) Any reapportionment of election wards shall apply to officials of the restructured  
 312 government elected at the next regular election following such reapportionment;

313 provided, however, that any reapportionment ordinance shall not apply to any regular  
 314 election or special election held within six months after this charter becomes effective;  
 315 and

316 (D) The reapportionment shall be limited to adjusting the boundary lines of the existing  
 317 wards only to the extent reasonably necessary to comply with the requirements of this  
 318 paragraph, and the number of members of the council and the manner of electing such  
 319 members, except for the adjustment of ward boundary lines, shall not be changed by the  
 320 council.

321 (e) In addition to the reapportionment following publication of the decennial census, the  
 322 council shall reapportion election wards pursuant to this section if the annexation of  
 323 additional territory to the corporate boundaries of Macon-Bibb County has the effect of  
 324 denying electors residing within the newly annexed territory the right to vote for the election  
 325 of members of the council on substantially the same basis that the other electors of  
 326 Macon-Bibb County vote for members of the council. The reapportionment provided for in  
 327 this subsection shall meet the criteria specified in paragraph (2) of subsection (d) of this  
 328 section and shall be further limited to making only those adjustments in ward boundary lines  
 329 as may be reasonably necessary to include the newly annexed territory within such wards.  
 330 Reapportionment under this subsection shall be effective for the next regular general  
 331 municipal election following the annexation.

332 (f) The council shall consist of 11 members. The members shall be elected from the 11  
 333 wards specified in subsection (a) of this section. All members of the council shall be full  
 334 voting members of the council. The mayor shall not be a member of the council and, except  
 335 only as provided in Section 17 of this charter, shall not vote in matters before the council.

336 (g) No person shall be eligible to serve as a councilperson unless he or she:

337 (1) Has been a resident of Macon-Bibb County for a period of one year immediately  
 338 prior to the date of the election;

339 (2) Continues to reside within the council ward from which elected during his or her term  
 340 of office;

341 (3) Is a registered and qualified elector of Macon-Bibb County; and

342 (4) Meets the qualification standards required for members of the Georgia House of  
 343 Representatives as are now or may in the future be prescribed by the Georgia  
 344 Constitution.

345 (h)(1) Each councilmember shall be paid an annual salary of \$15,000.00. Future changes  
 346 in the salary and expenses of the councilmembers shall be effected in accordance with the  
 347 provisions of Code Section 36-35-4 of the O.C.G.A. and in accordance with the  
 348 procedures of Code Section 36-5-24 of the O.C.G.A.; provided, however, that any  
 349 increase in the salary or compensation of councilmembers shall equal no more than

350 one-half of the average percentage salary increase granted by such governing authority  
 351 to the restructured government employees over the preceding three years.

352 (2) Any action to increase the salary of councilmembers shall not become effective until  
 353 the date of commencement of the terms of those councilmembers elected at the next  
 354 regular election following such action.

355 (3) In addition to salary, councilmembers shall be reimbursed for all actual expenses  
 356 reasonably and necessarily incurred in carrying out the duties and responsibilities of the  
 357 restructured government.

358 (i) The council shall elect from among its members in January of each year a member to  
 359 serve as president of the council and a member to serve as vice president of the council. The  
 360 vice president shall preside in the absence of the president.

### 361 **SECTION 10.**

362 (a) Those members of the board of commissioners of Bibb County and the mayor and those  
 363 members of the city councils of the City of Macon and the City of Payne City (if  
 364 consolidated with the governments of Bibb County and the City of Macon as provided in this  
 365 Act) who are serving as such on the date the implementation of this charter is permissible  
 366 under the federal Voting Rights Act of 1965, as amended, and any persons filling vacancies  
 367 in such offices shall continue to serve as such members until January 1, 2014, and then all  
 368 such offices shall be abolished and all terms of office shall expire. On and after the date the  
 369 requirements for the implementation of this charter have been met and the implementation  
 370 of this charter is permissible under the federal Voting Rights Act of 1965, as amended, no  
 371 further elections shall be conducted to elect members of the board of commissioners of Bibb  
 372 County and the mayor and members of the city councils of the City of Macon and the City  
 373 of Payne City (if consolidated with the governments of Bibb County and the City of Macon  
 374 as provided in this Act) and all elections for the mayor and the members of the council shall  
 375 be conducted pursuant to this charter. Such members of the board of commissioners of Bibb  
 376 County and the mayor and members of the city councils of the City of Macon and the City  
 377 of Payne City (if consolidated with the governments of Bibb County and the City of Macon  
 378 as provided in this Act) shall continue to receive the compensation to which they were  
 379 entitled pursuant to local law or Code Section 36-35-4 of the O.C.G.A. until January 1, 2014.

380 (b)(1) One initial member of the council from each council ward shall be elected in a  
 381 special election to be held on the Tuesday after the first Monday in November, 2013.  
 382 Members elected in such special election shall take office on January 1, 2014. Each  
 383 member shall serve for a term of office of four years and until a successor is elected and  
 384 qualified. Candidates shall be elected on a nonpartisan basis by majority vote as provided  
 385 in this section. Thereafter, successors to members of the council shall be elected at a

386 general municipal election to be held on the Tuesday following the first Monday in  
387 November immediately preceding the expiration of their respective terms of office, shall  
388 be elected on a nonpartisan basis as provided in this section, shall take office on  
389 January 1 immediately following the date of their election, and shall have terms of office  
390 of four years and until their respective successors are elected and qualified. Each  
391 member of the council shall be elected by the electors residing within such member's  
392 council ward.

393 (2) The president of the council shall preside at all meetings of the council and possess  
394 and have all the rights, privileges, and responsibilities of other councilmembers. The  
395 president of the council shall serve as acting mayor with all the powers and duties of that  
396 office should the mayor temporarily be unable to serve, and the president shall act as  
397 mayor or succeed to the office of mayor as provided in Section 14 of this charter.

398 (c) The initial mayor shall be elected in a special election to be held on the Tuesday after the  
399 first Monday in November, 2013. Candidates shall be elected on a nonpartisan basis by  
400 majority vote as provided in this section. The person elected as mayor at such election shall  
401 take office on January 1, 2014, for a four-year term of office and until a successor is elected  
402 is and qualified. Thereafter, each successor to the office of mayor shall be elected on a  
403 nonpartisan basis at a general municipal election to be held on the Tuesday following the first  
404 Monday in November immediately preceding the expiration of a term of office, shall take  
405 office on January 1 immediately following the date of the election, and shall have a term of  
406 office of four years and until a successor is elected and qualified. The mayor shall be elected  
407 on a nonpartisan basis by a majority vote by the electors of the entire county.

408 (d) To be eligible for election to the office of mayor, a person at the time of election shall:

409 (1) Have attained the age of 25 years;

410 (2) Have resided in Macon-Bibb County for a period of at least one year immediately  
411 preceding his or her election;

412 (3) Be a qualified elector of the restructured government; and

413 (4) Meet any other requirements as may be established by general law.

414 (e) Except as otherwise provided in this section, all primaries and elections for the mayor  
415 and members of the council shall be in accordance with the provisions of Chapter 2 of  
416 Title 21 of the O.C.G.A., known as the "Georgia Election Code," as now or hereafter  
417 amended. Any person who is a registered voter of Macon-Bibb County shall be eligible to  
418 vote in any election under this section.

419

**SECTION 11.**

420 (a) The council shall provide by ordinance for the execution of all powers, functions, rights,  
 421 privileges, duties, and immunities of the restructured government and its officers, agencies,  
 422 or employees as provided by this charter or general state law.

423 (b) Without limiting the general legislative powers of the council, it is empowered to:

424 (1) Adopt all annual appropriations for the restructured government by ordinance and  
 425 any supplements or amendments the council deems necessary from time to time during  
 426 the fiscal year;

427 (2) Adopt, by ordinance, a fiscal year for the restructured government and each of its  
 428 departments, boards, or other agencies and any other ordinances for the regulation and  
 429 management of the financial affairs of the restructured government it deems necessary;

430 (3) Adopt, by ordinance, provisions for governmental reorganization including the  
 431 establishment, alteration, or abolishment of any and all nonelective offices, positions,  
 432 departments, and agencies of the restructured government unless otherwise established  
 433 or provided by this charter;

434 (4) Adopt ordinances establishing any and all personnel policies it deems necessary for  
 435 an adequate and systematic handling of personnel affairs;

436 (5) Make adjustments, by ordinance, to the boundaries of council wards of the  
 437 restructured government as provided in Section 9 of this charter;

438 (6) Establish committees of its members for legislative, investigative, and study purposes  
 439 without the need for approval of the mayor;

440 (7) Establish and appoint any board or commission of citizens to advise the council as  
 441 it deems necessary without the need for approval by the mayor; provided, however, that  
 442 the term of such boards or commissions shall automatically expire at the end of the term  
 443 of office of the council who appointed same, if not earlier abolished by the council;

444 (8) Provide for the collection of residential solid waste throughout Macon-Bibb County  
 445 utilizing the equipment formerly utilized for residential solid waste collection by the  
 446 former City of Macon; and

447 (9) Adopt any other ordinance, resolution, or amendment to this charter as is allowed or  
 448 not denied now or hereafter under general state law or this charter and exercise any other  
 449 power as may be provided now or hereafter under general state law, this charter, or  
 450 ordinance.

451 (c)(1) The council shall, by a majority vote of all members, appoint a clerk of council  
 452 who shall serve at the pleasure of the council. The clerk of council may also serve as  
 453 clerk of the restructured government or on any other positions he or she may be appointed  
 454 to in the restructured government.

455 (2) The clerk of council shall attend all meetings of council; keep the minutes, rules, and  
 456 records of council; provide notice of meetings; and perform other duties required by the  
 457 council or by ordinance. The compensation of the clerk shall be as fixed by the council.

458 **SECTION 12.**

459 The council shall, without the need for approval by the mayor, provide for an independent  
 460 annual audit of all restructured government accounts and may provide for more frequent or  
 461 continuing audits as it deems necessary. Audits shall be made by a certified public  
 462 accountant or firm of certified public accountants who has no personal interest, direct or  
 463 indirect, in the fiscal affairs of the restructured government or any of its officers. The council  
 464 may, without requiring competitive bids, designate the accountant or firm annually, provided  
 465 that the designation for any particular fiscal year shall be made no later than 30 days after the  
 466 beginning of the fiscal year. The council may also provide for special independent audits of  
 467 any office, department, board, commission, or other agency of the restructured government  
 468 without the need for approval by the mayor.

469 **SECTION 13.**

470 (a) All of the executive powers of the restructured government are vested in the mayor. The  
 471 mayor shall be the chief executive officer of Macon-Bibb County and shall be responsible  
 472 for execution of the laws and policies of the restructured government and applicable state and  
 473 federal laws. The mayor shall possess and exercise the following executive and  
 474 administrative powers and duties:

475 (1) To see that the ordinances, resolutions, and regulations of the restructured  
 476 government and laws of this state are faithfully executed and enforced;

477 (2) To exercise supervision over the executive and administrative affairs of the  
 478 restructured government and to provide for the coordination of executive and  
 479 administrative activities;

480 (3) To appoint department heads with the approval of a majority of the council to serve  
 481 at the pleasure of the mayor;

482 (4) To sign and approve deeds, bonds, contracts, and other instruments and documents  
 483 in any case in which the legal instruments must be in writing or where the general laws  
 484 of this state or ordinance or resolution of the council so require;

485 (5) To submit to the council annually a draft of the recommended appropriations  
 486 ordinance, the budget message, and the budget report and to submit annually to the  
 487 council a capital improvement program;

- 488 (6) To conduct studies and investigations and to make recommendations to the council  
489 for legislation concerning all matters relating to the restructured government and the  
490 welfare of its citizens;
- 491 (7) To represent the restructured government in its intergovernmental relations;
- 492 (8) To appoint for information and assistance advisory boards, commissions, or  
493 committees which shall be answerable only to the mayor, but whose actions shall be  
494 advisory in nature; provided, however, that the term of such boards, commissions, or  
495 committees shall automatically expire at the end of the term of office of the mayor who  
496 appointed same, if not earlier abolished by the mayor;
- 497 (9) To appoint the attorney for the restructured government with the approval of a  
498 majority of the council to serve at the pleasure of the mayor;
- 499 (10) To provide an annual financial audit of all authorities and provide a report of such  
500 audit to the council; and
- 501 (11) To perform any other duties as may be required by law, ordinance, or resolution.
- 502 (b)(1) Every ordinance adopted by the councilmembers shall be presented promptly by  
503 the clerk of council to the mayor after its adoption.
- 504 (2) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the  
505 clerk of council with or without the mayor's approval or with the mayor's disapproval.  
506 If the ordinance has been approved by the mayor, it shall become law upon its return to  
507 the clerk of council; if the ordinance is neither approved nor disapproved, it shall become  
508 law at 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is  
509 disapproved, the mayor shall submit to the councilmembers through the clerk of council  
510 a written statement of the reasons for the veto. The clerk of council shall record upon the  
511 ordinance the date of its delivery to and receipt from the mayor.
- 512 (3) Ordinances vetoed by the mayor shall be presented by the clerk of council to the  
513 councilmembers at their next meeting. If the councilmembers then or at their next  
514 meeting adopt the ordinance by an affirmative vote of eight members, it shall become  
515 law.
- 516 (4) The mayor may disapprove or reduce any item or items of appropriation in any  
517 ordinance. The approved part or parts of any ordinance making appropriations shall  
518 become law, and the part or parts disapproved shall not become law unless subsequently  
519 passed by the councilmembers over the mayor's veto as provided in this subsection. The  
520 reduced part or parts shall be presented to the councilmembers as though disapproved and  
521 shall not become law unless overridden by the councilmembers as provided in  
522 paragraph (3) of this subsection.
- 523 (c) The mayor shall be considered full time and he or she shall receive an annual salary of  
524 \$105,000.00. In addition, the mayor shall be reimbursed for all actual expenses reasonably

525 and necessarily incurred in the performance of his or her official duties. Future changes in  
526 the salary and expenses of the mayor shall be effected in accordance with the provisions of  
527 Code Section 36-35-4 of the O.C.G.A. and in accordance with the procedures of Code  
528 Section 36-5-24 of the O.C.G.A.; provided, however, that any increase in the salary or  
529 compensation of the mayor shall equal no more than one-half of the average percentage  
530 salary increase granted by the governing authority to restructured government employees  
531 over the last preceding three years.

532 **SECTION 14.**

533 (a) In the event that the office of mayor or any councilmember shall become vacant for any  
534 cause whatsoever, the council or those remaining shall, by resolution, order a special election  
535 to fill the balance of the unexpired term of that office.

536 (b) If, however, the vacancy in any council seat occurs within 12 months of the expiration  
537 of the term of that office, the council or those remaining may, within 20 days of the  
538 occurrence of the vacancy, appoint a successor for the remainder of the term.

539 (c) If, however, a vacancy in the office of the mayor occurs, the president of the council  
540 shall be acting mayor with all the powers and duties of that office until a successor is elected  
541 and qualified, and if the vacancy in the office of the mayor occurs within 12 months of  
542 expiration of the term of that office, the president shall succeed to the office of the mayor for  
543 the remainder of the term and the council seat of such person shall be filled in accordance  
544 with this section.

545 (d) While serving as acting mayor, the president of the council shall not be a voting member  
546 of the council. Upon the president of the council ceasing to be acting mayor, the president  
547 of the council shall return to the council with all of the rights, privileges, and responsibilities  
548 of a councilmember.

549 **SECTION 15.**

550 (a) The mayor shall appoint with the approval of a majority of the council an officer whose  
551 title shall be chief administrative officer who shall serve at the pleasure of the mayor. The  
552 chief administrative officer shall be appointed solely on the basis of executive and  
553 administrative qualifications. The chief administrative officer shall hold a master's degree  
554 in public or business administration or a related field and shall have at least four years'  
555 experience in public administration or in business management in the private sector or shall  
556 hold a bachelor's degree in public or business administration or a related field and shall have  
557 at least eight years' experience in public administration or in business management in the  
558 private sector. Such person need not be a resident of Macon-Bibb County or the State of  
559 Georgia at the time of appointment.

560 (b) The chief administrative officer shall have the following powers, duties, and  
561 responsibilities:

562 (1) To serve as director of the department of administration;

563 (2) To advise and assist the mayor in the performance of designated duties;

564 (3) To coordinate the activities of the departments of the restructured government;

565 (4) To serve as a liaison between the mayor and the departments of the restructured  
566 government;

567 (5) To carry out the written directives of the mayor; provided, however, that the mayor  
568 shall not be authorized to delegate to the chief administrative officer any of the powers  
569 or duties conferred upon the mayor by charter or by ordinance;

570 (6) To make periodic reports with any recommendations to the mayor as required by the  
571 mayor or as he or she deems appropriate concerning the affairs of the restructured  
572 government; and

573 (7) To perform any other duties as shall be required by the mayor.

574 (c) There shall be an attorney for the restructured government who shall be appointed by the  
575 mayor with the approval of a majority of the council and who shall serve at the pleasure of  
576 the mayor. Such person shall be an active member of the State Bar of Georgia in good  
577 standing and shall have been engaged in the active practice of law for at least five years prior  
578 to the date of appointment. The attorney shall be legal counsel to the restructured  
579 government and perform any other duties as may be provided by ordinance. Such person  
580 shall be responsible to the mayor and to the council. The compensation of the attorney shall  
581 be as prescribed by a duly adopted ordinance. The attorney shall recommend legal counsel  
582 to all authorities of the restructured government when needed except as otherwise instructed  
583 by the mayor.

584 (d)(1) There shall be a finance officer who shall be appointed by the mayor with the  
585 approval of a majority of the council and who shall serve at the pleasure of the mayor.

586 (2) The finance officer shall perform financial duties for the restructured government and  
587 any other duties as may be provided by ordinance. Such person shall be responsible to  
588 the mayor and to the council.

589 **SECTION 16.**

590 (a) The newly elected mayor and councilmembers shall meet for an organization meeting  
591 on the second Tuesday of January following their election. All committees and the  
592 membership thereof shall be created, abolished, and appointed as directed by the council.  
593 The mayor shall not have the right to vote on the appointment of any member to a committee.  
594 The mayor shall not be a voting member of any committee established by the council. At

595 this meeting, the newly organized council shall make any appointments and selections as  
596 may be required by this charter.

597 (b) The newly elected mayor and councilmembers shall each qualify to take office by taking  
598 the oath of office for public officials as provided by state law and the following oath:

599 "I do solemnly swear or affirm that I will well and truly perform the duties of (mayor or  
600 councilmember, as the case may be) by adopting such measures as in my judgment shall  
601 be best calculated to promote the general welfare of the inhabitants of Macon-Bibb County  
602 and the common interest thereof."

603 **SECTION 17.**

604 No person shall fill a vacancy for an unexpired term by appointment of the council unless  
605 that person receives a majority of the votes of the full council. In the event that the vote of  
606 the council to fill a vacancy results in a tie vote, in such limited circumstance, the mayor  
607 shall cast the deciding vote.

608 **SECTION 18.**

609 (a) Seven members of the council shall constitute a quorum for the transaction of ordinary  
610 business, but the affirmative vote of at least six members shall be required for the council to  
611 take official action. Official action of the council shall be entered upon its minutes. Any  
612 member of the council shall have the right to request a roll-call vote.

613 (b) The council may fix the date and time of regular meetings in the council rules of  
614 procedure but there shall be at least one regular meeting each month.

615 (c) Special meetings of the council may be held on call of the president of the council or a  
616 majority of all members of the council. The mayor shall also be authorized to call special  
617 meetings regarding fiscal affairs or emergencies involving public safety. Notice of a special  
618 meeting shall be served on all other members personally, or by telephone personally, at least  
619 48 hours in advance of the meeting. If, after diligent effort, personal service is not possible,  
620 notice shall be deemed to have been served if delivered to the residence of record of the  
621 member by a police officer who certifies that such delivery was made at least 24 hours prior  
622 to the convening of the meeting. This notice to councilmembers shall not be required if all  
623 councilmembers are present when the special meeting is called. This notice of any special  
624 meeting may be waived by a councilmember in writing before or after such a meeting, and  
625 attendance at the meeting shall also constitute a waiver of notice on any business transacted  
626 in the councilmember's presence. Only the business stated in the call may be transacted at  
627 the special meeting.

628 (d) All meetings of the council shall be public to the extent required by general state law and  
 629 notice to the public of special meetings shall be made fully as is reasonably possible 48  
 630 hours prior to the meetings.

631 (e)(1) To meet a public emergency affecting life, health, property, or public peace, the  
 632 council may convene on call of the mayor, the president of the council, or a majority of  
 633 all councilmembers and promptly adopt an emergency ordinance, but this ordinance may  
 634 not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public  
 635 utility for its services; or authorize the borrowing of money except for loans to be repaid  
 636 within 30 days. An emergency ordinance shall be introduced in the form prescribed for  
 637 ordinances generally, except that it shall be plainly designated as an emergency ordinance  
 638 and shall contain, after the enacting clause, a declaration stating that an emergency exists  
 639 and describing it in clear and specific terms. An emergency ordinance may be adopted  
 640 with or without amendment or rejected at the meeting at which it is introduced. It shall  
 641 become effective upon adoption and approval or at any later time as it may specify.  
 642 Every emergency ordinance shall automatically stand repealed 30 days following the date  
 643 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the  
 644 manner specified in this section if the emergency still exists. An emergency ordinance  
 645 may also be repealed by adoption of a repealing ordinance in the same manner specified  
 646 in this section for adoption of emergency ordinances.

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

651 **SECTION 19.**

652 (a) Elected and appointed officers and employees shall demonstrate by their example the  
 653 highest standards of ethical conduct, to the end that the public may justifiably have trust and  
 654 confidence in the integrity of government. They, as agents of public purpose, shall hold their  
 655 offices or positions for the benefit of the public, shall recognize that the public interest is  
 656 their primary concern, and shall faithfully discharge the duties of their offices regardless of  
 657 personal consideration.

658 (b) No elected official, appointed officer, or employee of the restructured government, any  
 659 authority of the restructured government, or any agency or political entity to which this  
 660 charter applies shall knowingly:

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

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

667 (3) Accept any valuable gift from any person, firm, or corporation which to his or her  
668 knowledge is interested, directly or indirectly, in business dealings with the governmental  
669 body he or she is a member of or by which such person is engaged; provided, however,  
670 that an elected official who is a candidate for public office may accept campaign  
671 contributions and services in connection with any campaign;

672 (4) Represent private interests, other than his or her own, in any action or proceeding  
673 against the restructured government or any portion of its government; or

674 (5) Vote or otherwise actively participate in the negotiation or the making of any contract  
675 between the restructured government and any business or entity in which he or she has  
676 a substantial financial interest.

677 (c) Any elected or appointed officer or employee of the restructured government, any  
678 authority of the restructured government, or any agency or political entity to which this  
679 charter applies who possesses or who acquires any financial interest as might reasonably tend  
680 to create a conflict with the public interest shall make full disclosure in writing to the  
681 appointing authority or the council, in the case of a member of the council, at any time a  
682 conflict becomes apparent. The disclosure statement shall be made a matter of public record  
683 and be filed with the clerk of council. Any member of the council who has any personal or  
684 private interest, indirect, financial, or otherwise, in any proposal before the council shall  
685 disclose the interest in writing to the council. The disclosure shall be made a matter of public  
686 record prior to the taking of any vote on the proposal.

687 (d) No elected member of the governing authority of Macon-Bibb County nor any company  
688 or business in which such elected member presently has an interest or in which such elected  
689 member held an interest within the 12 month period immediately prior to such member's  
690 election shall do business with an authority associated with Macon-Bibb County nor an  
691 authority whose members in whole or in part are appointed by the governing authority of  
692 Macon-Bibb County nor shall any member of an authority of the restructured government  
693 do business with an authority associated with Macon-Bibb County or an authority whose  
694 members in whole or in part are appointed by the governing authority of Macon-Bibb  
695 County.

696 (e) No elected official, appointed officer, or employee of the restructured government, any  
697 authority of the restructured government, or any agency or entity to which this charter applies  
698 shall use property owned by the restructured government for financial benefit, convenience,  
699 or profit except in accordance with policies of the restructured government.

700 (f) Any violation of this charter which occurs with the knowledge, express or implied, of  
 701 another party to a contract or sale shall render the contract or sale involved voidable and  
 702 rescindable as to that party, at the option of the council.

703 (g) Except where authorized by law, neither the mayor nor any councilmember shall hold  
 704 any other elective or compensated appointive office in the government of Macon-Bibb  
 705 County or otherwise be employed by Macon-Bibb County or any agency thereof during the  
 706 term for which such official was elected, provided that the provisions of this section shall not  
 707 apply to any elective office holder in office on the effective date of this charter.

708 (h) No person shall be hereafter appointed by the mayor, council, or any member thereof,  
 709 to any office, agency, or employment who is related within the third degree of consanguinity  
 710 or affinity to the mayor or any member of the council, nor shall any other board created by  
 711 this charter or the head of any department of the restructured government hereafter appoint  
 712 or employ any person who is so related to any member of such board or head of such  
 713 department; nor shall any person be hereafter appointed or employed in any capacity on  
 714 behalf of the restructured government who is so related to the person so appointing or  
 715 employing him or her.

716 (i) Employees of Macon-Bibb County may, individually exercise their right to vote and  
 717 privately express their views as citizens, but no employee of Macon-Bibb County shall:

718 (1) Use his or her official authority or capacity for the purpose of interfering with or  
 719 affecting the result of an election or nomination for office; or

720 (2) Directly or indirectly coerce, attempt to coerce, or command a state or local officer  
 721 or employee to pay, lend, or contribute anything of value to a party, committee,  
 722 organization, agency, or person for political purposes.

723 (j)(1) Any officer or employee of Macon-Bibb County who knowingly violates any  
 724 requirement of this section shall be guilty of malfeasance in office or position and shall  
 725 forfeit the office or position.

726 (2) The appointing authority may reprimand, put on probation, demote, suspend, or  
 727 discharge an employee or appointed officer found to have violated the standards of  
 728 conduct established by this section.

729 **SECTION 20.**

730 (a) The bonded indebtedness of the City of Macon which is outstanding on the effective date  
 731 of this charter shall become the debt and obligation of a special tax district which shall  
 732 correspond to and be conterminous with the corporate limits of the City of Macon as said  
 733 corporate limits existed on the day immediately preceding the effective date of this charter.  
 734 The ad valorem taxes imposed by the City of Macon prior to the effective date of this charter  
 735 to retire such bonded indebtedness shall continue to be imposed within the special tax district

736 in the same manner and to the same extent that such ad valorem taxes were previously  
737 imposed by the City of Macon in accordance with the terms of the obligations of such  
738 bonded indebtedness. The council, as the governing authority of Macon-Bibb County, shall  
739 be the successor to the previously existing governing authority of the City of Macon for all  
740 purposes relating to such bonded indebtedness, including the enforcement of rights and  
741 remedies of bondholders.

742 (b) The bonded indebtedness of the City of Payne City (if consolidated with the  
743 governments of Bibb County and the City of Macon as provided in this Act) which is  
744 outstanding on the effective date of this charter shall become the debt and obligation of a  
745 special tax district which shall correspond to and be conterminous with the corporate limits  
746 of the City of Payne City (if consolidated with the governments of Bibb County and the City  
747 of Macon as provided in this Act) as said corporate limits existed on the day immediately  
748 preceding the effective date of this charter. The ad valorem taxes imposed by the City of  
749 Payne City (if consolidated with the governments of Bibb County and the City of Macon as  
750 provided in this Act) prior to the effective date of this charter to retire such bonded  
751 indebtedness shall continue to be imposed by the council within the special tax district in the  
752 same manner and to the same extent that such ad valorem taxes were previously imposed by  
753 the City of Payne City (if consolidated with the governments of Bibb County and the City  
754 of Macon as provided in this Act) in accordance with the terms of the obligations of such  
755 bonded indebtedness. The council, as the governing authority of Macon-Bibb County, shall  
756 be the successor to the previously existing governing authority of the City of Payne City (if  
757 consolidated with the governments of Bibb County and the City of Macon as provided in this  
758 Act) for all purposes relating to such bonded indebtedness, including the enforcement of  
759 rights and remedies of bondholders.

760 (c) The bonded indebtedness of Bibb County outstanding on the effective date of this charter  
761 shall not be affected by this charter, and the council, as the governing authority of  
762 Macon-Bibb County, shall become the successor to the previously existing governing  
763 authority of Bibb County for all purposes relating to such bonded indebtedness, including the  
764 enforcement of rights and remedies of bondholders.

765 **SECTION 21.**

766 (a) Existing ordinances and resolutions of the board of commissioners of Bibb County and  
767 existing rules and regulations of departments or agencies thereof not inconsistent with the  
768 provisions of this charter shall continue to be effective as ordinances and resolutions of the  
769 council and as rules and regulations of the appropriate department or agency thereof until  
770 they are modified or repealed.

771 (b) Existing ordinances and resolutions of the board of commissioners of Bibb County and  
 772 existing rules and regulations of departments and agencies of Bibb County which, by their  
 773 terms or by their operation, were applicable prior to the effective date of this charter  
 774 throughout the territorial limits of Bibb County shall continue to be effective throughout the  
 775 territorial limits of Bibb County until such time as the council, by resolution or ordinance,  
 776 modifies or repeals such ordinances, resolutions, or regulations.

777 (c) Existing ordinances and resolutions of the city council of the City of Macon which are  
 778 not inconsistent with the provisions of this charter shall continue to be effective as ordinances  
 779 and resolutions of the council until they are modified or repealed.

780 (d) In the event of a conflict between any of the ordinances or resolutions continued by this  
 781 section, the provisions thereof shall apply only to the territory of the restructured government  
 782 that such ordinance or resolution applied to prior to the effective date of this charter and until  
 783 such ordinance or resolution is repealed, changed, or amended to eliminate the conflict.

784 (e) Twelve months after the effective date of this charter, all ordinances and resolutions shall  
 785 apply uniformly throughout the area of the restructured government. Prior to this date, the  
 786 transition task force created pursuant to Section 39 of this charter shall review all ordinances  
 787 and resolutions and take whatever action is needed to remove any conflicts between  
 788 ordinances and resolutions continued by this section in order to produce a uniform body of  
 789 ordinances and resolutions free of any conflicts or contradictions between such provisions.

790 **SECTION 22.**

791 (a) Until July 1, 2014, the restructured government shall operate under the funds remaining  
 792 from the fiscal year 2013-2014 of the combined budgets of the City of Macon, the City of  
 793 Payne City (if consolidated with the governments of Bibb County and the City of Macon as  
 794 provided in this Act), and Bibb County.

795 (b)(1) The first full 12 month budget of the unified government for fiscal year 2014-2015  
 796 shall not exceed an amount equal to the combined fiscal year general operating budgets  
 797 of the City of Macon and Bibb County, plus increases due to inflation as specified in the  
 798 Consumer Price Index (All Items Consumer Price Index for All Urban Consumers  
 799 (CPI-U) for the U.S. City Average, 1982-84 = 100), but not including capital road  
 800 improvement and other special revenue funds.

801 (2) The 12 month budget of the unified government for fiscal year 2015-2016 shall not  
 802 exceed an amount equal to 95 percent of the preceding year's fiscal year general operating  
 803 budget, plus increases due to inflation as specified in the Consumer Price Index (All  
 804 Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City  
 805 Average, 1982-84 = 100), but not including capital road improvement and other special  
 806 revenue funds.

807 (3) The 12 month budget of the unified government for fiscal year 2016-2017 shall not  
808 exceed an amount equal to 90 percent of the preceding year's fiscal year general operating  
809 budget, plus increases due to inflation as specified in the Consumer Price Index (All  
810 Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City  
811 Average, 1982-84 = 100), but not including capital road improvement and other special  
812 revenue funds.

813 (4) The 12 month budget of the unified government for fiscal year 2017-2018 shall not  
814 exceed an amount equal to 85 percent of the preceding year's fiscal year general operating  
815 budget, plus increases due to inflation as specified in the Consumer Price Index (All  
816 Items Consumer Price Index for All Urban Consumers (CPI-U) for the U.S. City  
817 Average, 1982-84 = 100), but not including capital road improvement and other special  
818 revenue funds.

819 (5) The 12 month budget of the unified government for fiscal year 2018-2019 shall not  
820 exceed an amount equal to 80 percent of the preceding year's fiscal year general operating  
821 budget, plus increases due to inflation as specified in the Consumer Price Index, but not  
822 including capital road improvement and other special revenue funds.

823 (c) The budget limits established by subsection (b) of this section may be exceeded by not  
824 more than 15 percent in any given year if extreme economic circumstances require or if  
825 additional expenditures for public safety purposes are needed but only by a vote of nine of  
826 the 11 councilmembers at an open meeting after notice on the official website of Macon-Bibb  
827 County once a week for two consecutive weeks prior to the meeting and the hearing of public  
828 comments.

829 (d) The tax assessments made by the board of tax assessors of Bibb County and the City of  
830 Macon and the City of Payne City (if consolidated with the governments of Bibb County and  
831 the City of Macon as provided in this Act) as of the effective date of this charter shall  
832 constitute the basis for the assessment and collection of taxes of the council for the calendar  
833 year in which this charter becomes effective.

834 (e) It is the purpose of this section that property shall be subject to taxation in relation to  
835 services received.

836 (f) Within four years of the effective date of this charter, the restructured government shall  
837 adopt a service delivery plan that includes, but is not limited to, the following:

838 (1) An administrative mechanism with appropriate status and adequate budget to develop  
839 and implement a comprehensive program of economic development. The program shall  
840 be responsible for identifying problems and needs that exist in the community and for  
841 identifying and securing resources needed to effectively address these problems and  
842 needs; and

843 (2) An administrative mechanism with appropriate status and adequate budget to develop  
 844 and implement adequate parks and recreation programs that will be available to all  
 845 citizens of Macon-Bibb County.

846 **SECTION 23.**

847 The council may create special services tax districts and shall assess, levy, and collect ad  
 848 valorem taxes and collect service charges and fees for the provision of district services within  
 849 a special services district only in accordance with the kind, character, type, and degree of  
 850 district services provided by the council within such special services tax district. The  
 851 provisions of this section shall control ad valorem taxation and the collection of service  
 852 charges and fees for the provision of district services within special services tax districts by  
 853 the council. District services shall mean and include all of those governmental services  
 854 enumerated in Article IX, Section II, Paragraph III of the Constitution.

855 **SECTION 24.**

856 (a) All employees and former employees of Bibb County, the City of Payne City (if  
 857 consolidated with the governments of Bibb County and the City of Macon as provided in this  
 858 Act), and the City of Macon and of every agency, instrumentality, commission, or authority  
 859 thereof shall retain those pension rights, if any, which had accrued to them prior to the  
 860 effective date of this charter under any pension plan adopted by law or by ordinance or  
 861 resolution by the board of commissioners of Bibb County, the mayor and city councils of the  
 862 City of Macon, or the governing authority of the City of Payne City (if consolidated with the  
 863 governments of Bibb County and the City of Macon as provided in this Act). The council  
 864 shall assume on the effective date of this charter all obligations arising under all such pension  
 865 plans, but the assumption of such obligations by the council shall not create any obligation  
 866 on the part of the council or create any right which did not exist prior to the effective date of  
 867 this charter.

868 (b) The council is authorized and empowered to establish and maintain a new pension  
 869 system or pension systems affecting new employees and such other employees as desire to  
 870 be covered thereby and to revise, combine, and consolidate any pension system in effect on  
 871 the effective date of this charter; provided, however, that in no event shall any revision,  
 872 combination, or unification of any existing pension system in effect when this charter is  
 873 adopted result in the curtailment or diminishment of any right accrued under any existing  
 874 pension system to any person heretofore employed by the City of Macon, the City of Payne  
 875 City (if consolidated with the governments of Bibb County and the City of Macon as  
 876 provided in this Act), Bibb County, or of any agency of such former governments.

**SECTION 25.**

877

878 (a)(1) The mayor shall submit to the council at least six weeks prior to the start of the  
 879 fiscal year a budget message and a budget report, accompanied by a draft of the  
 880 recommended appropriations ordinance, in a form and manner as may be prescribed by  
 881 ordinance, which shall provide for the appropriation of the funds necessary to operate all  
 882 the various departments and to meet the current expenses of the restructured government  
 883 for the next fiscal year. Such ordinance must be approved by the affirmative votes of at  
 884 least eight members of the council.

885 (2) The council shall annually appropriate the funds necessary to operate all the various  
 886 departments and to meet the current expenses of the restructured government for the next  
 887 fiscal year. The fiscal year of Macon-Bibb County shall be as determined by ordinance.

888 (b)(1) Each appropriations ordinance, as enacted or as amended from time to time, shall  
 889 continue in force and effect for the next fiscal year after adoption and it shall then expire  
 890 except for any mandatory appropriations required to meet contractual obligations or the  
 891 continued appropriation and authorization of state or federal grants.

892 (2) The council shall not appropriate funds for any given fiscal year which, in aggregate,  
 893 exceed a sum equal to the amount of unappropriated surplus expected to have accrued in  
 894 the treasury at the beginning of the fiscal year, together with an amount not greater than  
 895 the total receipts from existing revenue sources anticipated to be collected in the fiscal  
 896 year as determined by the mayor, less refunds as estimated in the budget report and  
 897 amendments thereto.

898 (3) All appropriated funds, except for the mandatory appropriations required by law and  
 899 those required to meet contractual obligations or the continued appropriation and  
 900 authorization of state or federal grants, remaining unexpended and not contractually  
 901 obligated at the expiration of the appropriations ordinance shall lapse.

902 (4) All state or federal funds received by Macon-Bibb County are by this charter  
 903 continually appropriated in the exact amounts and for the purposes authorized and  
 904 directed by the state or federal government in making the grant.

905 (c)(1) In addition to the appropriations made by the appropriations ordinance and  
 906 amendments thereto, the council may make additional appropriations in the same manner  
 907 as provided in this charter, which shall be known as supplementary appropriations  
 908 ordinances, provided that no supplementary appropriation shall be made unless there is  
 909 an unappropriated surplus in the treasury of the restructured government or the revenue  
 910 necessary to pay the appropriation has been collected into the general fund of the treasury  
 911 as provided by law.

912 (2) In no event shall a supplementary appropriations ordinance continue in force and  
 913 effect beyond the expiration of the appropriations ordinance in effect when the  
 914 supplementary appropriations ordinance was adopted and approved.

915 (d)(1) The appropriation for each department, office, bureau, board, commission,  
 916 function, or line item for which appropriation is made shall be for a specific amount of  
 917 money and no appropriation shall allocate to any object the proceeds of any particular tax  
 918 or fund or a part or percentage thereof. All appropriations by function or line item shall  
 919 be lump sum by function or line item.

920 (2) Any appropriation made in conflict with the foregoing provisions shall be void.

921 **SECTION 26.**

922 (a) The council shall prescribe, by ordinance, the procedures to be followed in the making  
 923 of contracts which shall bind the restructured government. All contracts and all ordinances  
 924 which shall make or authorize contracts shall be approved as to form by the attorney for the  
 925 restructured government. The mayor shall sign and authorize all contracts; provided,  
 926 however, the council may authorize the mayor, by ordinance, to designate another  
 927 appropriate official to sign any type of contract. The clerk of council shall authenticate all  
 928 contracts. The original of all contracts shall be maintained on file in the office of the clerk  
 929 of council.

930 (b) The council shall prescribe, by ordinance, the procedures for all purchases of real and  
 931 personal property by the restructured government. Competitive bidding shall be required for  
 932 purchases and contracts and awards shall be made to the lowest or best bidder; provided,  
 933 however, that the council by ordinance may authorize the purchase of goods, materials,  
 934 supplies, equipment, and services without the receipt of formal sealed bids where the price  
 935 does not exceed a specified dollar amount. Prior to the making of purchases and contracts,  
 936 the availability of adequate funds shall be certified as provided by ordinance.

937 (c) The council shall prescribe, by ordinance, the procedures for all sales and other  
 938 disposition of real and personal property by restructured government.

939 **SECTION 27.**

940 (a) On the effective date of this charter, the Board of Public Education and Orphanage for  
 941 Bibb County established pursuant to an Act approved August 23, 1872 (Ga. L. 1872, p. 388),  
 942 as amended, shall continue in the exercise of its functions and duties, subject to the  
 943 provisions of law applicable thereto and subject to the provisions of subsections (b) and (c)  
 944 of this section.

945 (b) The Board of Public Education and Orphanage for Bibb County shall annually certify  
 946 to the council of Macon-Bibb County a school tax for the support and maintenance of

947 education in Macon-Bibb County. The council shall annually levy said tax upon the assessed  
 948 value of all taxable property within Macon-Bibb County and collect the same like other taxes  
 949 of the restructured government. The levy made by the board of education and certified to the  
 950 council shall not exceed 22 mills per dollar unless such mill limitation shall be increased or  
 951 removed in the manner provided by law.

952 (c) Notwithstanding any contrary provisions of local law, the Board of Public Education and  
 953 Orphanage for Bibb County shall not be required to submit to the council of Macon-Bibb  
 954 County a copy of the school budget which is prepared pursuant to the provisions of Part 4  
 955 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. as the same is now or hereafter  
 956 amended.

### 957 **SECTION 28.**

958 (a) Macon-Bibb County shall have power and authority to levy and provide for the  
 959 assessment, valuation, revaluation, and collection of taxes on all property subject to taxation  
 960 and to levy and collect such other taxes as may be allowed now or in the future by law.

961 (b)(1) The council, by ordinance, shall establish a millage rate within the limits provided  
 962 in subsection (a) of this section for the restructured government property tax; a due date;  
 963 and in what length of time these taxes must be paid.

964 (2) The council, by ordinance, may provide for the payment of these taxes by  
 965 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior  
 966 to the time when due and provide for interest on late installments.

967 (c)(1) Macon-Bibb County shall have the power to levy any occupation or business taxes  
 968 as are not prohibited by general state law. These taxes may be levied on both individuals  
 969 and corporations who transact business in Macon-Bibb County or who practice or offer  
 970 to practice any profession or calling therein to the extent the persons have a  
 971 constitutionally sufficient nexus to Macon-Bibb County to be so taxed. These taxes may  
 972 be levied and imposed on a fixed rate or gross receipts basis or any combination thereof.  
 973 The council may classify businesses, occupations, professions, or callings for the purpose  
 974 of these taxes in any manner as is reasonable and payment of these taxes may be  
 975 compelled as provided in subsection (i) of this section.

976 (2) Notwithstanding any other provisions of this section, no occupation or business tax  
 977 based on gross receipts shall be levied and imposed prior to the holding of a special  
 978 public hearing thereon, and in no event shall the total revenue received from the  
 979 imposition of an occupation or business tax based on gross receipts exceed in its first year  
 980 the total revenue received the immediately preceding year from the occupation and  
 981 business taxes levied.

982 (d) Macon-Bibb County shall have the power to require individuals or corporations who  
983 transact business in Macon-Bibb County or who practice or offer to practice any profession  
984 or calling therein to obtain a license or permit for these activities from Macon-Bibb County  
985 and to pay a reasonable fee for the license or permit where the activities are not now  
986 regulated by general state law in such a way as to preclude regulation by Macon-Bibb  
987 County. These fees may reflect the total cost to Macon-Bibb County of regulating the  
988 activity and if unpaid shall be collected as provided in subsection (i) of this section. The  
989 council by ordinance may establish reasonable requirements for obtaining or keeping licenses  
990 as the public health, safety, and welfare necessitate.

991 (e) Macon-Bibb County shall have power and authority to impose and collect license fees  
992 and taxes on life insurance companies in the manner provided by Code Section 33-8-8.1 of  
993 the O.C.G.A. and on fire and casualty insurance companies in the manner provided by Code  
994 Section 33-8-8.2 of the O.C.G.A., as now or hereafter amended.

995 (f) Macon-Bibb County shall have the power to assess and collect fees, charges, and tolls  
996 for sewer, sanitary and health services, and garbage and solid waste collection and disposal  
997 services, or any other services rendered inside and outside the corporate limits of  
998 Macon-Bibb County for the total cost to Macon-Bibb County of providing these services.  
999 If unpaid, these charges or fees shall be collected as provided in subsection (i) of this section.

1000 (g) Macon-Bibb County shall have the power to assess and collect the cost of constructing,  
1001 reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters,  
1002 sewers, or other utility mains and appurtenances from the abutting property owners under any  
1003 terms and conditions as are reasonable. If unpaid, these charges shall be collected as  
1004 provided in subsection (i) of this section.

1005 (h) Macon-Bibb County shall be empowered to levy any other tax allowed now or hereafter  
1006 by state law and the specific mention of any right, power, or authority in this charter shall not  
1007 be construed as limiting in any way the general powers of Macon-Bibb County to tax or  
1008 otherwise govern its local affairs.

1009 (i) The council, by ordinance, may provide generally for the collection of delinquent taxes,  
1010 fees, or other revenue due Macon-Bibb County under this charter or general state law by  
1011 whatever reasonable means as are not precluded by general state law. This shall include  
1012 providing for the dates when the taxes, fees, or other revenues are due; late penalties or  
1013 interest; issuance and execution of fi.fa's.; creation and priority of liens; making delinquent  
1014 taxes, fees, and other revenues personal debts of the persons required to pay the taxes, fees,  
1015 or other revenues imposed; revoking licenses issued by Macon-Bibb County for failure to  
1016 pay any Macon-Bibb County taxes, fees, or other revenues; allowing exceptions for hardship;  
1017 providing for the assignment or transfer of executions and collection of transferred  
1018 executions; providing for the billing and collecting of principal, interest, and costs of

1019 delinquent executions as an addition to and a part of the annual ad valorem tax bill issued by  
1020 the Macon-Bibb County tax commissioner.

1021 (j) The council, by ordinance, shall prescribe the amount and terms of surety bonds  
1022 conditioned upon the faithful performance of the duties of office of any officer or employee  
1023 of Macon-Bibb County charged with the responsibility of handling moneys on a regular  
1024 basis.

1025 (k) Macon-Bibb County shall have the power to issue bonds for the purpose of raising  
1026 revenue to carry out any project, program, or venture authorized under this charter or the  
1027 general laws of the state. This bonding authority shall be exercised in accordance with the  
1028 laws governing bond issuances by municipalities in effect at the time the issue is undertaken.

1029 (l) Revenue bonds may be issued by Macon-Bibb County as state law now or hereafter  
1030 provides. Such bonds are to be repaid out of any revenue produced by the project, program,  
1031 or venture for which they were issued.

1032 (m) Macon-Bibb County may issue short-term notes as now or hereafter provided by state  
1033 law.

1034 (n)(1) In order to facilitate the financing of any improvements authorized by law,  
1035 Macon-Bibb County may issue bonds of Macon-Bibb County in the aggregate amount  
1036 of assessments for the improvement then unpaid, which bond or bonds and the interest  
1037 thereon shall in no event become a liability of Macon-Bibb County or the mayor and  
1038 council issuing them.

1039 (2) These bonds shall mature at a date and bear an interest rate as the council may  
1040 determine by ordinance but in no event shall the rate of interest exceed that which the  
1041 assessments are to bear.

1042 (3) These bonds shall be signed by the mayor and attested by the clerk of council, shall  
1043 have the impression of the corporate seal of Macon-Bibb County thereon, and shall be  
1044 payable at a place designated by ordinance.

1045 (4) These bonds shall be designated as improvement bonds and shall, on the face thereof,  
1046 recite the nature and location of the improvement for which they have been issued and  
1047 shall recite that they are payable solely from assessments which have been levied upon  
1048 the lots and tracts of land abutting upon or being the situs of the improvement made.

1049 (5) These bonds shall be sold at not less than par and the proceeds thereof applied to the  
1050 payment of the costs and expense of the improvement for which the bonds were issued,  
1051 or the bonds, in the amount that shall be necessary for that purpose, may be turned over  
1052 and delivered to the contractor, in respect to the improvement at par value, in payment  
1053 of the amount due on the contract, and the portion thereof which shall be necessary to pay  
1054 other expenses, incident to and incurred in providing for the improvement, shall be sold  
1055 or otherwise disposed of as the council by ordinance shall direct.

- 1056 (o)(1) The council shall have the power to grant franchises for the use of the streets and  
 1057 alleys of Macon-Bibb County for the purposes of railroads, street railways, telephone  
 1058 companies, electric companies, electric membership corporations, cable television and  
 1059 other telecommunications companies, gas companies, transportation companies, and  
 1060 other similar organizations. The council shall determine the duration, terms, whether the  
 1061 same shall be exclusive or nonexclusive, and the consideration for such franchises;  
 1062 provided, however, no franchise shall be granted for a period in excess of 35 years and  
 1063 no franchise shall be granted unless Macon-Bibb County receives just and adequate  
 1064 compensation therefor. The council shall provide for the registration of all franchises  
 1065 with the clerk in a registration book kept by the clerk. The council may provide, by  
 1066 ordinance, for the registration within a reasonable time of all franchises previously  
 1067 granted.
- 1068 (2) If no franchise agreement is in effect, the council has the authority to impose a tax  
 1069 on gross receipts for the use of the streets and alleys of Macon-Bibb County for the  
 1070 purposes of railroads, street railways, telephone companies, electric companies, electric  
 1071 membership corporations, cable television and other telecommunication companies, gas  
 1072 companies, transportation companies, and other similar organizations.

#### 1073 **SECTION 29.**

- 1074 (a) The sheriff of Bibb County in office upon the date the governing authority of the  
 1075 restructured government is installed shall become the sheriff of Macon-Bibb County. He or  
 1076 she shall serve for the same term and his or her compensation shall be fixed as heretofore  
 1077 provided by law. Subsequent elections for sheriff shall be upon the basis provided by state  
 1078 law for sheriffs generally. The sheriff of Macon-Bibb County shall execute the orders and  
 1079 processes of the courts, shall enforce executions issued by any officer or agency of  
 1080 Macon-Bibb County, shall maintain and operate the jail wherein state or federal prisoners are  
 1081 incarcerated, be responsible for the transport of prisoners, and shall perform such other duties  
 1082 as are provided for in Code Section 15-16-10 of the O.C.G.A. and the Constitution of this  
 1083 state. The sheriff of Macon-Bibb County shall be the chief law enforcement officer of  
 1084 Macon-Bibb County.
- 1085 (b) The council shall utilize the facilities, equipment, vehicles, records, and personnel of the  
 1086 former Macon Police Department in such manner as it shall deem necessary to ensure  
 1087 adequate protection of the lives and property of all of the citizens of Macon-Bibb County.
- 1088 (c) The chief of the Macon-Bibb County Fire Department shall be appointed by the mayor  
 1089 with the approval of a majority of the council and shall serve at the pleasure of the mayor and  
 1090 shall perform his or her official duties as the chief firefighter throughout the entire limits of  
 1091 Macon-Bibb County.

1092 (d) The council in cooperation with the chief shall utilize the facilities, equipment, vehicles,  
1093 records, and personnel of both the former Macon Fire Department and the Bibb County Fire  
1094 Department in such manner as it shall deem necessary to ensure the most advantageous rating  
1095 classification of the commercial, residential, and public property in Macon-Bibb County.

1096 (e) Except as otherwise provided by this charter or by law, the administrative and service  
1097 departments of the restructured government shall be created and established by ordinance and  
1098 shall perform such functions, duties, services, and responsibilities as enumerated therein and  
1099 as prescribed by administrative regulations.

1100 (f) The council may by ordinance reorganize, combine, consolidate, or discontinue any  
1101 department or agency of the restructured government subject to the jurisdiction of the council  
1102 and may by ordinance prescribe the functions and duties thereof and may establish, abolish,  
1103 or alter all nonelective offices and positions of employment as necessary for the proper  
1104 administration of the restructured government.

1105 (g) Except as provided by this charter or prohibited by the general laws of this state, the  
1106 terms of office of all members of all boards, commissions, committees, panels, authorities,  
1107 or other entities who were appointed by the board of commissioners of Bibb County or the  
1108 governing authority of the City of Macon shall continue for not more than one year after the  
1109 members of the council take office under this charter unless extended by such council.  
1110 Except as provided by this charter or prohibited by the general laws of this state, the  
1111 positions of director or administrative head, by whatever name known, of each department  
1112 or entity of the governments of Bibb County and the City of Macon shall be abolished 90  
1113 days after the members of the council take office under this charter. Such departments may  
1114 be abolished, reestablished, reorganized, or restructured; new job descriptions shall be  
1115 established as appropriate; and a director or administrative head shall be appointed for each  
1116 department by the mayor. Any person who formerly occupied such position and any other  
1117 person shall have the right to apply for any position thus created. The provisions of this  
1118 subsection shall not result in the automatic termination from employment with the  
1119 reorganized government of any such person and the provisions of Section 13 of this charter  
1120 shall be applicable to any such person. On or after January 1, 2014, no person shall be  
1121 eligible for appointment to any position as the administrative head of any department or  
1122 agency of the restructured government unless such person meets such qualifications as may  
1123 be established by the mayor. Each person serving as the administrative head of any  
1124 department or agency of the restructured government shall serve at the pleasure of the mayor.  
1125 (i) Notwithstanding any provision of this charter to the contrary, the Macon-Bibb County  
1126 Hospital Authority shall continue to exist as provided by law and the ordinances and  
1127 resolutions activating such authority on the effective date of this charter except that

1128 appointments and the filling of vacancies on such authority shall be made by the council of  
1129 Macon-Bibb County.

1130 **SECTION 30.**

1131 (a) The council shall establish by ordinance a system of civil service for sworn employees  
1132 of the police and fire departments which shall provide for the establishment of a civil service  
1133 board to orally interview and pass upon the qualifications of applicants and promotional  
1134 candidates. To provide for requirements for selections, training, promotion, physical  
1135 condition, and appeal procedures and other related matters, the council shall adopt civil  
1136 service rules and regulations to govern and control the police and fire departments.

1137 (b) The council shall establish by ordinance a personnel management system based on merit  
1138 principles that meets the social, economic, and program needs of the people of Macon-Bibb  
1139 County. This system shall provide means to recruit, select, train, develop, and maintain an  
1140 effective and responsive work force and shall include policies and guidelines for employing,  
1141 hiring and advancement, training and career development, job classification, discharge, code  
1142 of conduct, fringe benefits, and other related activities. All appointments and promotions in  
1143 Macon-Bibb County shall be made without regard to sex, race, religion, national origin, age,  
1144 or political affiliation and shall be based on merit and fitness.

1145 **SECTION 31.**

1146 (a) Except as otherwise provided in this charter or applicable state law, all boards,  
1147 commissions, and authorities of the City of Macon and Bibb County shall continue in the  
1148 exercise of their functions and duties, subject to the provisions of laws applicable thereto and  
1149 subject to the provisions of this charter. As used in the Acts and amendments creating the  
1150 existing boards, commissions, and authorities of the City of Macon and Bibb County, the  
1151 terms "Macon City Council" and "Bibb County Board of Commissioners" shall mean the  
1152 council of Macon-Bibb County and the term "mayor of Macon" shall mean the "mayor of  
1153 Macon-Bibb County."

1154 (b) All boards, commissions, and authorities of the restructured government, including those  
1155 boards, commissions, and authorities of the City of Macon and Bibb County which are  
1156 continued under the restructured government pursuant to subsection (a) of this section, shall  
1157 consist of six members, three of whom shall be appointed by the council and three of whom  
1158 shall be appointed by the mayor, except where other appointment authority, term of office,  
1159 or manner of appointment is prescribed by this charter or by applicable state law. Each  
1160 member shall have been a resident of the area encompassed by Macon-Bibb County for a  
1161 period of at least five years immediately prior to appointment.

1162 (c) Any vacancy in the office of any member of a board, commission, or authority of the  
 1163 restructured government shall be filled for the unexpired term in the manner prescribed in  
 1164 subsection (b) of this section for original appointment, except as otherwise provided in this  
 1165 charter or by applicable state law.

1166 (d) Members of all boards, commissions, and authorities of the restructured government  
 1167 shall be limited to two consecutive full terms of office on such boards, commissions, and  
 1168 authorities. Filling more than one-half of an unexpired term of office shall constitute a full  
 1169 term of office.

1170 (e) Members of all boards, commissions, and authorities of the restructured government  
 1171 shall serve four years terms of office unless otherwise provided in this charter or applicable  
 1172 state law, provided that such members are subject to removal at any time by the appointing  
 1173 authority.

1174 (f) No board, commission, or authority shall create any other entity or subsidiary whatsoever  
 1175 without first obtaining approval by the affirmative vote at least eight members of the council  
 1176 of Macon-Bibb County and approval by the mayor.

1177 (g) The mayor and council are authorized to review and dissolve at their discretion any  
 1178 entity to which this section is applicable that was created prior to the effective date of this  
 1179 charter.

1180

### **SECTION 32.**

1181 (a) On the effective date of this charter, the Macon-Bibb County Urban Development  
 1182 Authority established by an Act of the General Assembly approved March 22, 1974 (Ga. L.  
 1183 1974, p. 3093), as amended, shall continue its operations without interruption resulting from  
 1184 the adoption of this charter.

1185 (d) On the effective date of this charter, the Macon-Bibb County Industrial Authority  
 1186 established by an Act of the General Assembly approved February 27, 1962 (Ga. L. 1962,  
 1187 p. 2323), as amended, shall continue its operations without interruption resulting from the  
 1188 adoption of this charter.

1189

### **SECTION 33.**

1190 On and after the effective date of this charter, the Middle Georgia Coliseum Authority  
 1191 established by an Act of the General Assembly approved March 15, 1963 (Ga. L. 1963,  
 1192 p. 2250), as amended, shall be known as the Macon Entertainment and Tourism Authority.

1193 The entertainment and tourism authority shall succeed, replace, and have the powers and  
 1194 duties in every respect and shall perform every function as was performed by the Middle  
 1195 Georgia Coliseum Authority, and all rights, privileges, obligations, and powers heretofore  
 1196 vested therein are transferred to and vested in the Macon Entertainment and Tourism

1197 Authority. In addition to its other functions and powers, the Macon Entertainment and  
 1198 Tourism Authority shall promote and support the film and music industry in Macon-Bibb  
 1199 County.

1200

**SECTION 34.**

1201 (a) On the effective date of this charter, the housing authority of the City of Macon shall be  
 1202 redesignated as the Housing Authority of Macon-Bibb County, and it shall continue its  
 1203 operations without interruption resulting from the adoption of this charter. As of that date,  
 1204 the provisions of Article 1 of Chapter 3 of Title 8 of the O.C.G.A., the "Housing Authorities  
 1205 Law," shall apply to the restructured government. As used in said article, as amended or as  
 1206 may hereafter be amended, the terms "authority" or "housing authority" shall be construed  
 1207 to mean the Housing Authority of Macon-Bibb County; the term "county" shall be construed  
 1208 to include Macon-Bibb County; the term "governing body" shall be construed to include the  
 1209 council of Macon-Bibb County; the term "mayor" shall be construed to include the mayor  
 1210 of Macon-Bibb County; and the term "clerk" shall be construed to include the clerk of the  
 1211 council of Macon-Bibb County.

1212 (b) Every act of the City of Macon heretofore done or performed under Article 1 of  
 1213 Chapter 3 of Title 8 of the O.C.G.A., the "Housing Authorities Law," Article 2 of Chapter 3  
 1214 of Title 8 of the O.C.G.A., the "Housing Cooperation Law," Chapter 4 of Title 8 of the  
 1215 O.C.G.A., the "Redevelopment Law," or Chapter 61 of Title 36 of the O.C.G.A., the "Urban  
 1216 Redevelopment Law," or laws amendatory thereof, or under any state or federal law relating  
 1217 to the subject matters thereof is affirmed and ratified and is continued in unimpaired force  
 1218 and effect to the same extent as if the respective governments of the City of Macon and Bibb  
 1219 County had continued to exist and function as separate political entities, and nothing  
 1220 contained in this charter shall affect the status of the housing authority created for the City  
 1221 of Macon pursuant to said laws, or any of them, nor shall any cooperation agreement or other  
 1222 obligation entered into or undertaking by the governing authorities of either of said  
 1223 governments be impaired or otherwise affected. Any and all agreements made by such  
 1224 housing authority are approved and ratified, including, without limiting the generality of the  
 1225 foregoing, all bonds or notes or other monetary commitments issued or made by such  
 1226 housing authority and including any and all agreements made by such housing authority with  
 1227 the federal government, or any agency thereof, pertaining in any way to the functions of such  
 1228 housing authority. By this section the corporate existence, functions, and powers of the  
 1229 housing authority of the City of Macon are expressly recognized and are continued in  
 1230 unimpaired force and effect notwithstanding anything contained elsewhere in this charter.

1231 **SECTION 35.**

1232 (a) The Macon-Bibb County Planning and Zoning Commission established pursuant to a  
 1233 local constitutional amendment approved March 28, 1947 (Ga. L. 1947, p. 1240), and  
 1234 continued in force and effect as a part of the Constitution by an Act approved March 28,  
 1235 1986 (Ga. L. 1986, p. 5308), shall continue in the exercise of its functions and duties, subject  
 1236 to the provisions of law applicable thereto and subject to the provisions of this charter.

1237 (b) The Macon-Bibb County Planning and Zoning Commission shall consist of one member  
 1238 from each council ward in Macon-Bibb County, each of whom shall be appointed by the  
 1239 council. Those members of the Macon-Bibb County Planning and Zoning Commission  
 1240 serving as such on the date the implementation of this charter is permissible under the federal  
 1241 Voting Rights Act of 1965, as amended, shall continue to serve as such members until  
 1242 January 31, 2014. On that date, the Macon-Bibb County council shall appoint eleven  
 1243 members of the commission pursuant to this subsection who shall each reside within the  
 1244 ward he or she is appointed to represent. The initial terms of office of members appointed  
 1245 to represent odd-numbered wards shall be until December 31, 2015, and until a successor is  
 1246 appointed and qualified. The initial terms of office of members appointed to represent  
 1247 even-numbered wards shall be until December 31, 2017, and until a successor is appointed  
 1248 and qualified. Thereafter, all members of the commission shall serve for terms of office of  
 1249 four years and until successors are appointed and qualified.

1250 **SECTION 36.**

1251 All officers, officials, and employees of the former City of Macon, City of Payne City (if  
 1252 consolidated with the governments of Bibb County and the City of Macon as provided in this  
 1253 Act), and Bibb County shall cooperate with and assist the council, mayor, and other officers  
 1254 of Macon-Bibb County:

1255 (1) In planning the restructuring of departments, boards, commissions, and agencies of  
 1256 said former governments and in transferring the functions, duties, and responsibilities of  
 1257 such departments, boards, commissions, authorities, and agencies to the appropriate  
 1258 agencies of the restructured government of Macon-Bibb County; and

1259 (2) In all other respects in order that the transfer of the governments be accomplished in  
 1260 the most orderly manner possible. The officers of the restructured government shall be  
 1261 entitled to examine all records, files, and other data in the possession of the former  
 1262 governments and of all officers, officials, employees, and departments thereof. The  
 1263 former governments shall to the extent possible provide working areas and facilities for  
 1264 the officers of the restructured government.

1265 **SECTION 37.**

1266 This charter may be modified, rescinded, changed, or amended by only the following  
1267 methods:

- 1268 (1) An Act of the General Assembly of Georgia; or  
1269 (2) An ordinance adopted by the council of Macon-Bibb County, Georgia, as provided  
1270 for in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia.

1271 **SECTION 38.**

1272 (a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and  
1273 other obligations or instruments entered into by Bibb County or for its benefit prior to the  
1274 effective date of this charter shall continue in effect according to the terms thereof as  
1275 obligations and rights of the restructured government; provided, however, any obligation  
1276 created by Bibb County to become effective after the date of approval of this charter and  
1277 prior to the effective date of this charter shall be subject to ratification and approval by the  
1278 council of the restructured government within six months following the effective date of this  
1279 charter.

1280 (b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other  
1281 obligations or instruments entered into by the City of Macon or the City of Payne City (if  
1282 consolidated with the governments of Bibb County and the City of Macon as provided in this  
1283 Act) or for its benefit prior to the effective date of this charter shall continue in effect  
1284 according to the terms thereof as obligations and rights of the restructured government;  
1285 provided, however, any obligation created by the City of Macon or the City of Payne City  
1286 (if consolidated with the governments of Bibb County and the City of Macon as provided in  
1287 this Act) to become effective after the date of approval of this charter and prior to the  
1288 effective date of this charter shall be subject to ratification and approval by the council of the  
1289 restructured government within six months following the effective date of this charter.

1290 (c) No pending action or proceeding of any nature, whether civil, criminal, judicial,  
1291 administrative, or other, by or against the City of Macon, the City of Payne City (if  
1292 consolidated with the governments of Bibb County and the City of Macon as provided in this  
1293 Act), or Bibb County or an agency or department thereof shall be abated or otherwise  
1294 affected by the adoption of this charter, and the restructured government shall stand  
1295 substituted as a party in lieu thereof.

1296 **SECTION 39.**

1297 (a) Effective January 1, 2013, there is created a transition task force for the purpose of  
1298 planning and preparing for the assumption of governmental powers by the restructured  
1299 governing authority. The transition task force shall be composed of members as follows:

- 1300 (1) The chairperson of the board of commissioners of Bibb County who shall be the  
 1301 co-chief executive officer of the task force;
- 1302 (2) The chairperson of the finance committee of the board of commissioners of Bibb  
 1303 County;
- 1304 (3) The chairperson of the finance committee of the city council of the City of Macon;
- 1305 (4) The mayor of the City of Macon who shall be the co-chief executive officer of the  
 1306 task force;
- 1307 (5) The president of the city council of the City of Macon;
- 1308 (6) The president of the Macon-Bibb County Chamber of Commerce;
- 1309 (7) The chairperson of the board of directors of New Town Macon;
- 1310 (8) The chairperson of the Bibb County delegation in the General Assembly who shall  
 1311 serve as chairperson of the transition task force; and
- 1312 (9) A member appointed by the members of the General Assembly whose districts  
 1313 include all or any portion of Bibb County from among themselves who is a member of  
 1314 a different political party than the chairperson of the delegation.
- 1315 The transition task force shall meet upon the call of the chairperson of the transition task  
 1316 force for the purpose of planning and scheduling the initial organization of the government  
 1317 in accordance with the applicable provisions of this charter.
- 1318 (b) The transition task force shall be authorized to make such recommendations as it deems  
 1319 appropriate for the assumption of governmental powers by the council on January 1, 2014.  
 1320 The transition task force is specifically charged with the responsibility of developing  
 1321 proposed ordinances which should be considered for adoption by the council at its first  
 1322 regular meeting held following January 1, 2014, or at a regular meeting of the council held  
 1323 as soon thereafter as practicable.
- 1324 (c) All officers, officials, including elected officials, and employees of Bibb County, the City  
 1325 of Macon, and the City of Payne City (if consolidated with the governments of Bibb County  
 1326 and the City of Macon as provided in this Act) shall cooperate with and assist the transition  
 1327 task force. The transition task force shall be entitled to examine all records, files, and other  
 1328 data in the possession of Bibb County, the City of Macon, and the City of Payne City (if  
 1329 consolidated with the governments of Bibb County and the City of Macon as provided in this  
 1330 Act) and all officers, officials, and employees and departments thereof. Bibb County, the  
 1331 City of Macon, and the City of Payne City (if consolidated with the governments of Bibb  
 1332 County and the City of Macon as provided in this Act) shall, to the extent possible, provide  
 1333 working areas and facilities for the transition task force.
- 1334 (d) The transition task force shall be authorized to receive and expend appropriations from  
 1335 the board of commissioners of Bibb County and from the mayor and city council of the City  
 1336 of Macon and from the governing authority of the City of Payne City (if consolidated with

1337 the governments of Bibb County and the City of Macon as provided in this Act) for the  
 1338 purpose of carrying out its duties, but members of the transition task force shall receive no  
 1339 compensation for their services as such members.

1340 (e) During the period beginning on the date on which this charter is approved in the  
 1341 referendum provided for by Section 42 of this charter, it shall be the duty of the transition  
 1342 task force to recommend and the duty of the board of commissioners of Bibb County and the  
 1343 mayor and city council of the City of Macon to implement, where possible, such  
 1344 restructuring or reorganization of services, functions, powers, and duties as may be  
 1345 advantageous to the restructuring of such governments.

1346 (f) The transition task force shall be abolished on the date specified by the council.

1347 **SECTION 40.**

1348 (a) Nothing contained in this charter shall be construed to affect the status of any  
 1349 incorporated municipality located within Bibb County other than the City of Macon and the  
 1350 City of Payne City (if consolidated with the governments of Bibb County and the City of  
 1351 Macon as provided in this Act), and the status or relationship that such incorporated  
 1352 municipality bears to Bibb County prior to the adoption of this charter shall continue to the  
 1353 same extent with the restructured government.

1354 (b) On and after January 1, 2014, that portion of the City of Macon that is located in Jones  
 1355 County shall be treated as having been deannexed from the City of Macon and shall be an  
 1356 unincorporated area of Jones County.

1357 **SECTION 41.**

1358 In the event any section, subsection, sentence, clause, or phrase of this charter shall be  
 1359 declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect  
 1360 the other sections, subsections, sentences, clauses, or phrases of this charter, which shall  
 1361 remain of full force and effect as if the section, subsection, sentence, clause, or phrase so  
 1362 declared or adjudged invalid or unconstitutional were not originally a part hereof. The  
 1363 General Assembly declares that it would have passed the remaining parts of this charter if  
 1364 it had known that such part or parts hereof would be declared or adjudged invalid or  
 1365 unconstitutional.

1366 **SECTION 42.**

1367 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
 1368 superintendent of Bibb County shall call and conduct an election as provided in this section  
 1369 for the purpose of submitting this Act to the electors of Bibb County for approval or  
 1370 rejection. The election superintendent shall conduct that election on the Tuesday after the

