

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 **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.

SECTION 37.

1265
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.

SECTION 38.

1271
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.

SECTION 39.

1296
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

