

House Bill 511 (AS PASSED HOUSE AND SENATE)

By: Representative Epps of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Greenville, Georgia; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, method of filling vacancies, compensation,
4 qualifications, prohibitions, and removal from office relative to members of such governing
5 authority; to provide for inquiries and investigations; to provide for organization and
6 procedures; to provide for ordinances and codes; to provide for the office of mayor and
7 certain duties and powers relative to the office of mayor; to provide for administrative
8 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
9 attorney, a city clerk, a city treasurer, and other personnel; to provide for rules and
10 regulations; to provide for a municipal court and the judge or judges and all officers thereof;
11 to provide for practices and procedures; to provide for taxation and fees; to provide for
12 franchises, service charges, and assessments; to provide for bonded and other indebtedness;
13 to provide for accounting and budgeting; to provide for purchases; to a provide for the sale
14 of property; to provide for bonds for officials; to provide for eminent domain; to provide for
15 penalties; to provide for definitions and construction; to provide for other matters relative to
16 the foregoing; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 ARTICLE I
19 INCORPORATION AND POWERS
20 SECTION 1.10.
21 Incorporation.

22 The City of Greenville in Meriwether County is reincorporated by the enactment of this
23 charter and is constituted and declared a body politic and corporate under the name of the
24 "City of Greenville." References in this charter to "the city" or "this city" refer to the City of
25 Greenville. The city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

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

SECTION 1.12.

Powers and construction.

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

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. Said powers shall include, but are not limited to, the following:

(1) Air and water pollution. To regulate the emission of smoke or other exhaust which pollutes the air and to prevent the pollution of natural streams which flow within the corporate limits of the city;

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

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

(4) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building,

housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(5) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

(7) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;

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

(9) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

(11) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to the powers and duties of the city and the general welfare of its citizens on such terms and conditions as the donor or grantor may impose;

(13) Health and sanitation. To prescribe standards of health and sanitation within the city and to provide for the enforcement of such standards;

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and

squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(15) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking, upon or across the streets, roads, alleys, and walkways of the city;

(16) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(17) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(18) Municipal property ownership. To acquire, dispose of, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(19) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers, and drains, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;

(21) Nuisances. To define a nuisance and provide for its abatement whether on public or private property;

(22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(23) Planning and zoning. To provide comprehensive city planning for development by zoning and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(24) Police and fire protection. To exercise the power of arrest through duly appointed police officers and to establish, operate, or contract for a police and a fire-fighting agency;

(25) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(26) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks, playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; to provide any other public improvements inside or outside the corporate limits of the city; to regulate the use of public improvements; and, for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

(27) Public peace. To provide for the prevention and punishment of drunkenness, riots, and public disturbances;

(28) Public transportation. To organize and operate or contract for such public transportation systems as are deemed beneficial;

(29) Public utilities and services. To grant franchises or make contracts for public utilities and public services and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

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

(31) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location

and to charge a rental therefor in such manner as may be provided by ordinance; and to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

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

(35) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvement;

(36) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

(37) Other taxes. To levy and collect such other taxes as may be allowed now or in the future by law;

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

(39) Urban redevelopment. To organize and operate an urban redevelopment program; and

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

SECTION 1.13.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers.

(b) The mayor and councilmembers shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of this city for 12 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the city clerk that such person desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be

238 eligible for the office of mayor or councilmember unless such person shall file the written
239 notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia
240 Election Code."

241 **SECTION 2.11.**

242 City councilmembers;
243 terms and qualifications for office.

244 (a) At any election, all persons who are qualified under the Constitution and laws of Georgia
245 to vote for members of the General Assembly of Georgia and who are bona fide residents of
246 this city shall be eligible to qualify as voters in the election.

247 (b) All primaries and elections shall be held and conducted in accordance with Chapter 2 of
248 Title 21 of the O.C.G.A., the "Georgia Election Code." Except as otherwise provided by this
249 charter, the city council shall, by ordinance, prescribe such rules and regulations it deems
250 appropriate to fulfill any options and duties under the "Georgia Election Code."

251 (c) The mayor and councilmembers who are in office on the effective date of this Act shall
252 serve until the expiration of the term of office to which they were elected and until their
253 successors are elected and qualified.

254 (d) For the purpose of electing members of the council, the City of Greenville shall consist
255 of one election district with four numbered posts. Each person seeking election shall
256 designate the post for which he or she seeks election.

257 (e) On the first Tuesday in November, 2011, and on that day quadrennially thereafter, there
258 shall be elected a mayor and two councilmembers. Then, on the first Tuesday in November,
259 2013, and on that day quadrennially thereafter, there shall be elected two councilmembers.
260 It is the purpose of this section to provide a rotation system for the office of mayor and
261 councilmembers. The terms of the offices shall begin on the first day of January immediately
262 following the election of such member.

263 **SECTION 2.12.**

264 Vacancies in office.

265 (a)(1) The office of mayor or councilmember shall become vacant upon the incumbent's
266 death, resignation, forfeiture of office, or removal from office in any manner authorized
267 by this charter or the general laws of the State of Georgia.

268 (2) Upon the suspension from office of mayor or councilmember in any manner
269 authorized by the general laws of the State of Georgia, the city council or those remaining
270 shall appoint a successor for the duration of the suspension. If the suspension becomes

permanent, then the office shall become vacant and shall be filled as provided in subsection (b) of this section.

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

SECTION 2.13.

Nonpartisan elections.

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

SECTION 2.14.

Election by plurality.

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

SECTION 2.15.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

SECTION 2.16.

Prohibitions.

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

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

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

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

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

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

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

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any private financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such private interest to the governing body of such agency or entity.

(c) No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit, except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

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

(e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which elected. The provisions of this

subsection shall not apply to any person holding employment on the effective date of this chapter.

(f) No person holding elective office may be employed by the city in any position, either as an employee or as an independent contractor, until the expiration of 90 days after the end of his or her term.

SECTION 2.17.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter shall be removed from office for any one or more of the following causes:

- (1) Incompetence, misfeasance, or malfeasance in office;
- (2) Conviction of a crime involving moral turpitude;
- (3) Failure at any time to possess any qualifications of office as provided by this charter or by law;
- (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;
- (5) Abandonment of office or neglect to perform the duties thereof; or
- (6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

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

- (1) By the vote of three councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Meriwether County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or
- (2) By an order of the Superior Court of Meriwether County following a hearing on a complaint seeking such removal brought by any resident of the City of Greenville.

ARTICLE III

ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,
AND ORDINANCES

SECTION 3.10.

General power and authority.

Except as otherwise provided by this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk and the oath of the office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

Such oath may be modified as required by Georgia law.

(b) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor during any disability or absence of the mayor. Any such disability or absence shall be declared by a majority vote of the city council. The city council shall by majority vote elect a presiding officer from its number for any period in which the mayor pro tempore is disabled, absent, or acting as mayor. Such absence or disability shall be declared by majority vote of the city council.

SECTION 3.12.

Inquiries and investigations.

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

SECTION 3.13.**Meetings.**

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

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

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be given as required by law.

SECTION 3.14.**Rules of procedure; journal.**

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

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

SECTION 3.15.**Quorum; voting.**

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

(b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be authorized to transact business of the city council. A vote of a majority of the remaining councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

SECTION 3.16.

Ordinance form; procedure.

(a) Every proposed ordinance shall be introduced orally or in writing. No ordinance shall contain a subject which is not expressed in its title, and no ordinance, or section thereof, shall be amended or repealed, unless the new ordinance contains the title of the ordinance or section amended or repealed, and when practicable all ordinances shall be introduced as amendments to the code of ordinances for the City of Greenville. The enacting clause shall be "IT IS HEREBY ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, GEORGIA AND BY THE AUTHORITY THERE OF" and every ordinance shall so begin. Any ordinances introduced orally shall be reduced to writing after adoption.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; all ordinances may be adopted on the date that they are introduced. Upon adoption of any ordinance, the city clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the city clerk and at such other public places as the city council may designate.

SECTION 3.17.

Effect of ordinances.

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

SECTION 3.18.

Emergencies.

To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or two councilmembers and may promptly adopt an emergency ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance

shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

SECTION 3.19.

Codes of technical regulations.

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

(1) The requirements of subsection (b) of Section 3.16 of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and

(2) A copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 3.20 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

SECTION 3.20.

Codification of ordinances.

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

(b) The city shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly together with all amendments thereto and shall contain such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The

491 Code of the City of Greenville, Georgia." Copies of the code shall be furnished to all
492 officers, departments, and agencies of the city and shall be made available for purchase by
493 the public at a reasonable price as fixed by the city council.

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

503 (d) Any ordinance adopted by the City Council shall be codified in accordance with Georgia
504 laws.

505 **SECTION 3.21.**

506 Chief executive officer; delegation of powers.

507 The mayor shall be the chief executive of this city. The mayor shall possess all of the
508 executive and administrative powers granted to the city under the Constitution and laws of
509 the State of Georgia and all the executive and administrative powers contained in this charter,
510 except as otherwise specifically provided in this charter. The mayor shall have the authority
511 to delegate any one or more executive or administrative powers to a person or persons
512 employed by the city and qualified in management and administration.

513 **SECTION 3.22.**

514 Powers and duties of mayor.

515 As the chief executive of this city, the mayor shall:

- 516 (1) See that all laws and ordinances of the city are faithfully executed;
- 517 (2) Appoint and remove, with confirmation of appointment or removal by the city
518 council, all officers, department heads, and employees of the city except as otherwise
519 provided in this charter. All officers, department heads, and employees shall serve at will
520 at the pleasure of the mayor and city council;
- 521 (3) Exercise supervision over all executive and administrative work of the city and
522 provide for the coordination of administrative activities;

- (4) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget;
- (5) Submit to the city council at least once a year a statement covering the financial conditions of the city and from time to time such other information as the city council may request;
- (6) Call special meetings of the city council as provided for in Section 3.13 of this charter;
- (7) Participate in the discussion of all matters brought before the city council and vote on such matters only in the case of a tie vote;
- (8) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
- (9) Approve or disapprove ordinances as provided in Section 3.23 of this charter;
- (10) Require any department or agency of the city to submit written reports whenever the mayor deems it expedient;
- (11) Sign as a matter of course all written contracts, ordinances, and other instruments executed by the city which by law are required to be in writing; and
- (12) Perform such other duties as may be required by general state law, this charter, or ordinance.

SECTION 3.23.

Submission of ordinances to the mayor; veto power.

- (a) Every ordinance adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption.
- (b) The mayor shall within ten days of receipt of an ordinance return it to the city clerk with or without the mayor's approval, or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither approved nor disapproved, it shall become law on the fifteenth day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery to and receipt from the mayor.
- (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council at its next meeting, and should the city council then or at its next general meeting adopt the ordinance by an affirmative vote of the entire city council, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become

558 law, and the part or parts disapproved shall not become law unless subsequently passed by
559 the city council over the mayor's veto as provided in this section. The reduced part or parts
560 shall be presented to the city council as though disapproved and shall not become law unless
561 overridden by the council as provided in subsection (c) of this section.

562 **SECTION 3.24.**

563 Mayor pro tempore.

564 By a majority vote, the city council shall elect a councilmember to serve as mayor pro
565 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
566 the mayor's physical or mental disability or absence. Any such disability or absence shall
567 be declared by a majority vote of the city council. The mayor pro tempore shall sign all
568 contracts and ordinances in which the mayor has a disqualifying financial interest.

569 **ARTICLE IV**

570 **ADMINISTRATIVE AFFAIRS**

571 **SECTION 4.10.**

572 Department heads.

573 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
574 the functions or duties and establish, abolish, or alter all nonelective offices, positions of
575 employment, departments, and agencies of the city as necessary for the proper administration
576 of the affairs and government of this city. All appointed officers and employees hired or
577 appointed shall serve at will, at the pleasure of the mayor and city council.

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

581 (c) All appointed officers and directors of departments shall receive such compensation as
582 prescribed by ordinance.

583 (d) There shall be a director of each department or agency who shall be its principal officer.
584 Each director shall, subject to the direction and supervision of the mayor, be responsible for
585 the administration and direction of the affairs and operations of the director's department or
586 agency.

587 (e) All directors under the supervision of the mayor shall be nominated by the mayor with
588 confirmation of appointment by the city council. The mayor may suspend or remove
589 directors under the mayor's supervision, but such suspension or removal shall not be effective
590 for ten calendar days following the mayor's giving written notice of such action therefor to

591 the director involved and to the city council. The director involved may appeal to the city
592 council which, after a hearing, may override the mayor's action by a vote of three
593 councilmembers.

594 **SECTION 4.11.**

595 Boards, commissions, and authorities.

596 (a) The city council shall create by ordinance such boards, commissions, and authorities to
597 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems
598 necessary and shall by ordinance establish the composition, period of existence, duties, and
599 powers thereof. All members shall serve at will at the pleasure of the mayor and city council.

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

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

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

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

611 (f) No member of a board, commission, or authority shall assume office until he or she has
612 executed and filed with the clerk of the city an oath obligating himself or herself to perform
613 faithfully and impartially the duties of the office, such oath to be prescribed by ordinance and
614 administered by the mayor.

615 (g) Any member of a board, commission, or authority may be removed from office by a vote
616 of three members of the city council.

617 (h) Except as otherwise provided by this charter or by law, each board, commission, or
618 authority of the city shall elect one of its members as chairperson and one member as vice
619 chairperson and may elect as its secretary one of its members or may appoint as secretary an
620 employee of the city. Each board, commission, or authority of the city government may
621 establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance
622 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
623 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
624 the clerk of the city.

SECTION 4.12.

City attorney.

(a) The city council shall appoint a city attorney who shall be a member of the State Bar of Georgia and shall have actively practiced law for at least one year. The city attorney shall serve at the pleasure of the city council. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party, may be the prosecuting officer in the municipal court, shall attend the meetings of the city council as directed, shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs, and shall perform such other duties as may be required by virtue of the position of city attorney. The city council shall provide for the compensation of the city attorney.

(b) The city attorney is not a public official of the city and shall not take an oath of office. The city attorney shall at all times be an independent contractor and will not be provided employee benefits and will receive a Form 1099 for tax purposes. A law firm, rather than an individual, may be designated as the city attorney.

SECTION 4.13.

City clerk.

The city council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal, maintain city council records required by this charter, and perform such other duties as may be required by the city council. The city clerk and city treasurer may be one and the same. The city council shall provide for the compensation of the city clerk or city clerk-treasurer.

SECTION 4.14.

City treasurer.

The city council shall appoint a city treasurer to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and sale or foreclosure for nonpayment of taxes to the city. The city treasurer shall also be responsible for the general duties of a treasurer and fiscal officer. The city council shall provide for the compensation of the treasurer. The city treasurer and city clerk may be one and the same.

656 **SECTION 4.15.**

657 Rules and regulations.

658 The city council shall adopt rules and regulations consistent with this charter concerning:

659 (1) The method of employee selection and probationary periods of employment;

660 (2) The administration of a position classification and pay plan, methods of promotion
661 and applications of service ratings thereto, and transfer of employees within the
662 classification plan;

663 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
664 the order and manner in which layoffs shall be effected;

665 (4) Such dismissal hearings as due process may require; and

666 (5) Such other personnel notices as may be necessary to provide for adequate and
667 systematic handling of personnel affairs.

668 **ARTICLE V**

669 **JUDICIAL BRANCH**

670 **SECTION 5.10.**

671 Municipal court.

672 There shall be a court to be known as the Municipal Court of the City of Greenville. All
673 officers appointed to the municipal court shall serve at will at the pleasure of the mayor and
674 city council.

675 **SECTION 5.11.**

676 Chief judge; associate judge.

677 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
678 or stand-by judges as shall be provided by ordinance. The method of selection and terms of
679 such judges shall be provided by ordinance.

680 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
681 that person shall have attained the age of 21 years and shall be a member of the State Bar of
682 Georgia. All judges shall be appointed by and shall serve at the pleasure of the city council.

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

684 (d) Judges may be removed for cause by a vote of three members of the city council.

685 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
686 will honestly and faithfully discharge the duties of the office to the best of his or her ability

687 and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city
688 council journal required in Section 3.14 of this charter.

689 **SECTION 5.12.**

690 Convening of court.

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

692 **SECTION 5.13.**

693 Jurisdiction; powers.

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

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

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

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

706 (e) The municipal court shall have authority to establish bail and recognizances to ensure
707 the presence of those charged with violations before said court and shall have discretionary
708 authority to accept cash or personal or real property as surety bond for the appearance of
709 persons charged with violations. Whenever any person shall give bail for appearance and
710 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
711 presiding at such time and an execution shall be issued thereon by serving the defendant and
712 his or her sureties with a rule nisi at least two days before a hearing on the rule nisi.

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

716 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
717 court when it appears by probable cause that state law has been violated.

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

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

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.

Certiorari.

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

SECTION 5.15.

Rules for court.

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

(b) The city council may by ordinance provide for the appointment of a clerk of the municipal court. The duties and compensation for the clerk of court shall be fixed by ordinance.

746 ARTICLE VI
747 FINANCE
748 SECTION 6.10.
749 Property tax.

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

756 SECTION 6.11.
757 Millage rates; due dates; payment methods.

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

762 SECTION 6.12.
763 Occupation and business taxes.

764 The city council by ordinance shall have the power to levy such occupation or business taxes
765 as are not denied by law. Such taxes may be levied on both individuals and corporations who
766 transact business in this city or who practice or offer to practice any profession or calling
767 within the city to the extent such persons have a constitutionally sufficient nexus to this city
768 to be so taxed. The city council may classify businesses, occupations, professions, or
769 callings for the purpose of such taxation in any way which may be lawful and may compel
770 the payment of such taxes as provided in Section 6.18 of this charter.

771 SECTION 6.13.
772 Licenses; permits; fees.

773 The city council by ordinance shall have the power to require any individual or corporation
774 that transacts business in this city or that practices or offers to practice any profession or
775 calling within the city to obtain a license or permit for such activity from the city and pay a

776 reasonable fee for such license or permit where such activities are not now regulated by
777 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
778 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
779 6.18 of this charter. The city council by ordinance may establish reasonable requirements
780 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

781 **SECTION 6.14.**

782 Franchises.

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

793 **SECTION 6.15.**

794 Service charges.

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

800 **SECTION 6.16.**

801 Special assessments.

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

807 **SECTION 6.17.**

808 Construction; other taxes.

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

812 **SECTION 6.18.**

813 Collection of delinquent taxes.

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

821 **SECTION 6.19.**

822 General obligation bonds.

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

827 **SECTION 6.20.**

828 Revenue bonds.

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

832 **SECTION 6.21.**

833 Short-term loans.

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

836 **SECTION 6.22.**

837 Fiscal year.

838 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
839 budget year and the year for financial accounting and reporting of each and every office,
840 department, agency, and activity of the city government.

841 **SECTION 6.23.**

842 Budget ordinance.

843 The city council shall provide an ordinance on the procedures and requirements for the
844 preparation and execution of an annual operating budget, a capital improvement program,
845 and a capital budget, including requirements as to the scope, content, and form of such
846 budgets and programs. The city council shall comply with the provisions of Chapter 81 of
847 Title 36 of the O.C.G.A.

848 **SECTION 6.24.**

849 Operating budget.

850 On or before a date fixed by the city council but not later than 60 days prior to the beginning
851 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
852 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
853 containing a statement of the general fiscal policies of the city, the important features of the
854 budget, explanations of major changes recommended for the next fiscal year, a general
855 summary of the budget, and such other comments and information as the mayor may deem
856 pertinent. The operating budget, the capital improvements budget, the budget message, and
857 all supporting documents shall be filed in the office of the city clerk and shall be open to
858 public inspection.

859

SECTION 6.25.

860

Action by city council on budget.

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

866 (b) After the conducting of a budget hearing, the city council shall adopt the final operating
867 budget for the ensuing fiscal year not later than July 1 of each year. If the city council fails
868 to adopt the budget by said date, the amounts appropriated for operation for the then current
869 fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis,
870 with all items prorated accordingly, until such time as the city council adopts a budget for
871 the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
872 ordinance setting out the estimated revenues in detail by sources and making appropriations
873 according to fund and by organizational unit, purpose, or activity as set out in the budget
874 preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

879

SECTION 6.26.

880

Levy of taxes.

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

SECTION 6.27.

Changes in budget.

The city council by majority vote may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purposes.

SECTION 6.28.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements budget with any recommendations as to the means of financing the improvements proposed for the ensuing year. The city council shall have the power to accept, with or without amendments, or reject the proposed program and proposed means of financing. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital improvements budget, except to meet a public emergency as provided in Section 3.18 of this charter.

(b) After conducting a public hearing, the city council shall adopt by ordinance the final capital improvements budget for the ensuing fiscal year not later than July 1 of each year. No appropriations provided for in a prior capital improvements budget shall lapse until the purpose for which the appropriations were made shall have been accomplished or abandoned; provided, however, the mayor may submit amendments to the capital improvements budget at any time during the fiscal year, accompanied by any recommendations. Any such amendments to the capital improvements budget shall become effective only upon adoption by majority vote of the city council.

SECTION 6.29.

Audits.

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

918 **SECTION 6.30.**

919 Procurement and property management.

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

921 (1) It is in writing;

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

924 (3) It is made or authorized by the city council and such approval is entered in the city
925 council journal of proceedings pursuant to Section 3.14 of this charter.

926 **SECTION 6.31.**

927 Purchasing.

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

930 **SECTION 6.32.**

931 Sale of property.

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

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

938 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
939 of the city a small parcel or tract of land is cut off or separated by such work from a larger
940 tract or boundary of land owned by the city, the city council may authorize the mayor to
941 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel
942 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
943 of way of said street, avenue, alley, or public place when such exchange is deemed to be in
944 the best interest of the city. All deeds and conveyances heretofore and hereafter so executed
945 and delivered shall convey all title and interest the city has in such property, notwithstanding
946 the fact that no public sale after advertisement was or is hereafter made.

947 ARTICLE VII
948 GENERAL PROVISIONS
949 **SECTION 7.10.**
950 Bonds for officials.

951 The officers and employees of this city, both elected and appointed, shall execute such surety
952 or fidelity bonds in such amounts and upon such terms and conditions as the city council
953 shall from time to time require by ordinance or as may be provided by law.

954 **SECTION 7.11.**
955 Rules and regulations.

956 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
957 with this charter are declared valid and of full effect and force until amended or repealed by
958 the city council. The city council shall provide for a period of time, not more than 180 days,
959 in which all ordinances shall be reviewed, readopted, amended, or repealed so that a
960 codification is accomplished.

961 **SECTION 7.12.**
962 Existing personnel and officers.

963 Except as specifically provided otherwise by this charter, all personnel and officers of the
964 city and their rights, privileges, and powers shall continue beyond the time this charter takes
965 effect for a period of 60 days before or during which the existing city council shall pass a
966 transition ordinance detailing the changes in personnel and appointed officers required or
967 desired and arranging such titles, rights, privileges, and powers as may be required or desired
968 to allow a reasonable transition.

969 **SECTION 7.13.**
970 Pending matters.

971 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
972 contracts, and legal or administrative proceedings shall continue and any such ongoing work
973 or case shall be completed by such city agencies, personnel, or offices as may be provided
974 by the city council.

975

SECTION 7.14.

976

Construction, definitions, and severability.

977 (a) Section captions in this charter are informative only and shall not be considered as a part
978 thereof.

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

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

982 (d) If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall
983 be held to be invalid or unconditional, such invalidity or unconstitutionality shall not affect
984 or impair other parts of this charter unless it clearly appears that such other parts are wholly
985 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
986 legislative intent in enacting this charter that each article, section, paragraph, sentence, or
987 part thereof be enacted separately and independent of each other.

988

SECTION 7.15.

989

Effect of repealers.

990 (a) The repeals provided for in Sections 7.16 and 7.17 of this charter shall not affect any:

991 (1) Offense or act committed or done or any penalty or forfeiture incurred or any contract
992 or right established or accruing before the effective date of this Act;

993 (2) Ordinance or resolution of the city promising or guaranteeing the payment of money
994 by or to the city or authorizing the issuance of any bonds of the city;

995 (3) Evidence of the city's indebtedness or any contract or obligation assumed by the city;

996 (4) Rights or franchise granted by any ordinances or resolution of the city to any person,
997 firm, or corporation;

998 (5) Ordinance or resolution dedicating, naming, establishing, locating, relocating,
999 opening, paving, widening, or vacating any street or public way in the city;

1000 (6) Present annual appropriation of the city;

1001 (7) Ordinance or resolution levying or imposing charges, fees, or taxes now due or
1002 accrued; or

1003 (8) Zoning ordinance of the city or amendments thereto.

1004 (b) This repeal shall not be construed to revive any ordinance or resolution or part thereof
1005 that has been repealed by a subsequent ordinance or resolution which is repealed by this Act.

1006

1007

SECTION 7.16.
Specific repealer.

1008

1009

An Act incorporating the City of Greenville approved February 22, 1967 (Ga. L. 1967,
p. 2011), and all amendatory acts thereto, are repealed.

1010

1011

SECTION 7.17.
General repealer.

1012

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