

House Bill 1185

By: Representative Pruett of the 144th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 The city and the inhabitants thereof are reincorporated by the enactment of this charter and
 28 is constituted and declared a body politic and corporate under the name and style Cochran,
 29 Georgia, and by that name shall have perpetual succession.

30 SECTION 1.11.

31 Corporate boundaries.

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

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

43 SECTION 1.12.

44 Powers and construction.

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

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

52 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 53 large of animals and fowl and to provide for the impoundment of same if in violation of

54 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
55 destruction of animals and fowl when not redeemed as provided by ordinance; and to
56 provide punishment for violation of ordinances enacted hereunder;

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

61 (3) Building regulation. To regulate and to license the erection and construction of
62 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
63 and heating and air-conditioning codes; and to regulate all housing and building trades;

64 (4) Business regulation and taxation. To levy and to provide for collection of regulatory
65 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
66 48 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted; to
67 permit and regulate the same; to provide for the manner and method of payment of such
68 regulatory fees and taxes; and to revoke such permits after due process for failure to pay
69 any city taxes or fees;

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

74 (6) Contracts. To enter into contracts and agreements with other governmental entities
75 and with private persons, firms, and corporations;

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

80 (8) Environmental protection. To protect and preserve the natural resources,
81 environment, and vital areas of the state through the preservation and improvement of air
82 quality, the restoration and maintenance of water resources, the control of erosion and
83 sedimentation, the management of solid and hazardous waste, and other necessary actions
84 for the protection of the environment;

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

89 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
90 and disposal and other sanitary service charge, tax, or fee for such services as may be

91 necessary in the operation of the city from all individuals, firms, and corporations
92 residing in or doing business in the city benefiting from such services; to enforce the
93 payment of such charges, taxes, or fees; and to provide for the manner and method of
94 collecting such service charges;

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

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

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

104 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
105 work out such sentences in any public works or on the streets, roads, drains, and other
106 public property in the city; to provide for commitment of such persons to any jail; or to
107 provide for commitment of such persons to any county work camp or county jail by
108 agreement with the appropriate county officials;

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

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

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

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

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

125 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
126 of public utilities, including but not limited to a system of waterworks, sewers and drains,
127 sewage disposal, gas works, electric light plants, cable television and other

128 telecommunications, transportation facilities, public airports, and any other public utility;
129 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
130 to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

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

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

143 (26) Public improvements. To provide for the acquisition, construction, building,
144 operation, and maintenance of public ways, parks and playgrounds, public grounds,
145 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,
146 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
147 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
148 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
149 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
150 other public improvements, inside or outside the corporate limits of the city; to regulate
151 the use of public improvements; and, for such purposes, property may be acquired by
152 condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are now
153 or may hereafter be enacted;

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

156 (28) Public transportation. To organize and operate such public transportation systems
157 as are deemed beneficial;

158 (29) Public utilities and storage. To grant franchises or make contracts for or impose
159 taxes on public utilities and public service companies and to prescribe the rates, fares,
160 regulations, and standards and conditions of service applicable to the service to be
161 provided by the franchise grantee or contractor, insofar as not in conflict with valid
162 regulations of the Public Service Commission;

163 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
164 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

165 and all other structures or obstructions upon or adjacent to the rights of way of streets and
166 roads or within view thereof, within or abutting the corporate limits of the city; and to
167 prescribe penalties and punishment for violation of such ordinances;

168 (31) Retirement. To provide and maintain a retirement plan for officers and employees
169 of the city; councilmembers shall receive ten percent of annual salary not to exceed ten
170 years;

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

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

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

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

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

199 (37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
200 and collection of taxes on all property subject to taxation;

201 (38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
202 future by law;

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

207 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
208 and

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

220 **SECTION 1.13.**

221 Exercise of powers.

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

226 **ARTICLE II**

227 **GOVERNMENT STRUCTURE**

228 **SECTION 2.10.**

229 City council creation; number; election.

230 The legislative authority of the government of this city, except as otherwise specifically
231 provided in this charter, shall be vested in a city council to be composed of six
232 councilmembers. The city council established in this charter shall in all respects be a

233 successor to and continuation of the governing authority under prior law. The
 234 councilmembers shall be elected in the manner provided by general law and this charter.

235 **SECTION 2.11.**

236 City councilmembers;
 237 terms and qualifications for office.

238 The members of the city council shall serve for terms of four years and until their respective
 239 successors are elected and qualified. No person shall be eligible to serve as councilmember
 240 unless that person shall have been a resident of the city for 12 months prior to the date of the
 241 election of members of the city council; each shall continue to reside within the boundaries
 242 of the district therein during that member's period of service and to be registered and
 243 qualified to vote in municipal elections of this city.

244 **SECTION 2.12.**

245 Vacancy;
 246 filling of vacancies.

247 (a) Vacancies—The office of mayor or councilmember shall become vacant upon the
 248 occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the
 249 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

250 (b) Filling of vacancies—A vacancy in the office of mayor or councilmember shall be filled
 251 for the remainder of the unexpired term, if any, by appointment if less than 12 months
 252 remains in the unexpired term, otherwise by an election as provided for in Section 5.14 of
 253 this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws as
 254 are or may hereafter be enacted.

255 **SECTION 2.13.**

256 Compensation and expenses.

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

259

SECTION 2.14.

260

Conflicts of interest; holding other offices.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

318 (h) Penalties for violation—

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

322 (2) Any officer or employee of the city who shall forfeit that person's office or position,
 323 as described in paragraph (1) above, shall be ineligible for appointment or election to or
 324 employment in a position in the city government for a period of three years thereafter.

325 **SECTION 2.15.**

326 Inquiries and investigations.

327 Following the adoption of an authorizing resolution, the city council may make inquiries and
 328 investigations into the affairs of the city and conduct of any department, office, or agency
 329 thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and

330 require the production of evidence. Any person who fails or refuses to obey a lawful order
331 issued in the exercise of these powers by the city council shall be punished as may be
332 provided by ordinance.

333 **SECTION 2.16.**

334 General power and authority of the city council.

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

337 **SECTION 2.17.**

338 Eminent domain.

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

347 **SECTION 2.18.**

348 Organizational meetings.

349 The city council shall hold an organizational meeting on the second Tuesday of January of
350 each year. The meeting shall be called to order by the city clerk and the oath of office shall
351 be administered to the newly elected members as follows:

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

355 **SECTION 2.19.**

356 Regular and special meetings.

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

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

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

372 **SECTION 2.20.**

373 Rules of procedure.

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

377 (b) All committees and its officers of the city council shall be appointed by the mayor. All
378 other committees and committee members shall be appointed by the council with the chair
379 of each committee selected by majority vote among its members. No committees or
380 committee member may be appointed or removed unless by affirmative vote of four
381 councilmembers.

382 **SECTION 2.21.**

383 Quorum; voting.

384 Four councilmembers shall constitute a quorum and shall be authorized to transact business
385 of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote
386 shall be recorded in the journal, but any member of the city council shall have the right to
387 request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
388 provided in this charter, the affirmative vote of four councilmembers shall be required for
389 the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an
390 affirmative vote.

391

SECTION 2.22.

392

Ordinance form; procedures.

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

397 (b) An ordinance may be introduced by any councilmember and be read at a regular or
398 special meeting of the city council. Ordinances shall be considered and adopted or rejected
399 by the city council in accordance with the rules which it shall establish; provided, however,
400 an ordinance shall not be adopted the same day it is introduced, except for emergency
401 ordinances provided for in Section 2.24. Upon introduction of any ordinance, the clerk shall
402 as soon as possible distribute a copy to the mayor and to each councilmember and shall file
403 a reasonable number of copies in the office of the clerk and at such other public places as the
404 city council may designate.

405

SECTION 2.23.

406

Action requiring an ordinance.

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

408

SECTION 2.24.

409

Emergencies.

410 (a) To meet a public emergency affecting life, health, property, or public peace, the city
411 council may convene on call of the mayor or four councilmembers and may promptly adopt
412 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
413 franchise; regulate the rate charged by any public utility for its services; or authorize the
414 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
415 shall be introduced in the form prescribed for ordinances generally, except that it shall be
416 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
417 a declaration stating that an emergency exists and describing the emergency in clear and
418 specific terms. An emergency ordinance may be adopted, with or without amendment, or
419 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
420 councilmembers shall be required for adoption. It shall become effective upon adoption or
421 at such later time as it may specify. Every emergency ordinance shall automatically stand
422 repealed 30 days following the date upon which it was adopted, but this shall not prevent

423 reenactment of the ordinance in the manner specified in this section if the emergency still
 424 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 425 in the same manner specified in this section for adoption of emergency ordinances.

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

430 **SECTION 2.25.**

431 Codes of technical regulations.

432 (a) The city council may adopt any standard code of technical regulations by reference
 433 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 434 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 435 of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to
 436 include copies of any code of technical regulations, as well as the adopting ordinance; and
 437 (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance,
 438 shall be authenticated and recorded by the clerk pursuant to Section 2.26.

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

441 **SECTION 2.26.**

442 Signing; authenticating;
 443 recording; codification; printing.

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

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

454 (c) The city council shall cause each ordinance and each amendment to this charter to be
 455 printed promptly following its adoption, and the printed ordinances and charter amendments

456 shall be made available for purchase by the public at reasonable prices to be fixed by the city
 457 council. Following publication of the first code under this charter and at all times thereafter,
 458 the ordinances and charter amendments shall be printed in substantially the same style as the
 459 code currently in effect and shall be suitable in form for incorporation therein. The city
 460 council shall make such further arrangements as deemed desirable with reproduction and
 461 distribution of any current changes in or additions to codes of technical regulations and other
 462 rules and regulations included in the code.

463 **SECTION 2.27.**

464 City manager; appointment;
 465 qualifications; compensation.

466 The city council shall appoint a city manager for an indefinite term and shall fix the city
 467 manager's compensation. The manager shall be appointed primarily on the basis of executive
 468 and administrative qualifications.

469 **SECTION 2.28.**

470 Removal of city manager.

471 (a) The city council may remove the manager from office in accordance with the following
 472 procedures:

473 (1) The city council shall adopt by affirmative vote of a majority of all its members a
 474 preliminary resolution which must state the reasons for removal and may suspend the
 475 manager from duty for a period not to exceed 90 days. A copy of the resolution shall be
 476 delivered promptly to the manager;

477 (2) Within five days after a copy of the resolution is delivered to the manager, the
 478 manager may file with the city council a written request for a public hearing. This
 479 hearing shall be held within 30 days after the request is filed. The manager may file with
 480 the council a written reply not later than five days before the hearing; and

481 (3) If the manager has not requested a public hearing within the time specified in
 482 paragraph (2) above, the city council may adopt a final resolution for removal, which may
 483 be made effective immediately, by an affirmative vote of a majority of all its members
 484 at any time after the public hearing.

485 (b) During any suspension of the city manager by the city council, the council shall have the
 486 option of suspension without pay.

487

SECTION 2.29.

488

Acting city manager.

489 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
 490 council, a qualified city administrative officer to exercise the powers and perform the duties
 491 of city manager during the manager's temporary absence or physical or mental disability.
 492 During such absence or disability, the city council may revoke such designation at any time
 493 and appoint another officer of the city to serve until the manager shall return or the manager's
 494 disability shall cease.

495

SECTION 2.30.

496

Powers and duties of the city manager.

497 The city manager shall be the chief executive and administrative officer of the city. The
 498 manager shall be responsible to the city council for the administration of all city affairs
 499 placed in the manager's charge by or under this charter. As the chief executive and
 500 administrative officer, the city manager shall:

501 (1) Appoint and, when the city manager deems it necessary for the good of the city,
 502 suspend or remove all city employees and administrative officers the manager appoints,
 503 except as otherwise provided by law or personnel ordinances adopted pursuant to this
 504 charter. The manager may authorize any administrative officer who is subject to the
 505 manager's direction and supervision to exercise these powers with respect to subordinates
 506 in that officer's department, office, or agency;

507 (2) Direct and supervise the administration of all departments, offices, and agencies of
 508 the city, except as otherwise provided by this charter or by law;

509 (3) Attend all city council meetings, except for closed meetings held for the purposes of
 510 deliberating on the appointment, discipline, or removal of the city manager and have the
 511 right to take part in discussion but not vote;

512 (4) See that all laws, provisions of this charter, and acts of the city council, subject to
 513 enforcement by the city manager or by officers subject to the city manager's direction and
 514 supervision, are faithfully executed;

515 (5) Prepare and submit the annual operating budget and capital budget to the city
 516 council;

517 (6) Submit to the city council and make available to the public a complete report on the
 518 finances and administrative activities of the city as of the end of each fiscal year;

519 (7) Make such other reports as the city council may require concerning the operations
 520 of city departments, offices, and agencies subject to the city manager's direction and
 521 supervision;

522 (8) Keep the city council fully advised as to the financial condition and future needs of
 523 the city, and make such recommendations to the city council concerning the affairs of the
 524 city as the city manager deems desirable; and

525 (9) Perform other such duties as are specified in this charter or as may be required by the
 526 city council.

527 **SECTION 2.31.**

528 Council's interference with administration.

529 Except for the purpose of inquiries and investigations under Section 2.15, the city council or
 530 its members shall deal with city officers and employees who are subject to the direction and
 531 supervision of the manager solely through the manager, and neither the city council nor its
 532 members shall give orders to any such officer or employee, either publicly or privately.

533 **SECTION 2.32.**

534 Election of mayor.

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

541 **SECTION 2.33.**

542 Powers and duties of mayor.

543 The mayor shall:

544 (1) Preside at all meetings of the city council;

545 (2) Be the head of the city for the purpose of service of process and for ceremonial
 546 purposes and be the official spokesperson for the city and the chief advocate of policy;

547 (3) Have power to administer oaths and to take affidavits;

548 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
 549 ordinances, and other instruments executed by the city which by law are required to be
 550 in writing;

551 (5) Vote on matters before the city council only in the event of a tie; and

552 (6) Not have the power of veto when a minimum of four councilmembers vote in the
 553 majority.

554 **SECTION 2.34.**

555 Mayor pro tem.

556 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
 557 During the absence or physical or mental disability of the mayor for any cause, the mayor
 558 pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
 559 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
 560 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
 561 long as such absence or disability shall continue. Any such absence or disability shall be
 562 declared by majority vote of all councilmembers. The mayor pro tem or selected
 563 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
 564 financial interest as provided in Section 2.14. The mayor pro tem shall serve a term of one
 565 year and shall not succeed himself.

566 **ARTICLE III**

567 **ADMINISTRATIVE AFFAIRS**

568 **SECTION 3.10.**

569 Administrative and service departments.

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

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

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

579 (d) There shall be a director of each department or agency who shall be its principal officer.
 580 Each director shall, subject to the direction and supervision of the city manager, be

581 responsible for the administration and direction of the affairs and operations of that director's
582 department or agency.

583 (e) All appointed officers and directors under the supervision of the city manager shall be
584 nominated by the city manager with confirmation of appointment by the city council. All
585 appointed officers and directors shall be employees at-will and subject to removal or
586 suspension at any time by the city manager unless otherwise provided by law, ordinance, or
587 this charter.

588 **SECTION 3.11.**

589 **Boards, commissions, and authorities.**

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

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

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

600 (d) Except as otherwise provided by charter or by law, no member of any board,
601 commission, or authority shall hold any elective office in the city. The mayor and
602 councilmembers may serve in an honorary or ex-officio position.

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

606 (f) No member of a board, commission, or authority shall assume office until that person has
607 executed and filed with the clerk of the city an oath obligating himself to faithfully and
608 impartially perform the duties of that member's office, such oath to be prescribed by
609 ordinance and administered by the mayor.

610 (g) All board members serve at will and may be removed at any time by a vote of four
611 members of the city council unless otherwise provided by law.

612 (h) Except as otherwise provided by this charter or by law, each board, commission, or
613 authority of the city shall elect one of its members as chair and one member as vice chair and
614 may elect as its secretary one of its own members or may appoint as secretary an employee
615 of the city. Each board, commission, or authority of the city government may establish such

616 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
617 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
618 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the
619 city.

620 **SECTION 3.12.**

621 City attorney.

622 The city manager shall nominate a city attorney, together with such assistant city attorneys
623 as may be authorized with confirmation of appointment by majority vote of the city council
624 and the city manager shall provide for the payment of such attorney or attorneys for services
625 rendered to the city. The city attorney shall be responsible for providing for the
626 representation and defense of the city in all litigation in which the city is a party; may be the
627 prosecuting officer in the municipal court; shall attend the meetings of the city council as
628 directed; shall advise the city council, mayor, and other officers and employees of the city
629 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
630 required by virtue of such person's position as city attorney.

631 **SECTION 3.13.**

632 City clerk.

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

637 **SECTION 3.14.**

638 Position classification and pay plans.

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

645 **SECTION 3.15.**

646 Personnel policies.

647 (a) All appointive officers, department heads, and directors are employees that serve at will
648 and may be removed from office or any other position by a vote of four councilmembers
649 except where otherwise required by law or the city's personnel policy manual.

650 (b) All other employees may be removed from any position at any time in accordance with
651 the city's personnel policy manual unless otherwise required by law.

652 **ARTICLE IV**
653 **JUDICIAL BRANCH**

654 **SECTION 4.10.**

655 Creation; name.

656 There shall be a court to be known as the Municipal Court of the City of Cochran.

657 **SECTION 4.11.**

658 Chief judge; assistant judge.

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

661 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
662 that person shall have attained the age of 25 years and shall be a member of the State Bar of
663 Georgia and shall possess all qualifications required by law. All judges shall be appointed
664 by the city council and shall serve until a successor is appointed and qualified.

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

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

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

672 **SECTION 4.12.**

673 Convening.

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

675

SECTION 4.13.

676

Jurisdiction; powers.

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

679 (b) The municipal court shall have authority to punish those in its presence for contempt,
680 provided that such punishment shall not exceed \$500.00 or 15 days in jail.

681 (c) The municipal court may fix punishment for offenses within its jurisdiction not
682 exceeding a fine of \$300.00 or imprisonment for 180 days or both such fine and
683 imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as
684 now or hereafter provided by law.

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

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

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

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

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

710 (i) Any defendant in the municipal court that qualifies and requests to be represented by a
 711 public defender shall immediately have his case forwarded to the Superior Court of Bleckley
 712 County.

713 **SECTION 4.14.**

714 Certiorari.

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

719 **SECTION 4.15.**

720 Rules for court.

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

728 **ARTICLE V**

729 **ELECTIONS AND REMOVAL**

730 **SECTION 5.10.**

731 Applicability of general law.

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

734 **SECTION 5.11.**

735 Election of city council and mayor.

736 (a) There shall be a municipal general election biennially in the odd years on the Tuesday
 737 next following the first Monday in November.

738 (b) There shall be elected the mayor and three councilmembers at one election and at every
 739 other election thereafter. The remaining city council seats shall be filled at the election
 740 alternating with the first election so that a continuing body is created.

741 **SECTION 5.12.**

742 Nonpartisan elections.

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

745 **SECTION 5.13.**

746 Election by plurality vote.

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

749 **SECTION 5.14.**

750 Special elections; vacancies.

751 In the event that the office of councilmember shall become vacant as provided in Section
 752 2.12 of this charter, the city council or those remaining shall order a special election to fill
 753 the balance of the unexpired term of such official; provided, however, if such vacancy occurs
 754 within 12 months of the expiration of the term of that office, the city council or those
 755 members remaining shall appoint a successor for the remainder of the term. In all other
 756 respects, the special election shall be held and conducted in accordance with the "Georgia
 757 Election Code," Chapter 2 of Title 21 of the O.C.G.A., as now or hereafter amended.

758 **SECTION 5.15.**

759 Other provisions.

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

763

SECTION 5.16.

764

Removal of officers.

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

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

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

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

781

ARTICLE VI

782

FINANCE

783

SECTION 6.10.

784

Property tax.

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

791

SECTION 6.11.

792

Millage rate; due dates; payment methods.

793 The city council by ordinance shall establish a millage rate for the city property tax, a due
 794 date, and the time period within which these taxes must be paid. The city council by

795 ordinance may provide for the payment of these taxes by installments or in one lump sum,
796 as well as authorize the voluntary payment of taxes prior to the time when due.

797 **SECTION 6.12.**

798 Occupation and business taxes.

799 The city council by ordinance shall have the power to levy such occupation or business taxes
800 as are not denied by law. The city council may classify businesses, occupations, or
801 professions for the purpose of such taxation in any way which may be lawful and may
802 compel the payment of such taxes as provided in Section 6.18.

803 **SECTION 6.13.**

804 Licenses; permits; fees.

805 The city council by ordinance shall have the power to require businesses or practitioners
806 doing business in this city to obtain a permit for such activity from the city and pay a
807 regulatory fee for such permit as provided by general law. Such fees shall reflect the total
808 cost to the city of regulating the activity and, if unpaid, shall be collected as provided in
809 Section 6.18.

810 **SECTION 6.14.**

811 Franchises.

812 (a) The city council shall have the power to grant franchises for the use of this city's streets
813 and alleys for the purposes of railroads, street railways, telephone companies, electric
814 companies, electric membership corporations, cable television and other telecommunications
815 companies, gas companies, transportation companies, and other similar organizations. The
816 city council shall determine the duration, terms, whether the same shall be exclusive or
817 nonexclusive, and the consideration for such franchises; provided, however, no franchise
818 shall be granted for a period in excess of 25 years and no franchise shall be granted unless
819 the city receives just and adequate compensation therefor. The city council shall provide for
820 the registration of all franchises with the city clerk in a registration book kept by the city
821 clerk. The city council may provide by ordinance for the registration within a reasonable
822 time of all franchises previously granted.

823 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
824 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
825 street railways, telephone companies, electric companies, electric membership corporations,

826 cable television and other telecommunications companies, gas companies, transportation
827 companies, and other similar organizations.

828 **SECTION 6.15.**

829 Service charges.

830 The city council by ordinance shall have the power to assess and collect fees, charges, and
831 tolls for sewers, sanitary and health services, or any other services provided or made
832 available within and outside the corporate limits of the city for the total cost to the city of
833 providing or making available such services. If unpaid, such charges shall be collected as
834 provided in Section 6.18.

835 **SECTION 6.16.**

836 Special assessments.

837 The city council by ordinance shall have the power to assess and collect the cost of
838 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
839 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
840 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
841 collected as provided in Section 6.18.

842 **SECTION 6.17.**

843 Other taxes and fees.

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

847 **SECTION 6.18.**

848 Collection of delinquent taxes and fees.

849 The city council by ordinance may provide generally for the collection of delinquent taxes,
850 fees, or other revenue due the city under Sections 6.10 through 6.17 by whatever reasonable
851 means as are not precluded by law. This shall include providing for the dates when the taxes
852 or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and
853 priority of liens; making delinquent taxes and fees personal debts of the persons required to

854 pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees;
855 and providing for the assignment or transfer of tax executions.

856 **SECTION 6.19.**

857 General obligation bonds.

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

862 **SECTION 6.20.**

863 Revenue bonds.

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

867 **SECTION 6.21.**

868 Short-term loans.

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

871 **SECTION 6.22.**

872 Lease-purchase contracts.

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

880 **SECTION 6.23.**

881 Fiscal year.

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

885 **SECTION 6.24.**

886 Preparation of budgets.

887 The city council shall provide an ordinance on the procedures and requirements for the
888 preparation and execution of an annual operating budget, a capital improvement plan, and
889 a capital budget, including requirements as to the scope, content, and form of such budgets
890 and plans.

891 **SECTION 6.25.**

892 Submission of operating budget to city council.

893 On or before a date fixed by the city council but not later than 45 days prior to the beginning
894 of each fiscal year, the city manager shall submit to the city council a proposed operating
895 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
896 city manager containing a statement of the general fiscal policies of the city, the important
897 features of the budget, explanations of major changes recommended for the next fiscal year,
898 a general summary of the budget, and other pertinent comments and information. The
899 operating budget and the capital budget hereinafter provided for, the budget message, and
900 all supporting documents shall be filed in the office of the city clerk and shall be open to
901 public inspection.

902 **SECTION 6.26.**

903 Action by city council on budget.

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

909 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
 910 year not later than the fifteenth day of August of each year. If the city council fails to adopt
 911 the budget by this date, the amounts appropriated for operation for the current fiscal year
 912 shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
 913 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal
 914 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
 915 the estimated revenues in detail by sources and making appropriations according to fund and
 916 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
 917 adopted pursuant to Section 6.24.

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

922 **SECTION 6.27.**

923 Tax levies.

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

930 **SECTION 6.28.**

931 Changes in appropriations.

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

936 **SECTION 6.29.**

937 Capital budget.

938 (a) On or before the date fixed by the city council, but not later than 45 days prior to the
 939 beginning of each fiscal year, the city manager shall submit to the city council a proposed

940 capital improvements plan with a recommended capital budget containing the means of
 941 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 942 power to accept, with or without amendments, or reject the proposed plan and budget. The
 943 city council shall not authorize an expenditure for the construction of any building, structure,
 944 work, or improvement unless the appropriations for such project are included in the capital
 945 budget, except to meet a public emergency as provided in Section 2.24.

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

953 **SECTION 6.30.**

954 Audits.

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

960 **SECTION 6.31.**

961 Contracting procedures.

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

- 963 (1) It is in writing;
- 964 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 965 course, is signed by the city attorney to indicate such drafting or review; and
- 966 (3) It is made or authorized by the city council and such approval is entered in the city
 967 council journal of proceedings pursuant to Section 2.21.

968 **SECTION 6.32.**

969 Centralized purchasing.

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

972 **SECTION 6.33.**

973 Sale and lease of city property.

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

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

980 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
981 of the city a small parcel or tract of land is cut off or separated by such work from a larger
982 tract or boundary of land owned by the city, the city council may authorize the city manager
983 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
984 property owner or owners where such sale and conveyance facilitates the highest and best
985 use of the abutting owner's property. Included in the sales contract shall be a provision for
986 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
987 shall be notified of the availability of the property and given the opportunity to purchase said
988 property under such terms and conditions as set out by ordinance. All deeds and
989 conveyances heretofore and hereafter so executed and delivered shall convey all title and
990 interest the city has in such property, notwithstanding the fact that no public sale after
991 advertisement was or is hereafter made.

992 **ARTICLE VII**

993 **GENERAL PROVISIONS**

994 **SECTION 7.10.**

995 Bonds for officials.

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

999

SECTION 7.11.

1000

Existing ordinances,

1001

resolutions, rules, and regulations.

1002

Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this

1003

charter shall continue in force, unless repealed or amended, for two years from the effective

1004

date of this charter. During such two-year period, the city council shall review all such

1005

provisions and shall readopt, repeal, or amend each, so that a codification as provided by

1006

subsection (b) of Section 2.26 is accomplished.

1007

SECTION 7.12.

1008

Existing personnel and officers.

1009

Except as specifically provided otherwise by this charter, all personnel and officers of this

1010

city and their rights, privileges, and powers shall continue beyond the time this charter takes

1011

effect for a period of 60 days before or during which time the existing city council shall pass

1012

a transition ordinance detailing the changes in personnel and appointed officers required or

1013

desired and arranging such titles, rights, privileges, and powers as may be required or desired

1014

to allow a reasonable transition.

1015

SECTION 7.13.

1016

Pending matters.

1017

Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,

1018

contracts, and legal or administrative proceedings shall continue and any such ongoing work

1019

or cases shall be completed by such city agencies, personnel, or offices as may be provided

1020

by the city council.

1021

SECTION 7.14.

1022

Construction.

1023

(a) Section captions in this charter are informative only and are not considered as a part

1024

thereof.

1025

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

1026

(c) The singular shall include the plural, the masculine shall include the feminine, and vice

1027

versa.

SECTION 7.15.

Severability.

1030 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
1031 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
1032 or impair other parts of this charter unless it clearly appears that such other parts are wholly
1033 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
1034 legislative intent in enacting this charter that each article, section, subsection, paragraph,
1035 sentence or part thereof be enacted separately and independent of each other.

SECTION 7.16.

Specific repealer.

1038 An Act entitled "An Act to provide a new charter for the City of Cochran," approved April
1039 19, 2000, and all amendatory Acts thereto, are repealed.

SECTION 7.17.

General repealer.

1042 All acts of any kind previously taken by any person or body affecting the charter of the City
1043 of Cochran are hereby repealed in their entirety. All other laws and parts of laws in conflict
1044 with this charter are hereby repealed.

SECTION 7.18.

Effective date.

1047 This charter shall become effective on the date approved by the Governor of the State of
1048 Georgia.