

House Bill 1227

By: Representatives Rogers of the 26th, Collins of the 27th, Benton of the 31st, and Dunahoo of the 25th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Gainesville; to provide for reincorporation,
2 boundaries, and powers of the city; to provide for general powers and limitations on powers;
3 to provide for a governing authority of such city and the powers, duties, authority, election,
4 terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions,
5 conflicts of interest, suspension, and removal from office relative to members of such
6 governing authority; to provide for inquiries and investigations; to provide for organization
7 and procedures; to provide for ordinances; to provide for the office of mayor and mayor pro
8 tempore and certain duties and powers relative thereto; to provide for administrative
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 manager and assistant city manager, a city attorney, a city clerk, a city auditor, and other
11 personnel; to provide for a municipal court and the judge or judges thereof; to provide for a
12 solicitor and deputy solicitor; to provide for a clerk of municipal court; to provide for the
13 court's jurisdiction, powers, practices, and procedures; to provide for ethics and disclosures;
14 to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises;
15 to provide for bonded and other indebtedness; to provide for accounting and budgeting; to
16 provide for city contracts and purchasing; to provide for an independent school system; to
17 provide for education wards; to provide for definitions and inclusions; to provide for bonds
18 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 provide for submission under the federal Voting
21 Rights Act of 1965, as amended; to repeal a specific Act; to provide for an effective date; to
22 repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

City of Gainesville, Georgia.

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

SECTION 1.11.

Corporate boundaries.

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

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

SECTION 1.12.

Powers and construction.

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

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

SECTION 1.13.

Examples of powers.

- 55 (a) Animal regulations. To regulate and license or to prohibit the keeping or running at large
56 of animals and fowl and to provide for the impoundment of same if in violation of any
57 ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction
58 of animals and fowl when not redeemed as provided by ordinance; and to provide
59 punishment for violation of ordinances enacted hereunder;
- 60 (b) Appropriations and expenditures. To make appropriations for the support of the
61 government of the city; to authorize the expenditure of money for any purposes authorized
62 by this charter and for any purpose for which a municipality is authorized by the laws of the
63 State of Georgia; and to provide for the payment of expenses of the city;
- 64 (c) Building regulation. To regulate and to license the erection and construction of buildings
65 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and
66 heating and air-conditioning codes; and to regulate all housing, and building trades;
- 67 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory
68 fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48
69 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted; to permit
70 and regulate the same; to provide for the manner and method of payment of such regulatory
71 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes
72 or fees;
- 73 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
74 for present or future use and for any corporate purpose deemed necessary by the governing
75 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A.;
- 76 (f) Contracts. To enter into contracts and agreements with other governmental entities and
77 with private persons, firms, and corporations;
- 78 (g) Emergencies. To establish procedures for determining and proclaiming that an
79 emergency situation exists inside or outside the city and to make and carry out all reasonable
80 provisions deemed necessary to deal with or meet such an emergency for the protection,
81 safety, health, or well-being of the citizens of the city;
- 82 (h) Environmental protection. To protect and preserve the natural resources, environment,
83 and vital areas of the city, the region, and the state through the preservation and improvement
84 of air quality, the restoration and maintenance of water resources, the control of erosion and
85 sedimentation, the management of solid waste, and other necessary actions for the protection
86 of the environment;
- 87 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,
88 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,

89 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties
90 and punishment for violations thereof;

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

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

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

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

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

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

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

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

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

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

- 126 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
127 public utilities, including but not limited to a system of waterworks, sewers and drains,
128 sewage disposal, storm-water management, gas works, electric light plants, cable television
129 and other telecommunications, transportation facilities, public airports, and any other public
130 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties
131 and to provide for the withdrawal of service for refusal or failure to pay the same; provided,
132 however, no public utility owned or operated by the city shall be sold by the governing body
133 unless the governing body, by a majority vote with all members participating, first resolves
134 that such utility shall be sold, and, thereafter, the proposed sale is approved by a majority
135 vote of the electors of the City of Gainesville voting in a special election called and held for
136 that purpose;
- 137 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
138 private property;
- 139 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
140 authority of this charter and the laws of the State of Georgia;
- 141 (w) Planning and zoning. To provide comprehensive city planning for development by
142 zoning; and to provide subdivision regulation and the like as the governing body deems
143 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 144 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
145 officers and to establish, operate, or contract for a police and a fire-fighting agency;
- 146 (y) Public hazards: removal. To provide for the destruction and removal of any building or
147 other structure which is or may become dangerous or detrimental to the public;
- 148 (z) Public improvements. To provide for the acquisition, construction, building, operation,
149 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
150 mausoleums, markets and market houses, public buildings, libraries, public housing, airports,
151 hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
152 recreational, conservation, sport, curative, and corrective agencies and facilities; and to
153 provide any other public improvements, inside or outside the corporate limits of the city; to
154 regulate the use of public improvements; and, for such purposes, property may be acquired
155 by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may
156 hereafter be enacted;
- 157 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
158 conduct, drunkenness, riots, pandering, and public disturbances;
- 159 (bb) Public transportation. To organize and operate such public transportation systems as
160 are deemed beneficial;
- 161 (cc) Public utilities and services. To grant franchises or make contracts for or impose taxes
162 on public utilities and public service companies; and to prescribe the rates, fares, regulations,

163 and standards and conditions of service applicable to the service to be provided by the
164 franchise grantee or contractor insofar as not in conflict with valid regulations of the Public
165 Service Commission;

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

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

173 (ff) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
174 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
175 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within
176 the corporate limits of the city; and to grant franchises and rights of way throughout the
177 streets and roads, and over the bridges and viaducts for the use of public utilities;

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

185 (hh) 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, paper,
188 and other recyclable materials and to provide for the sale of such items;

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

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

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

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

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

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

216 **SECTION 1.14.**

217 Exercise of powers.

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

222 **ARTICLE II.**

223 **GOVERNMENT STRUCTURE**

224 **A. GOVERNING BODY**

225 **SECTION 2.10.**

226 Governing body creation; number; election.

227 (a) The legislative authority of the government of this city, except as otherwise specifically
228 provided in this charter, shall be vested in a governing body to be composed of a mayor and
229 five councilmembers. The governing body established shall in all respects be a successor to
230 and continuation of the governing authority under prior law. The mayor and councilmembers
231 shall be elected in the manner provided by general law and this charter.

232 (b) The council shall be composed of five members elected by the voters of the city at large
233 in accordance with provisions of Article V of this charter. Not more than one
234 councilmember shall reside in each ward as provided in Section 5.14 of this charter. The
235 mayor shall be elected as provided in Section 2.28 of this charter.

236 **SECTION 2.11.**

237 Nonpartisan elections.

238 The mayor and councilmembers shall be elected in nonpartisan elections as provided in Code
239 Section 21-2-139 of the O.C.G.A.

240 **SECTION 2.12.**

241 Governing body terms and qualifications for office.

242 (a) The mayor and members of the council shall serve for terms of four years and until their
243 respective successors are elected and qualified. No person shall be eligible to serve as mayor
244 or councilmember unless that person shall have been a resident of the city for 12 months
245 prior to the date of election of mayor or members of the council; the mayor and each
246 councilmember shall continue to reside therein during that member's period of service and
247 to be registered and qualified to vote in municipal elections of this city.

248 (b) In addition to the above requirements, no person shall be eligible to serve as a
249 councilmember representing a council ward unless that person is at least 21 years of age and
250 has been a resident of the ward such person seeks to represent for a continuous period of at
251 least 12 months immediately prior to the date of the election for councilmember and
252 continues to reside in such ward during that person's period of service.

253 **SECTION 2.13.**

254 Vacancy; filling of vacancies.

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

259 (b) Filling of vacancies - A vacancy in the office of mayor or councilmember shall be filled
260 for the remainder of the unexpired term, if any, by appointment by the governing body or
261 those members remaining if less than 12 months remains in the unexpired term. If such
262 vacancy occurs 12 months or more prior to the expiration of the term of that office, it shall

263 be filled for the remainder of the unexpired term by a special election, as provided for in
 264 Section 5.13 of this charter and in accordance with Title 21 of the O.C.G.A., or other such
 265 laws as are or may hereafter be enacted.

266 **SECTION 2.14.**

267 Compensation and expenses.

268 The mayor and councilmembers shall receive compensation and expenses for their services
 269 as provided by ordinance. Such salary shall be paid from municipal funds in monthly
 270 installments. The governing body may provide by ordinance for the provision of insurance,
 271 retirement, workers' compensation, and other employee benefits to the mayor and
 272 councilmembers and may provide by ordinance for the reimbursement of expenses actually
 273 and necessarily incurred by the mayor and councilmembers in carrying out their official
 274 duties.

275 **SECTION 2.15.**

276 Conflicts of interest; holding other offices.

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

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

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

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

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

294 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
 295 any person, firm, or corporation which to the official's knowledge is interested, directly or

296 indirectly, in any manner whatsoever, in business dealings with the governmental body by
297 which the official is engaged; provided, however, that an elected official who is a candidate
298 for public office may accept campaign contributions and services in connection with any
299 such campaign;

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

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

304 (c) Disclosure - Any elected official, appointed officer, or employee who shall have any
305 financial interest, directly or indirectly, in any contract or matter pending before or within
306 any department of the city shall disclose such interest to the governing body. The mayor or
307 any councilmember who has a financial interest in any matter pending before the governing
308 body shall disclose such interest and such disclosure shall be entered on the records of the
309 governing body, and that official shall disqualify himself or herself from participating in any
310 decision or vote relating thereto. Any elected official, appointed officer, or employee of any
311 agency or political entity to which this charter applies who shall have any financial interest,
312 directly or indirectly, in any contract or matter pending before or within such entity shall
313 disclose such interest to the governing body of such agency or entity.

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

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

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

327 (g) Political activities of certain officers and employees - No appointed officer of the city
328 shall continue in such employment upon qualifying as a candidate for nomination or election
329 to any public office. No employee of the city shall continue in such employment upon
330 qualifying as a candidate for nomination or election to any public office in this city or any
331 other public office which is inconsistent, incompatible, or in conflict with the duties of the

332 city employee. Such determination shall be made by the governing body either immediately
 333 upon qualifying or at any time such conflict may arise.

334 (h) Conviction of a crime - Any elected official shall forfeit his office if he or she is in
 335 violation of any one or more of the causes provided in Title 45 of the O.C.G.A. or such other
 336 applicable laws as are or may hereafter be enacted or is convicted of a crime involving moral
 337 turpitude.

338 (i) Penalties for violation -

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

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

347 (j) Right to public hearing - Any elected official or appointed officer of the city who is
 348 accused of violating any of the requirements of this section shall be entitled to a public
 349 hearing as provided for in subsection (b) of Section 5.16 of this charter. Any employee who
 350 is accused of violating any of the requirements of this section shall be entitled to appeal as
 351 provided by ordinance.

352 **SECTION 2.16.**

353 Inquiries and investigations.

354 Following the adoption of an authorizing resolution, the governing body may make inquiries
 355 and investigations into the affairs of the city and the conduct of any department, office, or
 356 agency thereof and for this purpose may subpoena witnesses, administer oaths, take
 357 testimony, and require the production of evidence. Any person who fails or refuses to obey
 358 a lawful order issued in the exercise of these powers by the governing body shall be punished
 359 as provided by ordinance.

360 **SECTION 2.17.**

361 General power and authority of the governing body.

362 (a) Except as otherwise provided by law or this charter, the governing body shall be vested
 363 with all the powers of government of this city.

364 (b) In addition to all other powers conferred upon it by law, the governing body shall have
 365 the authority to adopt and provide for the execution of such ordinances, resolutions, rules,
 366 and regulations, not inconsistent with this charter and the Constitution and the laws of the
 367 State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good
 368 order, protection of life and property, health, welfare, sanitation, comfort, convenience,
 369 prosperity, or well-being of the inhabitants of the City of Gainesville and may enforce such
 370 ordinances by imposing penalties for violation thereof.

371 **SECTION 2.18.**

372 Eminent domain.

373 The governing body is hereby empowered to acquire, construct, operate, and maintain public
 374 ways, parks, public grounds, cemeteries, masoleums, markets, market houses, public
 375 buildings, libraries, sewers, drains, sewage treatment, waterworks, airports, mass transit
 376 systems, hospitals, and charitable, educational, recreational, sport, curative, corrective,
 377 detentional, penal, and medical institutions, agencies, and facilities, and any other public
 378 improvements inside or outside the city and to regulate the use thereof, and, for such
 379 purposes, property may be condemned under procedures established under general law
 380 applicable now or as provided in the future.

381 **B. ORGANIZATION AND PROCEDURES**

382 **SECTION 2.19.**

383 Organizational meetings.

384 The governing body shall hold an organizational meeting at the first regular meeting in
 385 January following each regular election. The meeting shall be called to order by the mayor,
 386 mayor-elect, or senior councilmember and the oath of office shall be administered to the
 387 newly elected members by a judicial officer authorized to administer oaths or the city clerk
 388 and shall, to the extent that it comports with federal and state law, be as follows:

389 "I do solemnly swear that I will faithfully perform the duties of mayor/councilmember of
 390 the City of Gainesville and that I will support and defend the charter thereof as well as the
 391 Constitution and laws of the State of Georgia and of the United States of America; that I
 392 am not the holder of any unaccounted for public money due this state or any political
 393 subdivision or authority thereof; that I am not the holder of any office of trust under the
 394 government of the United States, any other state, or any foreign state which I by the laws
 395 of the State of Georgia am prohibited from holding; that I am otherwise qualified to hold
 396 said office according to the Constitution and laws of Georgia; that I have been a resident

397 of [my ward and] the City of Gainesville for the time required by the Constitution and laws
 398 of this state and by the municipal charter; and that I will perform the duties of my office
 399 in the best interest of the City of Gainesville to the best of my ability without fear, favor,
 400 affection, reward, or expectation thereof."

401 **SECTION 2.20.**

402 Regular and special meetings.

403 (a) The governing body shall hold regular meetings at such times and places as shall be
 404 prescribed by resolution.

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

414 (c) All meetings of the governing body shall be public to the extent required by law and
 415 notice to the public of special meetings shall be made fully as is reasonably possible as
 416 provided by Chapter 14 of Title 50 of the O.C.G.A. or other such applicable laws as are or
 417 may hereafter be enacted.

418 **SECTION 2.21.**

419 Rules of procedure.

420 The governing body shall adopt its rules of procedure and order of business consistent with
 421 the provisions of this charter and shall provide for keeping minutes of its proceedings, which
 422 shall be the official record. Except for the minutes of meetings or portions of meetings that
 423 are closed to the public, said minutes shall be open for public inspection.

424 **SECTION 2.22.**

425 Quorum; voting.

426 (a) Four members of the governing body shall constitute a quorum and shall be authorized
 427 to transact business of the city. Voting shall be by voice, hands, or electronic means as

428 determined by the mayor and the vote shall be recorded in the minutes, but any member of
 429 the governing body shall have the right to request a roll-call vote in which each member shall
 430 cast his or her vote by voice when his or her name is called and such vote shall be recorded
 431 in the minutes. Except as otherwise provided in this charter, the affirmative vote of four
 432 members of the governing body shall be required for the adoption of any ordinance,
 433 resolution, or motion, except as provided for in subsection (c) of this section.

434 (b) Any member abstaining from a vote shall be recorded as an abstention.

435 (c) If only four members of the governing body are in attendance at a meeting, the
 436 affirmative vote of the majority of the members present shall be required for the adoption of
 437 any ordinance, resolution, or motion.

438 C. ORDINANCES

439 SECTION 2.23.

440 Ordinance form; procedures.

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

445 (b) An ordinance may be introduced by any member of the governing body and be read at
 446 a regular or special meeting. Ordinances shall be considered and adopted or rejected by the
 447 governing body in accordance with the rules which it shall establish; provided, however, an
 448 ordinance shall not be adopted the same day it is introduced, except for emergency
 449 ordinances provided in Section 2.25 of this charter. Upon introduction of any ordinance, the
 450 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember.

451 SECTION 2.24.

452 Action requiring an ordinance.

453 Acts of the governing body which have the force and effect of law shall be enacted by
 454 ordinance.

455 SECTION 2.25.

456 Emergencies.

457 (a) To meet a public emergency affecting life, health, property, or public peace, the
 458 governing body may convene on call of the mayor or three councilmembers and promptly

459 adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or
 460 extend a franchise; regulate the rate charged by any public utility for its services; or authorize
 461 the borrowing of money except for loans to be repaid within 30 days. An emergency
 462 ordinance shall be introduced in the form prescribed for ordinances generally, except that it
 463 shall be plainly designated as an emergency ordinance and shall contain, after the enacting
 464 clause, a declaration stating that an emergency exists and describing the emergency in clear
 465 and specific terms. An emergency ordinance may be adopted, with or without amendment,
 466 or rejected at the meeting at which it is introduced, but the affirmative vote of at least the
 467 majority of the members of the governing body present at such meeting shall be required for
 468 adoption. It shall become effective upon adoption or at such later time as it may specify.
 469 Every emergency ordinance shall automatically stand repealed 30 days following the date
 470 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the
 471 manner specified in this section if the emergency still exists. An emergency ordinance may
 472 also be repealed by adoption of a repealing ordinance in the same manner specified in this
 473 section for adoption of emergency ordinances.

474 (b) Such meetings shall be open to the public to the extent required by law and notice to the
 475 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 476 with Chapter 14 of Title 50 of the O.C.G.A. or such other applicable laws as are or may
 477 hereafter be enacted.

478 **SECTION 2.26.**

479 Codes of technical regulations.

480 (a) The governing body may adopt any standard code of technical regulations by reference
 481 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 482 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 483 of subsection (b) of Section 2.23 of this charter for distribution of copies of the ordinance
 484 shall be construed to include copies of any code of technical regulations, as well as the
 485 adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as
 486 the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section
 487 2.27 of this charter.

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

490

SECTION 2.27.

491

Signing; authenticating; recording; codification; printing.

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

494 (b) The governing body shall provide for the preparation of a general codification of all the
495 ordinances of the city having the force and effect of law. The general codification shall be
496 adopted by the governing body by ordinance and shall be published promptly together with
497 all amendments thereto and such codes of technical regulations and other rules and
498 regulations as the governing body may specify. This compilation shall be known and cited
499 officially as "The Code of the City of Gainesville, Georgia." Copies of the code shall be
500 available to all officers, departments, and agencies of the city and made available for
501 purchase by the public at a reasonable price as fixed by the governing body and also
502 available electronically.

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

513

D. MAYOR AND MAYOR PRO TEMPORE

514

SECTION 2.28.

515

Selection of mayor and mayor pro tempore.

516 At a regular election the voters of the city shall elect a mayor at large for a term of four years.
517 The governing body shall elect from among its members a mayor pro tempore who shall act
518 as mayor during the absence or disability of the mayor, but who shall only vote once on
519 matters before the governing body. The mayor pro tempore shall be elected at the
520 organizational meeting of the governing body and shall serve for a term of two years.

521

SECTION 2.29.

522

Powers and duties of mayor.

523 The mayor shall:

524 (1) Preside at meetings of the governing body where he or she shall have all the rights,

525 powers, duties, and responsibilities of a councilmember except that the mayor shall not

526 make a motion or second a motion and shall be entitled to vote on matters before the

527 governing body only when there is an equal division on the question or in the case where

528 his or her vote will provide the fourth affirmative vote required for approval of a matter,

529 and then the mayor shall determine the matter by his or her vote. The mayor shall also be

530 entitled to vote on the election and removal of the following officers and employees of the

531 council: mayor pro tempore, city manager, city attorney, municipal court judge, solicitor,

532 and city auditor;

533 (2) Be the head of the city for the purpose of service of process and for ceremonial

534 purposes and be the official spokesperson for the city and the chief advocate of policy;

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

536 (4) Sign all ordinances and resolutions approved by a majority vote of the governing body

537 and other instruments executed by the city which by law are required to be signed by the

538 mayor.

539

SECTION 2.30.

540

Position of mayor pro tempore.

541 During the absence or physical or mental disability of the mayor for any cause, the mayor

542 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of

543 the councilmembers chosen by a majority vote of the governing body, shall be clothed with

544 all the rights and privileges of the mayor and shall perform the duties of the office of the

545 mayor so long as such absence or disability shall continue. Any such disability shall be

546 declared by majority vote of all councilmembers. The mayor pro tempore or selected

547 councilmember shall sign all ordinances and resolutions in which the mayor has a

548 disqualifying financial interest as provided in Section 2.15 of this charter. When acting as

549 mayor, the mayor pro tempore shall continue to have only one vote as a member of the

550 governing body.

551 E. CITY MANAGER

552 **SECTION 2.31.**

553 City manager; appointment; qualifications; compensation.

554 The governing body shall appoint a city manager for an indefinite term and shall fix the
555 manager's compensation. The manager shall be appointed solely on the basis of executive
556 and administrative qualifications.

557 **SECTION 2.32.**

558 Removal of city manager.

559 The city manager is employed at will and may be summarily removed from office at any time
560 by a majority vote of the governing body subject to any contract provisions.

561 **SECTION 2.33.**

562 Assistant city manager.

563 The city manager shall have the right to appoint, suspend, and remove an assistant city
564 manager, subject to any contract provisions, who shall, in the absence of the city manager,
565 execute the powers and perform the duties of the city manager during his or her temporary
566 absence or disability.

567 **SECTION 2.34.**

568 Powers and duties of the city manager.

569 The city manager shall be the chief executive and administrative officer of the city. The
570 manager shall be responsible to the governing body for the administration of all city affairs
571 placed in the manager's charge by or under this charter. As the chief executive and
572 administrative officer, the manager shall:

573 (1) Appoint, suspend, reclassify, demote, or remove all city employees and administrative
574 officers, except the municipal court judge, city attorney, solicitor, and city auditor. The
575 manager may authorize any administrative officer who is subject to the manager's direction
576 and supervision to exercise these powers with respect to subordinates in that officer's
577 department, office or agency;

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

- 580 (3) Attend all city council meetings except for closed meetings held for the purposes of
581 deliberating on the appointment, discipline, or removal of the city manager and have the
582 right to take part in discussion but not vote;
- 583 (4) See that all laws, provisions of this charter, and acts of the governing body, subject to
584 enforcement by the manager or by officers subject to the manager's direction and
585 supervision, are faithfully executed;
- 586 (5) Prepare and submit the annual operating budget and capital budget to the governing
587 body;
- 588 (6) Submit to the governing body and make available to the public an annual report on the
589 finances and administrative activities of the city;
- 590 (7) Make such other reports as the governing body may require concerning the operations
591 of city departments, offices, and agencies subject to the manager's direction and
592 supervision;
- 593 (8) Keep the governing body fully advised as to the financial condition and future needs
594 of the city and make such recommendations to the governing body concerning the affairs
595 of the city as the manager deems desirable;
- 596 (9) Sign contracts, deeds, licenses, fiscal expenditures, and other public documents on
597 behalf of the city after approval of the governing body;
- 598 (10) Administer oaths to employees under the control and supervision of the city manager;
599 and
- 600 (11) Perform other such duties as are specified in this charter or as may be required by the
601 governing body.

602 **SECTION 2.35.**

603 **Governing body interference with administration.**

604 Except for the purpose of inquiries and investigations under Section 2.16 of this charter, the
605 governing body or its members shall deal with city officers and employees who are subject
606 to the direction and supervision of the manager solely through the manager, and neither the
607 governing body nor its members shall give orders to any such officer or employee, either
608 publicly or privately.

609

ARTICLE III.

610

ADMINISTRATIVE AFFAIRS

611

A. ADMINISTRATIVE OFFICERS

612

SECTION 3.10.

613

Administrative and service departments.

614 (a) Except as otherwise provided in this charter, the city manager shall prescribe the
 615 functions or duties and establish, abolish, alter, consolidate or leave vacant all nonelective
 616 offices, departments, and agencies of the city as necessary for the proper administration of
 617 the affairs and government of this city subject to consent by the governing body.

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

621 (c) There shall be a director of each department or agency who shall be its principal officer.
 622 Each director shall, subject to the direction and supervision of the city manager, be
 623 responsible for the administration and direction of the affairs and operations of that director's
 624 department or agency.

625 (d) All appointive officers and directors under the supervision of the city manager shall be
 626 employees at will and subject to removal or suspension at any time by the city manager
 627 unless otherwise provided by law or ordinance.

628

SECTION 3.11.

629

Boards, commissions, and authorities.

630 (a) The governing body shall create by ordinance or resolution such boards, commissions,
 631 and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the
 632 governing body deems necessary and shall by ordinance or resolution establish the
 633 composition, period of existence, duties, and powers thereof.

634 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 635 the mayor subject to approval by the council for such terms of office and in such manner as
 636 shall be provided by ordinance or resolution, except where other appointing authority, terms
 637 of office, or manner of appointment is prescribed by this charter or by law. The mayor shall
 638 make reasonable efforts to distribute appointments among all wards, provided there are
 639 eligible and qualified candidates.

640 (c) The governing body, by ordinance, may provide for the compensation and
 641 reimbursement for actual and necessary expenses of the members of any board, commission,
 642 or authority.

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

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

648 (f) No member of a board, commission, or authority shall assume office until that person has
649 executed and filed with the city clerk an oath obligating himself or herself to faithfully and
650 impartially perform the duties of that member's office.

651 (g) All board members serve at will and may be removed at any time by majority vote of the
652 governing body unless otherwise provided by law.

653 (h) Except as otherwise provided by this charter, ordinance, or law, each board, commission,
654 or authority of the city shall elect one of its members as chair and one member as vice chair
655 and may elect as its secretary one of its own members or may appoint as secretary an
656 employee of the city. Each board, commission, or authority of the city government may
657 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances
658 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
659 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
660 the clerk of the city.

661 (i) If it becomes necessary for a board, commission, or authority to dissolve, the official
662 minute book for said board, commission, or authority shall be transferred to the city clerk for
663 permanent retention.

664 **SECTION 3.12.**

665 City attorney.

666 (a) The governing body shall appoint a city attorney, together with such assistant city
667 attorneys as may be authorized, and shall provide for the payment of such attorney or
668 attorneys for services rendered to the city. The city attorney shall be responsible for
669 providing for the representation and defense of the city in all litigation in which the city is
670 a party; may be the prosecuting officer in the municipal court; may draw proposed
671 ordinances when requested to do so; shall attend the meetings of the council as directed; shall
672 advise the governing body and city manager concerning legal aspects of the city's affairs; and
673 shall perform such other duties as may be required by virtue of the person's position as city
674 attorney.

675 (b) The city attorney is not a public official of the city and does not take an oath of office.
676 The city attorney shall at all times be an independent contractor. A law firm, rather than an
677 individual, may be designated as the city attorney.

678 (c) The city attorney shall be removed at any time upon majority vote of the governing body.

679 **SECTION 3.13.**

680 City clerk.

681 The city manager shall appoint a city clerk who shall not be a councilmember. The city clerk
682 shall serve as secretary to the governing body; attend all meetings of the governing body and
683 prepare and maintain accurate minutes of all its proceedings; be a custodian of the official
684 city seal and city records; maintain governing body records required by this charter;
685 administer oaths; and perform such other duties as may be required by the governing body.

686 The city clerk shall supervise and keep a record of all municipal elections.

687 **SECTION 3.14.**

688 City auditor.

689 (a) The governing body shall appoint a city auditor who shall be a certified public
690 accountant. The city auditor shall be responsible for providing an annual independent audit
691 of all city accounts, funds, and financial transactions in accordance with generally accepted
692 auditing principles. The city auditor shall attend the meetings of the council as directed; shall
693 advise the governing body and city manager concerning financial aspects of the city's affairs;
694 and shall perform such other duties as may be required by virtue of the person's position as
695 city auditor.

696 (b) The city auditor is not a public official of the city and does not take an oath of office.
697 The city auditor shall at all times be an independent contractor. An accounting firm, rather
698 than an individual, may be designated as the city auditor.

699 (c) The city auditor shall be removed at any time upon majority vote of the governing body.

700 **B. PERSONNEL ADMINISTRATION**

701 **SECTION 3.15.**

702 Position classification and pay plans.

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

709

SECTION 3.16.

710

Employee classifications established.

711 The general employee classifications in the City of Gainesville shall be as follows:

712 (1) Council appointments: The appointed service which shall include the city manager, the
 713 city attorney, the municipal court judge, the solicitor, the city auditor, and all personnel
 714 appointed by the governing body pursuant to this charter except employees in the classified
 715 service appointed as provided in this charter;

716 (2) Appointed officials: Appointments by the city manager. These employees serve at will
 717 and may be removed at any time;

718 (3) Classified appointment: Regular full-time employees covered by the provisions of the
 719 merit system; and

720 (4) Nonclassified service: Includes all part-time or temporary employees as designated by
 721 the city manager.

722

SECTION 3.17.

723

Employees status on effective date of charter.

724 The rights, status, salaries, wages, rank, and conditions of employment of all employees of
 725 the City of Gainesville defined in Section 3.16 of this charter subject to this charter shall be
 726 and remain as they existed at the time this charter becomes effective and shall so remain until
 727 and unless changed or terminated under some provision of this charter.

728

ARTICLE IV.

729

JUDICIAL BRANCH

730

SECTION 4.10.

731

Creation; name.

732 There shall be a court to be known as the Municipal Court of the City of Gainesville,
 733 Georgia.

734

SECTION 4.11.

735

Chief judge; associate judge.

736 (a) The municipal court shall be presided over by a chief judge, who shall have the authority
 737 to try any case now or hereafter made triable in such court and shall have such other duties

738 as provided by law, statute, or ordinance and such part-time, full-time, or stand-by judges as
739 shall be provided by ordinance.

740 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
741 that person shall have attained the age of 25 years, shall be a member of the State Bar of
742 Georgia, and shall possess all qualifications required by law. He or she shall hold no other
743 municipal office in the city during his or her tenure as judge. All judges shall be appointed
744 by the governing body and shall serve until a successor is appointed and qualified.

745 (c) Compensation of the judges shall be fixed by the governing body.

746 (d) Judges serve at will and may be removed from office at any time by the governing body
747 unless otherwise provided by ordinance.

748 (e) Before assuming office, each judge shall take an oath, given by the mayor that shall be
749 entered upon the minutes of the governing body as required in Section 2.21 of this charter.
750 The oath shall be as follows:

751 "I do solemnly swear that I will carry out the duties of judge of the Municipal Court of
752 Gainesville, Georgia, in accordance with the law, that I will act without fear, favor, or
753 partiality in deciding issues between the municipality and persons accused of violating
754 ordinances of the municipality, and that I will conduct myself and the affairs of the
755 municipal court in such a manner as will reflect credit upon the municipality in its
756 administration of justice."

757 **SECTION 4.12.**

758 Solicitor; deputy solicitor.

759 (a) The Municipal Court of Gainesville, Georgia, shall have a solicitor and deputy solicitor
760 whose duties are to prosecute persons charged with violating ordinances of the city or of any
761 other law over which the municipal court has jurisdiction; to assist the judge and other
762 officers and personnel of the court in achieving justice in all cases; and to perform such other
763 duties as are or may be required by law or by ordinance or which necessarily appertain to this
764 office.

765 (b) The solicitor of the municipal court shall be appointed by the governing body of the City
766 of Gainesville for a term of two years. The solicitor may be removed at any time by the
767 governing body of the City of Gainesville at its sole discretion.

768 (c) The solicitor and deputy solicitor of the municipal court must be of good moral character
769 and shall have attained the age of 25 years and shall have been admitted to the State Bar of
770 Georgia and shall have practiced law for at least one year at the time of his or her
771 appointment.

772 (d) The salary of the solicitor shall be fixed by the governing body.

773 (e) Before assuming office, each solicitor shall take an oath, given by the mayor, that shall
 774 be entered upon the minutes of the governing body as required in Section 2.21 of this charter.
 775 The oath shall be as follows:

776 "I do solemnly swear that I will conduct the office of the solicitor of the Municipal Court
 777 of Gainesville, Georgia, in accordance with the law, that I will prosecute all cases made in
 778 said court to the very best of my ability, and that I will so conduct myself in carrying out
 779 the duties of the office in such a manner as will reflect credit upon the municipality in its
 780 administration of justice."

781 **SECTION 4.13.**

782 Clerk of court.

783 (a) There shall be a clerk of the Municipal Court of Gainesville, Georgia, who shall be
 784 appointed by the city manager or his or her designee.

785 (b) The clerk may designate an assistant clerk of the court to assist him or her in the
 786 performance of his or her duties.

787 (c) It shall be the duty of the clerk of the municipal court to perform such duties relative to
 788 the operation of the municipal court as the judge shall direct and perform all such other duties
 789 as are required or permitted by law or ordinance.

790 **SECTION 4.14.**

791 Convening.

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

793 **SECTION 4.15.**

794 Jurisdiction; powers.

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

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

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

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

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

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

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

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

828 **SECTION 4.16.**

829 **Certiorari.**

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

834 **SECTION 4.17.**

835 Rules for court.

836 With the approval of the governing body, the judge shall have full power and authority to
 837 make reasonable rules and regulations necessary and proper to secure the efficient and
 838 successful administration of the municipal court; provided, however, that the governing body
 839 may adopt in part or in total the rules and regulations applicable to municipal courts. The
 840 rules and regulations made or adopted shall be filed with the city clerk, shall be available for
 841 public inspection, and, upon request, a copy shall be furnished to all defendants in municipal
 842 court proceedings at least 48 hours prior to said proceedings.

843 **SECTION 4.18.**

844 Court personnel administration.

845 General administration and supervision of the municipal court shall fall under the supervision
 846 of the position classification plan.

847 **ARTICLE V.**848 **ELECTIONS AND REMOVAL**849 **SECTION 5.10.**

850 Applicability of general law.

851 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
 852 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

853 **SECTION 5.11.**

854 Election of the governing body.

855 (a) There shall be a municipal general election in the odd-numbered years on the Tuesday
 856 next following the first Monday in November.

857 (b) There shall be elected the mayor and two councilmembers at one election and at every
 858 other regular election thereafter. The remaining council seats shall be filled at the election
 859 alternating with the first election so that a continuing body is created. Terms shall be for four
 860 years.

861 (c) At the regular election in 2013 a mayor shall be elected to take office on January 1, 2014.

862 (d) At the regular election in 2013, two councilmembers shall be elected to succeed the
 863 councilmembers from Wards One and Four whose terms expire December 31, 2013. Said

864 councilmembers shall take office on January 1, 2014, for terms of four years and until their
865 successors are elected and qualified.

866 (e) At the regular election in 2015, three councilmembers shall be elected to succeed the
867 councilmembers from Wards Two, Three, and Five whose terms expire December 31, 2015.
868 Said councilmembers shall take office on January 1, 2016, for terms of four years and until
869 their successors are elected and qualified.

870 (f) Subsequent elections shall comply with subsection (b) of Section 5.11 of this charter.

871 **SECTION 5.12.**

872 Election by majority.

873 The mayor and councilmembers shall be elected by a majority vote of the voters of the entire
874 City of Gainesville voting at the election. The person receiving a majority of the votes cast
875 for any city office shall be elected.

876 **SECTION 5.13.**

877 Special elections; vacancies.

878 In the event that the office of mayor or councilmember shall become vacant as provided in
879 Section 2.13 of this charter, the governing body or those remaining shall order a special
880 election to fill the balance of the unexpired term of such official; provided, however, if such
881 vacancy occurs within 12 months of the expiration of the term of that office, the governing
882 body or those remaining shall appoint a successor for the remainder of the term. In all other
883 respects, the special election shall be held and conducted in accordance with Chapter 2 of
884 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

885 **SECTION 5.14.**

886 Wards.

887 (a) For the purposes of electing the five councilmembers, the territory of the City of
888 Gainesville shall be divided into five wards to be designated respectively as Wards One
889 through Five. One councilmember shall be a resident of each ward. The boundaries of the
890 five wards shall be those existing on the effective date of the adoption of this charter with
891 such alterations as may be made from time to time in the manner provided by law. The
892 boundaries of each ward at all times shall be shown on a map, a written description, or any
893 combination thereof, to be retained in the office of the city clerk and to be designated, as the
894 case may be: "Official Map (or Description) of the Election Wards of the City of Gainesville,

895 Georgia." Photographic, typed, or other copies of such map or description certified by the
 896 city clerk shall be admitted as evidence in all courts and shall have the same force and effect
 897 as with the original map or description.

898 (b) The governing body shall review the boundaries of the wards established by this section
 899 following each United States decennial census. Within a reasonable time after each such
 900 census, the governing body shall cause adjustments to be made to the boundary lines of such
 901 wards as may be necessary to maintain, as near as practicable, equal population for each of
 902 said wards, or reapportion the boundary lines of such wards, if necessary and as authorized
 903 by law.

904 **SECTION 5.15.**

905 Other provisions.

906 Except as otherwise provided by this charter, the governing body shall, by ordinance,
 907 prescribe such rules and regulations it deems appropriate to fulfill any options and duties
 908 under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

909 **SECTION 5.16.**

910 Removal of officers.

911 (a) The mayor or councilmembers provided for in this charter shall be removed from office
 912 for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other
 913 provisions within this charter or other applicable laws as are or may hereafter be enacted.

914 (b) Removal of an elected official or appointed officer for violations pursuant to subsection
 915 (a) of this section or violations as otherwise provided for in this charter shall be
 916 accomplished by one of the following methods:

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

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

958 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
 959 the total cost to the city of regulating the activity and, if unpaid, shall be collected as
 960 provided in Section 6.18 of this charter.

961 **SECTION 6.14.**

962 Excise taxes.

963 The governing body shall have the authority to impose, assess, levy, and collect an excise tax
 964 upon the sale, transfer, or dispensing of wine, malt beverages, or distilled spirits by wholesale
 965 and retail dealers within the city.

966 **SECTION 6.15.**

967 Franchises.

968 (a) The governing body shall have the power to grant franchises for the use of this city's
 969 streets and alleys for the purposes of railroads, street railways, telephone companies, electric
 970 companies, electric membership corporations, cable television and other telecommunications
 971 companies, gas companies, transportation companies, and other similar organizations. The
 972 governing body shall determine the duration, terms, whether the same shall be exclusive or
 973 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 974 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 975 the city receives just and adequate compensation therefor. The governing body shall provide
 976 for the registration of all franchises with the city clerk or designee in a recorded format kept
 977 by the clerk. The governing body may provide by ordinance for the registration within a
 978 reasonable time of all franchises previously granted.

979 (b) If no franchise agreement is in effect, the governing body has the authority to impose a
 980 tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
 981 street railways, telephone companies, electric companies, electric membership corporations,
 982 cable television and other telecommunications companies, gas companies, transportation
 983 companies, and other similar organizations.

984 **SECTION 6.16.**

985 Service charges.

986 The governing body by ordinance shall have the power to assess and collect fees, charges,
 987 and tolls for sewers, sanitary, and health services or any other services provided or made

988 available inside and outside the corporate limits of the city. If unpaid, such charges shall be
989 collected as provided in Section 6.18 of this charter.

990 **SECTION 6.17.**

991 Construction; other taxes and fees.

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

995 **C. COLLECTION OF DELINQUENT TAXES**

996 **SECTION 6.18.**

997 Collection of delinquent taxes and fees.

998 The governing body, by ordinance, may provide generally for the collection of delinquent
999 taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
1000 whatever reasonable means as are not precluded by law. This shall include providing for the
1001 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
1002 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
1003 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
1004 city taxes or fees; and providing for the assignment or transfer of tax executions.

1005 **D. BORROWING**

1006 **SECTION 6.19.**

1007 General obligation bonds.

1008 The governing body shall have the power to issue bonds for the purpose of raising revenue
1009 to carry out any project, program, or venture authorized under this charter or the laws of the
1010 state. Such bonding authority shall be exercised in accordance with the laws governing bond
1011 issuance by municipalities in effect at the time said issue is undertaken.

1012 **SECTION 6.20.**

1013 Revenue bonds.

1014 Revenue bonds may be issued by the governing body as state law now or hereafter provides.
1015 Such bonds are to be paid out of any revenue produced by the project, program, or venture
1016 for which they were issued.

1017 **SECTION 6.21.**

1018 Short-term loans.

1019 The city may obtain short-term loans and must repay such loans not later than December 31
1020 of each year, unless otherwise provided by law.

1021 **SECTION 6.22.**

1022 Lease purchase contracts.

1023 The city may enter into multiyear lease, purchase or lease purchase contracts for the
1024 acquisition of goods, materials, real and personal property, services, and supplies provided
1025 the contract terminates without further obligation on the part of the municipality at the close
1026 of the calendar year in which it was executed and at the close of each succeeding calendar
1027 year for which it may be renewed. Contracts must be executed in accordance with the
1028 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
1029 or may hereafter be enacted.

1030 **E. ACCOUNTING AND BUDGETING**

1031 **SECTION 6.23.**

1032 Fiscal year.

1033 The fiscal year of the city government shall begin on the first day of July of each year and
1034 shall end on the last day of June of the following year. This fiscal year shall constitute the
1035 budget year and the year for financial accounting and reporting of each and every office,
1036 department, agency, and activity of the city government unless otherwise provided by state
1037 or federal law.

1038 **SECTION 6.24.**

1039 Preparation of budgets.

1040 The governing body shall provide an ordinance on the procedures and requirements for the
1041 preparation and execution of an annual operating budget, a capital improvement plan, and
1042 a capital budget, including requirements as to the scope, content, and form of such budgets
1043 and plans. The governing body may also approve by resolution additional, supplemental
1044 budgetary policies and procedures that shall be consistent with this charter and city code.

SECTION 6.25.

1045

1046

Submission of operating budget to governing body.

1047

The manner of submission of the budget to the council shall be prescribed by ordinance.

SECTION 6.26.

1048

1049

Action by governing body on operating budget.

1050

(a) The governing body may amend the operating budget proposed by the city manager;

1051

except that the budget as finally amended and adopted must provide for all expenditures

1052

required by state law or by other provisions of this charter and for all debt service

1053

requirements for the ensuing fiscal year, and the total appropriations from any fund shall not

1054

exceed the estimated fund balance, reserves, and revenues.

1055

(b) The governing body by ordinance shall adopt the final operating budget for the ensuing

1056

fiscal year not later than June 30 of each year. If the governing body fails to adopt the budget

1057

by this date, the budget as submitted by the city manager shall be deemed adopted for the

1058

ensuing fiscal year. Adoption of the budget shall take the form of an appropriation resolution

1059

setting out the estimated revenues in detail by sources and making appropriations according

1060

to fund and by organizational unit, purpose, or activity as set out in the budget preparation

1061

ordinance adopted pursuant to Section 6.24 of this charter.

1062

(c) The amount set out in the adopted operating budget for each organizational unit shall

1063

constitute the annual appropriation for such, and no expenditure shall be made or

1064

encumbrance created in excess of the otherwise unencumbered balance of the appropriations

1065

or allotment thereof to which it is chargeable.

SECTION 6.27.

1066

1067

Tax levies.

1068

The governing body shall levy by ordinance such taxes as are necessary. The taxes and tax

1069

rates set by such ordinances shall be such that reasonable estimates of revenues from such

1070

levy shall at least be sufficient, together with other anticipated revenues, fund balances, and

1071

applicable reserves, to equal the total amount appropriated for each of the several funds set

1072

forth in the annual operating budget for defraying the expenses of the general government

1073

of this city.

1074 **SECTION 6.28.**

1075 Changes in appropriations.

1076 The governing body by resolution may make changes in the appropriations contained in the
 1077 current operating budget at any regular meeting or special or emergency meeting called for
 1078 such purpose, but any additional appropriations may be made only in accordance with
 1079 generally accepted accounting practices.

1080 **SECTION 6.29.**

1081 Capital budget.

1082 (a) On or before the date fixed by the governing body but no later than 60 days prior to the
 1083 beginning of each fiscal year, the city manager shall submit to the governing body a proposed
 1084 capital improvements plan with a recommended capital budget containing the means of
 1085 financing the improvements proposed for the ensuing fiscal year. The governing body shall
 1086 have power to accept, with or without amendments, or reject the proposed plan and proposed
 1087 budget. The governing body shall not authorize an expenditure for the construction of any
 1088 building, structure, work, or improvement unless the appropriations for such project are
 1089 included in the capital budget, except to meet a public emergency as provided in Section 2.25
 1090 of this charter.

1091 (b) The governing body shall adopt by resolution the final capital budget for the ensuing
 1092 fiscal year not later than June 30 of each year. No appropriation provided for in a prior
 1093 capital budget shall lapse until the purpose for which the appropriation was made shall have
 1094 been accomplished or abandoned; provided, however, the city manager may submit
 1095 amendments to the capital budget at any time during the fiscal year, accompanied by
 1096 recommendations. Any such amendments to the capital budget shall become effective only
 1097 upon adoption by ordinance.

1098 **SECTION 6.30.**

1099 Independent audit.

1100 There shall be an annual independent audit of all city accounts, funds, and financial
 1101 transactions by a certified public accountant or firm of such accountants selected by the
 1102 governing body. The audit shall be conducted according to generally accepted auditing
 1103 principles. Any audit of any funds by the state or federal government may be accepted as
 1104 satisfying the requirements of this charter. Copies of annual audit reports shall be available

1105 at printing costs to the public. The governing body may provide for more frequent audits as
1106 it deems necessary.

1107 **F. PROCUREMENT AND PROPERTY MANAGEMENT**

1108 **SECTION 6.31.**

1109 Contracting procedures.

1110 No contract with the city shall be binding on the city unless:

1111 (1) It is in writing;

1112 (2) Has been reviewed as to form by the city attorney;

1113 (3) It is made or authorized by the governing body and such approval is entered in the
1114 governing body minutes of proceedings pursuant to Section 2.21 of this charter or is
1115 authorized as part of the budget process; and

1116 (4) It is executed by the mayor, mayor pro tempore, or city manager whose signature shall
1117 cause the city seal to be affixed.

1118 **SECTION 6.32.**

1119 Centralized purchasing.

1120 The governing body shall by ordinance prescribe procedures for a system of centralized
1121 purchasing for the city.

1122 **SECTION 6.33.**

1123 Sale and lease of city property.

1124 (a) The governing body may sell and convey or lease any real or personal property owned
1125 or held by the city for governmental or other purposes as now or hereafter provided by law;
1126 provided, however no public utility owned or operated by the city shall be sold by the
1127 governing body unless the governing body, by a majority vote with all members
1128 participating, first resolve that such utility shall be sold, and, thereafter, the proposed sale is
1129 approved by a majority vote of the electors of the City of Gainesville voting in a special
1130 election called and held for that purpose.

1131 (b) The governing body may quitclaim any rights it may have in property not needed for
1132 public purposes upon report by the city manager and adoption of a resolution, both finding
1133 that the property is not needed for public or other purposes and that the interest of the city
1134 has no readily ascertainable monetary value.

1135 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1136 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
 1137 tract or boundary of land owned by the city, the governing body may authorize the city
 1138 manager to sell and convey said cut-off or separated parcel or tract of land to an abutting or
 1139 adjoining property owner or owners where such sale and conveyance facilitates the
 1140 enjoyment of the highest and best use of the abutting owner's property. Included in the sales
 1141 contract shall be a provision for the rights of way of said street, avenue, alley, or public
 1142 place. Each abutting property owner shall be notified of the availability of the property and
 1143 given the opportunity to purchase said property under such terms and conditions as set out
 1144 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
 1145 shall convey all title and interest the city has in such property, notwithstanding the fact that
 1146 no public sale after advertisement was or is hereafter made.

1147 **ARTICLE VII.**

1148 **A. SCHOOL DISTRICT CREATED**

1149 **SECTION 7.10.**

1150 Public schools established.

1151 There shall be established, maintained, supported, and provided for by local taxation, and
 1152 otherwise in the manner provided in this Act and authorized by the laws of the State of
 1153 Georgia, a system of public schools in and for the City of Gainesville, Hall County, Georgia.

1154 **SECTION 7.11.**

1155 General powers, school district, board of education.

1156 (a) School district. There is created a body corporate and politic to be known and designated
 1157 as the "Gainesville City School District."

1158 (b) Board of education.

1159 (1) Management of school district. The school district shall be under the government,
 1160 management, and control of a board of education, hereafter referred to as the "board."

1161 (2) General powers. The board shall possess all powers as are granted to boards of
 1162 education under the Constitution and general laws of the State of Georgia, together with
 1163 those other specific additional powers set forth in this Act.

1164 (3) Title, care, and custody of property. The board is vested with the title, care, and
 1165 custody of all real or personal property used in the school district for educational purposes
 1166 or for the administration of the school district, with the power to control such property in
 1167 such manner as it thinks will best serve the interest of the public schools. Title to the

1168 properties known as Centennial Elementary School, Enota Elementary School, Fair Street
1169 Elementary School, Gainesville Elementary School, Gainesville Middle School, and
1170 Gainesville High School and all other property associated and under the control of the
1171 present Gainesville City School System shall be and is vested in the board, with title to all
1172 infrastructure supporting the provision of general governmental services to these tracts
1173 including utilities and public roads to remain vested in the city.

1174 (c) Authority to levy ad valorem taxes.

1175 (1) The board shall annually recommend to the mayor and council of the City of
1176 Gainesville the rate of the tax levy, not greater than the mills per dollar authorized and
1177 allowed under the laws and Constitution of the State of Georgia, necessary for the support,
1178 maintenance, and operation of the public schools of the City of Gainesville. The mayor
1179 and council shall levy the tax so certified by the board upon the assessed value of taxable
1180 property in the city for the purposes so specified by the board.

1181 (2) The board shall pay all expenses incurred for the levy and collection of ad valorem
1182 taxes for the support and maintenance of education in the school district and may contract
1183 for such services as provided in this Act or under Georgia law.

1184 (3) After complying with the procedure for authorization of bonded debt set forth in
1185 Georgia law and applicable to public school districts, the board shall have the power and
1186 authority to issue bonds or notes, or both, for capital outlay purposes, which may include
1187 buying and improving property for educational purposes and for the construction and
1188 maintenance of public schools, administrative offices, and storage, maintenance,
1189 transportation, and other facilities established and maintained under the direction of the
1190 board, provided that the debt that may be created under this paragraph shall never exceed
1191 any limitations established by the Constitution or laws of the State of Georgia. Any
1192 millage limitation referred to in this section shall not apply to the school tax levy necessary
1193 for the payment of the bonded indebtedness of the school district and shall apply only to
1194 the portion of the school tax levied for the support, maintenance, and operation of the
1195 school district.

1196 (4) The board shall assume the contractual obligations of the city pursuant to the
1197 agreement entered into between the city and the Hall County Board of Education on
1198 October 20, 1992.

1199
1200
1201

B. EDUCATION WARDS

SECTION 7.20.

Education wards created.

1202 (a) For purposes of electing the five board members, the Gainesville City School District
1203 shall be divided into five education wards, to be designated respectively as Education Wards
1204 1 through 5. One member of the board shall be elected from each of the five education
1205 wards, with the member from each education ward elected by a plurality vote of the voters
1206 voting within that respective ward. The boundaries of the five education wards of the
1207 Gainesville City School District shall be and correspond to those five numbered districts
1208 described in and attached to and made a part of this Act and further identified as
1209 'Plan: gainesvilleccsb-2012 Plan Type: Local Administrator: Gainesville User: Gina'.

1210 (b)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall
1211 mean and describe the same geographical boundaries as provided in the report of the
1212 Bureau of the Census for the United States decennial census of 2010 for the State of
1213 Georgia.

1214 (2) The separate numeric designations in a district description which are underneath a
1215 VTD heading shall mean and describe individual Blocks within a VTD as provided in the
1216 report of the Bureau of the Census for the United States decennial census of 2010 for the
1217 State of Georgia. Any part of the Gainesville City School District which is not included
1218 in any such district described in that attachment shall be included within that district
1219 contiguous to such part which contains the least population according to the United States
1220 decennial census of 2010 for the State of Georgia.

1221 (3) Any part of the Gainesville City School District which is described in that attachment
1222 as being in a particular district shall nevertheless not be included within such district if
1223 such part is not contiguous to such district. Such noncontiguous part shall instead be
1224 included within that district contiguous to such part which contains the least population
1225 according to the United States decennial census of 2010 for the State of Georgia.

1226 (4) Except as otherwise provided in the description of any education district, whenever
1227 the description of such district refers to a named city, it shall mean the geographical
1228 boundaries of that city as shown on the census map for the United States decennial census
1229 of 2010 for the State of Georgia.

1230 (c) Education Wards 1, 2, 3, 4, and 5 as they existed on January 1, 2012, shall continue to
1231 be designated as Education Wards 1, 2, 3, 4, and 5, respectively, but as newly described
1232 under this Act, and, on and after the effective date of this Act, such members of the board
1233 serving from those former education wards shall be deemed to be serving from and
1234 representing their respective wards as newly described under this section.

SECTION 7.21.

1235

1236

Nonpartisan elections.

1237 All members of the board shall be elected in nonpartisan elections as provided in Code

1238 Section 21-2-139 of the O.C.G.A.

SECTION 7.22.

1239

1240

Qualifications and election.

1241 Except as otherwise provided in this Act, the qualification and election of board members

1242 shall be in accordance with the requirements of Georgia law governing the nonpartisan

1243 election of local school boards.

SECTION 7.23.

1244

1245

Dates of elections and terms of office.

1246 The present members of the board shall continue their present terms representing the

1247 education wards from which they were elected. Successor members of the board shall be

1248 elected at the City of Gainesville general municipal election and shall serve for four-year

1249 terms beginning the first day of January immediately following their election.

SECTION 7.24.

1250

1251

Vacancies.

1252 In the event of a vacancy occurring in the membership of the board for any reason other than

1253 the expiration of a term, that vacancy shall be filled as provided in Code Section 20-2-54.1

1254 of the O.C.G.A.

C. BOARD OF EDUCATION

1255

SECTION 7.30.

1256

1257

Powers and duties.

1258 The board shall be vested with all powers, duties, and responsibilities as are granted to

1259 boards of education under the Constitution and general laws of the State of Georgia.

1260 **SECTION 7.31.**

1261 Election and duties of board chairperson.

1262 The members of the board shall, at their first meeting in January of each year, elect from
 1263 their own membership a chairperson to serve for a term of office of one year. The board
 1264 shall elect such additional officers as it may deem appropriate to serve for the terms
 1265 established by the board. A member of the board may be reelected as chairperson. The
 1266 chairperson shall have all those powers and responsibilities as set forth under the
 1267 Constitution and laws of the State of Georgia applicable to the office of chairperson of a
 1268 board of education. The chairperson shall hold office at the will of the board and the board
 1269 shall be authorized to fill vacancies occurring in that office.

1270 **SECTION 7.32.**

1271 Compensation of board members.

1272 The board shall determine compensation of its members after holding two separate public
 1273 hearings to be scheduled to begin between 7:00 P.M. and 8:00 P.M. Any increase in
 1274 compensation for members of the board shall be implemented July 1 of the following year.
 1275 Additionally, each member of the board shall be entitled to be reimbursed for actual expenses
 1276 necessarily incurred in connection with service on the board, including but not limited to
 1277 travel outside the district on official business or expenses incurred by a member or on behalf
 1278 of a member to provide technology or equipment necessary for a member to carry out the
 1279 business of the board. The board must approve any expenses paid to or on behalf of
 1280 members of the board.

1281 **D. SUPERINTENDENT**

1282 **SECTION 7.40.**

1283 Appointment and duties.

1284 The board shall appoint a superintendent and provide the superintendent with an employment
 1285 contract to establish the compensation and fix the term of employment consistent with the
 1286 requirements of Georgia law. The superintendent shall have all duties and responsibilities
 1287 of a superintendent of schools as set forth in the Constitution and general laws of the State
 1288 of Georgia.

1289 **ARTICLE VIII.**

1290 **GENERAL PROVISIONS**

1291 **SECTION 8.10.**

1292 Bonds for officials.

1293 The officers and employees of this city, both elected and appointed, shall execute such surety
1294 or fidelity bonds in such amounts and upon such terms and conditions as the governing body
1295 shall from time to time require by ordinance or as may be provided by law. Premiums on
1296 such bonds shall be paid by the city.

1297 **SECTION 8.11.**

1298 Prior ordinances.

1299 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1300 with this charter are hereby declared valid and of full effect and force until amended or
1301 repealed by the governing body.

1302 **SECTION 8.12.**

1303 General laws may be used.

1304 The governing body, in its discretion, may elect to use the provision of any general laws of
1305 the state in addition to the provisions of this charter.

1306 **SECTION 8.13.**

1307 Pending matters.

1308 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1309 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1310 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1311 by the governing body.

1312 **SECTION 8.14.**

1313 Construction.

1314 (a) Section captions in this charter are informative only and are not to be considered as a part
1315 thereof.

1316 (b) The word "shall" is mandatory and the word "may" is permissive.

- 1317 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1318 versa.
1319 (d) The term "governing body" shall mean the mayor and city council of the City of
1320 Gainesville, Georgia.

1321 **SECTION 8.15.**

1322 Specific repealers.

- 1323 An Act incorporating the City of Gainesville, approved April 11, 1979 (Ga. L. 1979, p.
1324 3302), as amended, is hereby repealed in its entirety.

1325 **SECTION 8.16.**

1326 Preclearance.

- 1327 The Board of Education of the City of Gainesville shall through its legal counsel cause this
1328 Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as
1329 amended; and such submission shall be made to the United States Department of Justice or
1330 filed with the appropriate court no later than 45 days after the date on which this Act is
1331 approved by the Governor or otherwise becomes law without such approval.

1332 **SECTION 8.17.**

1333 Effective date.

- 1334 This Act shall become effective upon its approval by the Governor or upon its becoming law
1335 without such approval.

1336 **SECTION 8.18.**

1337 General repealer.

- 1338 All laws and parts of laws in conflict with this Act are repealed.

Plan: gainesvilleccsb-2012

Plan Type: Local

Administrator: Gainesville

User: Gina

District 001

Hall County

VTD: 139022 - CHESTATEE

000400:

1003 1009 1011

VTD: 139025 - WEST WHELCHER

000400:

1007 1008 1010 1012 1017 1018 1019 1020 1022 1023 4002 4005
4006 4007 4009 4010 4011 4012 4013 4014 4015 4016 4017 4018
4019 4020 4025 4026 4030 4035 4050 4051 4057

000500:

4016 4030 4031 4032 4033 4034 4035 4036 4037 4040 4041 4042
4043 4044 4045 4046 4049 4050 4051 4062

VTD: 139026 - GAINESVILLE I

000500:

2026 2027 2029 3018 3021 3022 3023 3024 3025 3026

000900:

1001 1002 1003 1004 1005 2000 2001 2002 2003 2004 2005 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2019 2020 2021
2023 2025 2026 2027 2028

VTD: 139028 - GAINESVILLE III

000400:

2011 2013 2025 2026 2027

VTD: 139029 - GAINESVILLE IV

000900:

2017 2018 3000 3001 3013 4000 4001 4002 4011

VTD: 139030 - GAINESVILLE V

000400:

2001 2002 2003 2004 2005 2006 2008 2009 2010 2044 4031 4032
4034 4036 4037 4040 4045 4046 4049

000500:

2009 2010 2013 2014 3001 3002 3003 3006 3007 3008 3009 3010
3012 3014 3016 3019 3020 3028 4054 4058 4059 4060 4061 4063

4064 4065

VTD: 139031 - RIVERBEND

000600:

3031 3034 3039

VTD: 139039 - WHELCHER II

000500:

1006 1016 1018 1021 1022 1023 1025 1028 2000 2003 2005 2015
2016 2017 2019 2021 2023 2024 2025 2039 2040 3029 3030 4055
4056 5028 5030

000600:

3009 3010 3011 3013 3015 3028 3030

District 002

Hall County

VTD: 139026 - GAINESVILLE I

000500:

2030 2031 2032 2041 2042

000900:

1000 1006 1007 1008 1009 1010 1011 1012 1013 1014 1022 1023
1024

VTD: 139028 - GAINESVILLE III

001003:

3000 3001

That part of Block 3021 which is bounded on the North by West Avenue, on
the South by John W. Morrow Parkway, on the East by Comer Street and on
the West by Brookwood Drive

3022

001101:

1028 1067 3000 3001 3002 3008 3009 3010 3011 3012 3052 3054
3055 3062

VTD: 139029 - GAINESVILLE IV

000800:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3019 3020
3021 3022 3023 3024 3025 3026 3027 3028

000900:

1015 1016 1017 1018 1019 1020 1021

001101:

1000 1001 1010 1011 1012 1013 1014 1015 1016 1017 1018 1019

1020 1021 1022 1024 1025 1026 1027 1035 1036 1047 1048 1049
1061 1062 1063 1064 1065 1066

VTD: 139031 - RIVERBEND

000500:

2033 2035 2044

000600:

2079 2080 2081 2093 2095 3033 3036 3037 3041 3043 3044 3049
3052 3053 3054 3055 3058 3059 3060 3071 3072 3073

VTD: 139033 - NEW HOLLAND

000600:

1011 1012 1013 1014 1017 1026 2001 2002 2013 2014 2015 2017
2018 2020 2021 2022 2023 2030 2031 2032 2044 2046 2048 2067
2070 2072 2073 2074 2075 2076 2077 2083 2084 2085 2086 2103
3056 3057 3069

District 003

Hall County

VTD: 139003 - CHICOPEE

001301:

3009 3011 3017 3023 3024 3026 3027 3030 3032 3058 3059 3062

VTD: 139004 - OAKWOOD I

001403:

2003 2004 2055 2067

VTD: 139014 - AGRICULTURE CENTER

001201:

3016 3020 3021 3028 3029 3049 3054 3057

001301:

3048 3049 3050 3054 3060 3061 3063 3064 3065 3066 3067 3068
3075 3077 3083

VTD: 139015 - TADMORE

000701:

1014 2035 2036 2037 2048

001201:

3061

001202:

1007 1008 1009 1010 1013 1016 1018 1030 1031 1032 1033

VTD: 139027 - GAINESVILLE II

000701:

1006 1007 1011 1012 2010 2011 2018 2019 2020 2021 2022 2031
2033 2038 2041 2044 2045 2052 2054

000800:

1013 1014 1022 1023 1024 1025 1028 1029 1031 1034 1035 1036
2002 2003 2004 2005 2012 2014 2015 2017 2019 2021 2022 2023
2024 2025 2026 3010 3011 3012 3013 3014 3015 3016 3017 3018
3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040
3041 3042 3043 3044 3045 3046 3047 3048

001101:

1023

001201:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2010 2011 2012
2013

VTD: 139029 - GAINESVILLE IV

001101:

1029 1030 1031 1032 1033 1034 1037 1038 1039 1040 1041 1042
1043 1044 1045 1046 1050 1051 1052 1053 1054 1055 1056 1057
1058 1059 1060 1068 1069 1070 1071 1072 1073 1078 1079

VTD: 139032 - GAINESVILLE MILL

001101:

1074 1077

001201:

2009 2014 2016 2017 2019 2020 2021 2022 2023 2026 2035 2036
2037 2039 2040 2046 2047 2048 2049 3000 3002 3003 3004 3010

001301:

3000 3002 3004 3006 3008 3043 3044 3045 3046 3047 3098 3099

VTD: 139033 - NEW HOLLAND

000701:

2001 2005

000800:

1030 2011 2020

District 004

Hall County

VTD: 139001 - WILSON I

001002:

2000 2001 2002 2003 2004 2016 2029 2033 3000 3004 3010 3011
3013 3017 3020 3021 3023 3029 3030

VTD: 139002 - WILSON II

001002:

1006 1009 1011 1023

001004:

1051 1052 1056 1059 1060

VTD: 139003 - CHICOPEE

001101:

2067

001102:

1004 1006 1010 1012 1013 1014 1015 1019 1023 1024 1030 1031

1032 1036 1037 1038 1044 1056 1057 1066 1067 1070

001403:

1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013

1030 1036 1037 1038 1039 1046 1047 1048 1049 1052 2008 2026

2072

VTD: 139004 - OAKWOOD I

001403:

1042 1043 2027 2028

VTD: 139006 - OAKWOOD III

001402:

1036 2000 2002 2004

VTD: 139028 - GAINESVILLE III

001003:

1006 1008 1013 1014 1015 1019 1020 1023 1024 1026 2000 2001

2007 2020 2021 2022 2033 2034 2036 2037 2038 2039 2043 2046

2047 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012

3013 3014 3015 3016 3017 3019

That part of Block 3021 which is bounded on the North by West Avenue,
on the South by John W. Morrow Parkway, on the East by Jesse Jewel
Parkway, and on the West by Comer Street

001101:

2000 2004 2006 2007 2010 2012 2013 2022 2023 2027 2030 2033

2034 2035 2036 2037 2052 2061 2062 2066 2068 3004 3005 3018

3019 3021 3023 3024 3027 3028 3030 3031 3036 3038 3039 3044

3048 3050 3051 3068 3069 3070 3071

001102:

1000

VTD: 139032 - GAINESVILLE MILL

001101:

2038 2056 2060

001102:

1033

District 005

Hall County

VTD: 139002 - WILSON II

001004:

1036 1048

VTD: 139023 - FORK

000302:

1029 1030 4013 4014

000400:

2042

VTD: 139028 - GAINESVILLE III

000400:

2023 2029 2030 2031 2032 2033 2034 2035 2037 2038 2039 2040

2041

000900:

3018 3019 3023 3024 3025 3026 3027 3028 3029 3030 3031 4014

4015 4016 4017 4018 4019

001003:

1000 2008 2009 2010 2011 2013 2014

001004:

1000 1001 1009 1010 1011 1014 1015 1016 1017 1018 1022 1023

1024 1025 1026 1029 1031 1032 1033 1034 1035 1047

VTD: 139029 - GAINESVILLE IV

000900:

2016 2022 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011

3012 3014 3015 3016 3017 3020 3021 3022 4003 4004 4005 4006

4007 4008 4009 4010 4012 4013

001101:

1002 1003 1004 1005 1006 1007 1008 1009