

House Bill 1258

By: Representatives Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, Buckner of the 130th, and Smith of the 129th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a new charter for the county-wide government of Columbus,
2 Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to provide for
3 certain notices to be made in the newspaper having the largest circulation in Columbus,
4 Georgia; to correct certain clerical errors in such Act; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 An Act providing for a new charter for the county-wide government of Columbus, Georgia,
9 approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, is amended by revising
10 paragraphs (2) and (6) of Section 1-301, respectively, as follows:

11 "(2) The council of the consolidated government shall, pursuant to the applicable
12 provisions of Article IX, Section 9-102 hereof, divide the territory of the consolidated
13 government into two or more taxing districts (herein called 'services districts'); provided,
14 however, that at least one of such districts shall be known as the general services district
15 and shall consist of the total area of Muscogee County as fixed and established on the
16 effective date of this charter or as thereafter modified according to law; and provided,
17 further, that the council shall establish at least one or more urban services districts which
18 shall embrace such territory or territories for which provision is made by the council for
19 additional or higher levels of services than are provided uniformly throughout the
20 territory of the consolidated government on the effective date of this charter. In the
21 establishment of the first urban services district or districts, the council shall hold one or
22 more public hearings thereon at which all interested persons affected thereby shall have
23 an opportunity to be heard. Notice of the time, place, and date of such hearings shall be
24 published in one or more newspapers of general circulation, including the newspaper with
25 the largest circulation, in Columbus, Georgia, at least twice during the week immediately
26 preceding the date of the hearing."

90 "Section 6-201.
91 Special elections.

92 In the event the office of mayor or councilor shall become vacant for any cause
93 whatsoever, then such vacancy shall be filled in the manner provided for in this section.
94 If a vacancy occurs within one and one-half years after the date of a regular election for the
95 office of mayor or councilor, then the board of elections shall, within ten days after the
96 occurrence of such vacancy, call a special election to fill the balance of the unexpired term
97 of such office by giving notice in one or more newspapers of general circulation, including
98 the newspaper with the largest circulation, in Columbus, Georgia. If vacancy occurs more
99 than one and one-half years after the date of a regular election for the office of mayor or
100 councilor, then a person shall be appointed by a majority vote of the total membership of
101 the council to serve until a successor is elected and qualified at a special election held
102 concurrently with the next regular election for the office of mayor or councilor. The
103 successor elected at such special election shall serve the remainder of the unexpired term
104 of such office. The special election required herein shall be held on the date specified in
105 the advertisement, but not less than 30 days nor more than 45 days after the publication of
106 the call of the election. In all other respects, every special election shall be held and
107 conducted in accordance with those provisions of the applicable laws of Georgia as
108 provided in Section 6-200 of this charter."

109 **SECTION 7.**

110 Said Act is further amended by revising paragraph (3) of Section 6-400 as follows:

111 "(3) The council shall at once proceed to consider such petition and shall take final action
112 thereon within 30 days from the date of submission. If the council rejects the proposed
113 ordinance, or passes it in a different form from that set forth in the petition, or fails to act
114 finally upon it within the time stated, then, if within five days thereafter the committee
115 of the petitioners files with the clerk written demand so to do, the clerk shall at once upon
116 the expiration of said five days cause three printed or typewritten copies of such petition,
117 without the signatures, to be made. The clerk shall cause said three copies of such
118 petition to be placed on file in the clerk's office, and provide facilities for their signing
119 the same, and shall immediately cause notice of the placing of such copies of such
120 petition to be published in some newspaper of general circulation, including the
121 newspaper with the largest circulation, in Columbus, Georgia. Such copies shall remain
122 on file in the office of the clerk for a period of 20 days, during which time any of them
123 may be signed by a qualified voter of the consolidated government in person, but not by
124 agent or attorney. Each signer of any such copy shall sign his or her name in ink or

125 indelible pencil and shall place thereafter his or her residence by street and number. If
 126 during said time qualified voters equal to or exceeding 25 percent of the qualified voters
 127 in the consolidated government as shown by the official registration list filed for the
 128 regular election of councilors last held shall sign such copies of said petition, the clerk
 129 shall forthwith certify such fact to the council."

130 **SECTION 8.**

131 Said Act is further amended by revising paragraph (2) of Section 7-401 as follows:

132 "(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be
 133 prepared by the city manager to be submitted by the mayor to the council on or before a
 134 date fixed by ordinance, but not less than 60 days prior to the beginning of the fiscal year.
 135 Such budgets shall be accompanied by a budget message from the mayor containing
 136 explanations of general fiscal policies, explanations of major changes recommended for
 137 the next fiscal year, a general summary of the budgets, and other information deemed
 138 appropriate. Copies of the annual operating and capital budgets shall be filed in the office
 139 of the clerk of council and shall be open to public inspection. A summary of the
 140 proposed annual operating and capital budgets shall be published in one or more
 141 newspapers of general circulation, including the newspaper with the largest circulation,
 142 in Columbus, Georgia."

143 **SECTION 9.**

144 Said Act is further amended by revising paragraph (1) of Section 7-402 as follows:

145 "(1) The council shall, upon receipt of the proposed budgets, schedule and hold one or
 146 more public hearings thereon, notice of which shall be published in a newspaper of
 147 general circulation, including the newspaper with the largest circulation, in Columbus,
 148 Georgia, at least seven days prior to the date set for such public hearing or hearings. The
 149 hearings may be adjourned from time to time."

150 **SECTION 10.**

151 Said Act is further amended by revising paragraphs (1) and (2) of Section 7-501,
 152 respectively, as follows:

153 "(1) The council shall be authorized to sell any real or personal property owned or held
 154 by the consolidated government for governmental or other public purposes under such
 155 rules and regulations as the council may establish; provided, however, that any public
 156 utility owned by the consolidated government may only be sold when such sale has been
 157 approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or
 158 in a special election called for such purpose. Except as otherwise provided by this

159 charter, any sale of real property shall be made only after the receipt of sealed bids and
 160 due advertisement of such sale in a newspaper of general circulation, including the
 161 newspaper with the largest circulation, in Columbus, Georgia, once a week for a period
 162 of two weeks preceding the date at which such sale is to be made. All sales of real
 163 property shall be subject to confirmation by the council.

164 (2) The council is empowered to authorize the following transactions:

165 (A) A transfer of any real or personal property owned by the consolidated government
 166 to another governmental entity upon a finding that such transfer is in the public interest;

167 (B) A sale of any such property to another governmental entity; and

168 (C) An exchange of such property for property that is owned either privately or by
 169 some other governmental entity. In each such instance, when the property is sold or
 170 exchanged or transferred, a statement shall be published in a newspaper of general
 171 circulation, including the newspaper with the largest circulation, in Columbus, Georgia,
 172 on each Monday of the two weeks which precede the week in which such transaction
 173 is to be concluded. Such statement shall contain a description of the property or
 174 properties involved and the prices and estimated values as to each item of property."

175 **SECTION 11.**

176 Said Act is further amended by revising Section 8-104 as follows:

177 "Section 8-104.

178 County agencies.

179 The grand juries in and for Muscogee County, the Superior Court of Muscogee County, the
 180 State Court of Muscogee County, the Probate Court of Muscogee County, the Municipal
 181 Court of Columbus, Georgia, the Juvenile Court of Muscogee County, the Muscogee
 182 County department of public health, and the Muscogee County department of family and
 183 children services shall continue to function, unaffected except as redesignated by this
 184 charter. The personnel of those bodies shall be selected as heretofore selected, and those
 185 officials heretofore elected by the people shall hereafter be so elected. Nothing herein
 186 contained shall be construed as altering the status of the Muscogee County School District;
 187 provided, however, that the Muscogee County school board shall consist of nine members
 188 who shall be residents of the consolidated government pursuant to 1992 Georgia Laws,
 189 page 6630, as now or hereafter amended. Such courts, boards, personnel, officers, and
 190 officials shall continue to occupy the same status with respect to the consolidated
 191 government in the same position as previously occupied with respect to Muscogee County.
 192 Similarly, the council shall succeed to such rights, duties, and obligations with regard to

193 such courts, boards, officers, offices, and agencies and the employed personnel thereof as
194 heretofore possessed by either the board of commissioners of Muscogee County or the
195 mayor and city commission of the City of Columbus, or both, specifically including but not
196 limited to any right and authority to name and designate personnel."

197

SECTION 12.

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