

House Bill 1259

By: Representatives Knight of the 126th, Maddox of the 127th, Holmes of the 125th, and Dickey of the 136th

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Milner; to provide for reincorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, suspension, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for the office of mayor and mayor pro tempore and certain duties and powers relative thereto; to provide for administrative responsibilities; to provide for boards, commissions, and authorities; to provide for a city administrator, a city attorney, a city clerk, and other personnel; to provide for a municipal court and the judge or judges thereof; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for ethics and disclosures; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises; to provide for bonded and other indebtedness; to provide for accounting and budgeting; to provide for city contracts and purchasing; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I.
CREATION, INCORPORATION, POWERS.
SECTION 1.10.
Incorporation.

The city and the inhabitants thereof are re-incorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style

City of Milner, Georgia, in the County of Lamar, and by that name shall have perpetual succession. Under that name, the city shall continue to be vested with all of the property and rights of property which now belong to the corporation; may sue and be sued; may contract and be contracted with; may acquire and hold such property, real and personal, as may be devised, bequeathed, sold, or in any manner conveyed or dedicated to or otherwise acquired by it, and from time to time may hold or invest, sell, or dispose of the same; may have a common seal and alter and renew the same at will; and may exercise in conformity with this charter all municipal powers, functions, rights, privileges, and immunities of every name and nature whatsoever.

SECTION 1.11.

Corporate Boundaries.

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

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

SECTION 1.12.

Powers and Construction.

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

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

SECTION 1.13.**Specific Powers.**

The corporate powers of the government of the City of Milner, to be exercised by the governing authority, include, but are not limited to:

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

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

(3) *Building Regulation.* To establish minimum standards for and to regulate the erection, construction, and repair of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes, to regulate all housing, building, and building trades, to license all building trades, and to license the construction and erection of buildings and all other structures for the health, sanitation, cleanliness, welfare, and safety of inhabitants of the city;

(4) *Business Regulation and Taxation.* To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades, and professions, as authorized by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same, and to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) *Condemnation.* To condemn property inside or outside the corporate limits of the city for present or future use, and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

(7) *Emergencies.* To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

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

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

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

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

(12) *General Welfare*. To make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the city and the inhabitants thereof, and for preserving the health, peace, order, and good government of the city;

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

(14) *Health and Sanitation*. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) *Jail Sentences*. To provide that persons given jail sentences in the municipal court may work out such sentence in any public works or on the streets, roads, drains, squares, and other public property in the city; to provide for the commitment of such persons to any jail, or to provide for commitment of such persons to any county work camp or jail by agreement with the appropriate county officials;

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

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

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

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

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

(21) *Municipal Utilities.* To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewerage disposal, gasworks, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for withdrawal of service for refusal or failure to pay same and the manner in which such remedies shall be enforced; and to provide for the manner and method of collecting charges for such services and for enforcing payment of same; charges for such services shall constitute a lien against the property receiving such services and shall be enforced in the same manner and under the same remedies as a lien for city property taxes;

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

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

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

(25) *Police and Fire Protection.* To exercise the power of arrest through duly appointed policemen or in any other manner provided by the general laws of the State of Georgia; and to establish, operate, or contract for a police and a fire-fighting agency;

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

(27) *Public Hazards: Removal.* To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(28) *Public Improvements.* To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, sewers, drains, sewerage treatment, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; and to regulate the use of public improvements; and for such purposes, property may be acquired by condemnation under O.C.G.A. § 22-1-1 et seq., or such other applicable laws as are or may hereafter be enacted;

(29) *Public Peace.* To adopt ordinances and regulations for the prevention and punishment of loitering, disorderly conduct, riots, public drunkenness, the playing of lotteries, and disturbing the peace in the corporate limits of the city; and to prohibit or regulate by ordinance such other conduct and activities within the city which, while not constituting an offense against the laws of this state, is deemed by the governing authority to be detrimental and offensive to the peace and good order of the city or to the welfare of the citizens thereof;

(30) *Public Transportation.* To organize and operate such public transportation systems as are deemed beneficial;

(31) *Public Utilities and Services.* To grant franchises or make contracts for public utilities and public services companies, not to exceed periods of 50 years; or to impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations by the Public Service Commission;

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

(33) *Retirement.* To provide and maintain a system of pensions and retirement for officers and employees of the city;

(34) *Roadways.* To lay out, open, extend, widen, narrow, establish, or change the grade of, abandon, or close, construct, pave, curb, gutter, adorn with shade trees, otherwise improve, maintain, repair, clean, prevent erosion of, and light roads, alleys, and walkways

within the corporate limits of the city; and to grant franchises and rights of way through the streets and roads, and over the bridges and viaducts, for the use of public utilities and public services and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands; and to enact ordinances establishing the terms and conditions under which such repairs and maintenance shall be effected, including the penalties to be imposed for failure to do so;

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

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

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

(38) *Special Assessments*. To levy and provide for the collection of special assessments to cover the costs of any public improvements;

(39) *Taxes: Ad Valorem*. To levy and to provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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

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

(42) *Urban Redevelopment*. To organize and operate an urban redevelopment program; and

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

SECTION 1.14.

Exercise of Powers.

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

ARTICLE II. GOVERNING BODY.

SECTION 2.10.

Creation; Composition; Number; Election.

The legislative authority of the government of the City of Milner, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. The city council so established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter.

SECTION 2.11.

City Council Terms and Qualifications for Office.

The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior

269 to the date of election; each shall continue to reside therein during that member's period of
270 service and to be registered and qualified to vote in municipal elections of the city.

271 **SECTION 2.12.**

272 Vacancy; Filling of Vacancies.

273 (a) *Vacancies:* The office of mayor or councilmember shall become vacant upon the
274 incumbent's death, resignation, forfeiture of office or removal from office, change of
275 residency to outside of the city, or occurrence of any event specified by the Constitution of
276 the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other
277 applicable laws as are or may hereafter be enacted.

278 (b) *Forfeiture of Office:* The mayor or any councilmember shall forfeit his or her office if
279 he or she:

280 (1) Lacks at any time during his or her term of office any qualifications of the office as
281 prescribed by this charter or the laws of the State of Georgia; or

282 (2) Is convicted of a felony involving moral turpitude.

283 (c) *Filling of Vacancies:* A vacancy in the office of mayor or councilmember shall be filled
284 for the remainder of the unexpired term, if any, by an election as provided in Section 5.15
285 of this charter if less than 12 months remain in the unexpired term; otherwise by an election,
286 as provided for in Section 5.15 of this charter and in accordance with Titles 21 and 45 of the
287 Official Code of Georgia Annotated, or other such laws as are or may hereafter be enacted.

288 **SECTION 2.13.**

289 Compensation and Expenses.

290 The mayor and councilmembers shall receive compensation and expenses for their services
291 as provided by resolution or ordinance.

292 **SECTION 2.14.**

293 Conflicts of Interest; Holding Other Offices.

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

296 (b) *Conflict of Interest:* No elected official, appointed officer, or employee of the city or any
297 agency or political entity to which this charter applies shall knowingly:

298 (1) Engage in any business or transaction, or have a financial or other personal interest,
299 direct or indirect, which is incompatible with the proper discharge of that person's official

duties or which would tend to impair the independence of the official's judgment or action in the performance of those official duties;

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

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Title 50, Chapter 14 of the Official Code of Georgia Annotated, concerning the property, government, or affairs of the governmental body by which the official is engaged without proper legal authorization; or use such information to advance the financial or other private interest of the official or others;

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

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

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

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

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

(e) *Contracts Voidable and Rescindable*: Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) *Ineligibility of Elected Official*: Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by such government or any agency thereof during the term for which that official was elected. No former mayor and no former councilmember shall hold any compensated appointive office in the city until one year after the expiration of the term for which that official was elected.

(g) *Political Activities of Certain Officers and Employees*: No appointive officer of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in the city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) *Penalties for Violation*:

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

(2) Any officer or employee of the city who shall forfeit an office or position as described in paragraph (1) above shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and Investigations.

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

SECTION 2.16.**General Powers and Authority of the City Council.**

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Milner as provided by Article I.

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

(c) By ordinance, the city council may create, change, alter, abolish, or consolidate offices, agencies, and departments of the city and may assign additional functions to any of the offices, agencies, and departments expressly provided for by this charter.

SECTION 2.17.**Eminent Domain.**

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

SECTION 2.18.**Organizational Meeting.**

The city council shall meet for organization on the second Wednesday in January each year. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly swear that I will well and truly perform the duties of (mayor or councilmember or officer as the case may be) of the city; that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and of the

398 United States of America; and that I will to the utmost of my skill and ability promote the
399 interest and prosperity of the city."

400 **SECTION 2.19.**

401 Regular and Special Meetings.

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

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

413 (c) All meetings of the city council shall be public to the extent required by law and notice
414 to the public of special meetings shall be made fully as is reasonably possible as provided by
415 Code Section 50-14-1 of the Official Code of Georgia Annotated, or other such applicable
416 laws as are or may hereafter be enacted.

417 **SECTION 2.20.**

418 Rules of Procedure.

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

422 (b) All committees and committee chairs and officers of the city council shall be appointed
423 by the mayor subject to the approval of a majority of councilmembers and shall serve at the
424 pleasure of the mayor and city council. The mayor shall have the power to appoint new
425 members to any committee at any time.

SECTION 2.21.**Quorum; Voting.**

The mayor or mayor pro tempore and any three councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote or as otherwise designated by the mayor, and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of the majority of the councilmembers present and voting excluding the mayor, except in the case of a tie, shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote. In the event any councilmember or the mayor leaves the meeting after the motion is made, but before the motion is decided, he or she shall not be deemed absent for quorum purposes and shall be assigned an official vote.

SECTION 2.22.**Ordinance Form; Procedures.**

(a) Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "The City Council of the City of Milner hereby ordains" and every ordinance shall so begin.

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

(c) All ordinances, bylaws, rules, and regulations now in force in the city not inconsistent with this charter are hereby declared valid and of full effect and force until amended or repealed by the governing authority.

(d) Whenever possible, ordinances shall be prepared by the city attorney.

SECTION 2.23.**Action Requiring an Ordinance.**

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

SECTION 2.24.**Emergencies.**

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

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

SECTION 2.25.**Codes of Technical Regulations.**

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of Section 2.22 (b) of this charter for distribution and filing of copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting

489 ordinance; and (2) a copy of each adopted code of technical regulations, as well as the
490 adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.26
491 (b) of this charter. Copies of any adopted code of technical regulations shall be made
492 available by the clerk for inspection by the public.

493 **SECTION 2.26.**

494 Submission of Ordinances to the Mayor; Signing; Authenticating; Recording;
495 Codification; Printing.

496 (a) The clerk shall authenticate by the clerk's signature and record in full in a properly
497 indexed book kept for that purpose all ordinances adopted by the city council; and
498 (1) Every ordinance adopted by the city council shall be presented promptly by the clerk
499 to the mayor.

500 (2) The mayor, within five business days of receipt of an ordinance, shall return it to the
501 clerk with his or her approval, or with his or her disapproval. If the ordinance has been
502 approved by the mayor, it shall become law upon its return to the clerk. If the ordinance
503 is not returned to the clerk, it shall become law at 12:00 Noon on the fifth business day
504 after its adoption; if the ordinance is disapproved, the mayor shall submit to the city council
505 through the clerk a written statement of the reasons for his or her veto. The clerk shall
506 record upon the ordinance the date of its delivery to and receipt from the mayor.

507 (b) The city council shall provide for the preparation of a general codification of all the
508 ordinances of the city having the force and effect of law. The general codification shall be
509 adopted by the city council by ordinance and shall be published promptly together with all
510 amendments thereto and such codes of technical regulations and other rules and regulations
511 as the city council may specify. This compilation shall be known and cited officially as "The
512 Code of the City of Milner, Georgia." Copies of the code shall be furnished to all officers,
513 departments, and agencies of the city and made available for purchase by the public at a
514 reasonable price as fixed by the city council.

515 (c) The city council shall cause each ordinance and each amendment to this charter to be
516 printed promptly following its adoption, and the printed ordinances and charter amendments
517 shall be made available for purchase by the public at reasonable prices to be fixed by the city
518 council. Following publication of the first code under this charter and at all times thereafter,
519 the ordinances and charter amendments shall be printed in substantially the same style as the
520 code currently in effect and shall be suitable in form for incorporation therein. The city
521 council shall make such further arrangements as deemed desirable with reproduction and
522 distribution of any current changes in or additions to codes of technical regulations and other
523 rules and regulations included in the code.

524 **SECTION 2.27.**

525 City Administrator; Appointment; Qualifications; Compensation.

526 The city council shall appoint a city administrator for an indefinite term and shall fix the
527 administrator's compensation. The administrator shall be appointed solely on the basis of
528 executive and administrative qualifications. The city council shall, by ordinance, enumerate
529 the powers and duties of the city administrator.

530 **SECTION 2.28.**

531 City Council Interference with Administrator.

532 Except for the purpose of inquiries and investigations under Section 2.15 of this charter, the
533 city council or its members shall deal with city officers and employees who are subject to the
534 direction and supervision of the administrator solely through the administrator, and neither
535 the city council nor its members shall give orders to any such officer or employee, either
536 publicly or privately.

537 **SECTION 2.29.**

538 Election of Mayor.

539 The mayor shall be elected in the manner provided by Article V of this charter.

540 **SECTION 2.30.**

541 Powers and Duties of Mayor.

542 The mayor shall:

- 543 (1) Preside at all meetings of the city council;
544 (2) Be the head of the city for the purpose of service of process and for ceremonial
545 purposes, and be the official spokesperson for the city and the chief advocate of policy;
546 (3) Have the power to administer oaths and to take affidavits;
547 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
548 ordinances, and other instruments executed by the city which by law are required to be in
549 writing;
550 (5) Have the right, as shall the mayor pro tempore, while acting as mayor, to vote on all
551 questions before the council to break ties;
552 (6) Establish committees and appoint members, subject to the approval of a majority of the
553 council;

- 554 (7) Act as liaison between the council and the city administrator; and
555 (8) Fulfill such other executive and administrative duties as the city council shall by
556 ordinance establish.

557 **SECTION 2.31.**

558 **Mayor Pro Tempore.**

559 During the absence or physical or mental disability of the mayor for any cause, the mayor
560 pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one of
561 the councilmembers chosen by a majority vote of the city council, shall be clothed with all
562 the rights and privileges of the mayor and shall perform the duties of the office of the mayor
563 so long as such absence or disability shall continue. Any such absence or disability shall be
564 declared by majority vote of all councilmembers. The mayor pro tempore or selected
565 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
566 financial interest as provided in Section 2.14 of this charter.

567 **ARTICLE III. EXECUTIVE BRANCH ORGANIZATION AND GENERAL**
568 **PROVISIONS.**

569 **SECTION 3.10.**

570 **Administrative and Service Departments.**

- 571 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
572 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
573 nonelected offices, positions of employment, departments, and agencies of the city, as
574 necessary for the proper administration of the affairs and government of the city.
- 575 (b) Except as otherwise provided by this charter or by law, the directors of departments and
576 other appointed officers of the city shall be appointed solely on the basis of their respective
577 administrative and professional qualifications.
- 578 (c) All appointive officers and directors of departments shall receive such compensation as
579 is prescribed by resolution or ordinance.
- 580 (d) There shall be a director of each department or agency who shall be its principal officer.
581 Each director shall, subject to the direction and supervision of the city administrator, be
582 responsible for the administration and direction of the affairs and operations of that director's
583 department or agency.
- 584 (e) All appointive officers and directors under the supervision of the city administrator shall
585 be nominated by the city administrator with confirmation of appointment by the city council.
586 All appointive officers and directors shall be employees at will and subject to removal or

587 suspension at any time at the recommendation of the city administrator and by a resolution
588 adopted by a majority vote of the city council, unless otherwise provided by law or
589 ordinance.

590 **SECTION 3.11.**

591 **Boards, Commissions, and Authorities.**

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

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

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

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

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

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

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

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

SECTION 3.12.

City Attorney.

The city council shall appoint a city attorney and shall provide for the payment of such attorney for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of the person's position as city attorney.

SECTION 3.13.

City Clerk.

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

SECTION 3.14.

Consolidation of Functions.

The city council may consolidate any two or more of the positions of the city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city administrator may, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of appointing other persons to perform the same.

SECTION 3.15.

Position Classification and Pay Plans.

The city administrator shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease

651 the salary range applicable to any position except by amendment of such pay plan. For
652 purposes of this section, all elected and appointed city officials are not city employees.

653 **SECTION 3.16.**

654 Personnel Policies.

655 All employees serve at will and may be removed from office at any time unless otherwise
656 provided by ordinance. The city council shall adopt rules and regulations consistent with this
657 charter concerning:

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

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

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

664 (4) Such other personnel policies as may be necessary to provide for adequate and
665 systematic handling of the personnel affairs of the City of Milner.

666 **ARTICLE IV. MUNICIPAL COURT.**

667 **SECTION 4.10.**

668 Creation; Name.

669 There shall be a court to be known as the Municipal Court of the City of Milner.

670 **SECTION 4.11.**

671 Chief Judge; Associate Judge.

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

674 (b) With the exception of the Lamar County Probate Judge, no person shall be qualified or
675 eligible to serve as a judge on the municipal court unless that person shall have attained the
676 age of 21 years, shall be a member of the State Bar of Georgia, and shall possess all
677 qualifications required by law. All judges shall be appointed by the city council and shall
678 serve until a successor is appointed and qualified.

679 (c) Compensation of the judges shall be fixed by resolution or ordinance.

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

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

686 **SECTION 4.12.**

687 Convening.

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

689 **SECTION 4.13.**

690 Jurisdiction; Powers.

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

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

695 (c) The municipal court may fix punishment for offenses within its jurisdiction not
696 exceeding a fine of \$1,000.00 or imprisonment for six months or both such fine and
697 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as
698 now or hereafter provided by law.

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

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

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

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

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

SECTION 4.14.

Certiorari.

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

SECTION 4.15.

Rules for Court.

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

ARTICLE V. ELECTIONS.

SECTION 5.10.

Applicability of General Law.

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

SECTION 5.11.

Qualifying; Nomination of Candidates; Absentee Ballots.

By ordinance, the city council may prescribe rules and regulations governing qualifying fees, nomination of candidates, absentee ballots, write-in votes, challenge of votes, and such other rules and regulations as may be necessary for the conduct of elections in the City of Milner.

SECTION 5.12.

Election of the City Council and Mayor.

There shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November. There shall be elected the mayor and two councilmembers at one election and at every other regular election thereafter. The remaining city council seats shall be filled at the election alternating with the first election so that a continuing body is created. Terms shall be for four years.

SECTION 5.13.

Nonpartisan Elections.

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

SECTION 5.14.

Election by Plurality.

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

SECTION 5.15.

Special Elections, Vacancies.

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

SECTION 5.16.**Other Provisions.**

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations it deems appropriate to fulfill any options and duties under the Georgia Election Code.

SECTION 5.17.**Removal of Officers.**

(a) The mayor, councilmembers, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted.

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

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

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

ARTICLE VI. FINANCE AND FISCAL.**SECTION 6.10.****Property Taxes.**

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

804 **SECTION 6.11.**

805 Millage Rate; Due Dates; Payment Methods.

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

810 **SECTION 6.12.**

811 Occupation and Business Taxes.

812 The city council, by ordinance, shall have the power to levy such occupation or business
813 taxes as are not denied by law. The city council may classify businesses, occupations, or
814 professions for the purpose of such taxation in any way which may be lawful and may
815 compel the payment of such taxes as provided in Section 6.19 of this charter.

816 **SECTION 6.13.**

817 Regulatory Fees; Permits.

818 The city council, by ordinance, shall have the power to require businesses or practitioners
819 doing business within the city to obtain a permit for such activity from the city and pay a
820 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect
821 the total cost to the city of regulating the activity, and if unpaid, shall be collected as
822 provided in Section 6.19 of this charter.

823 **SECTION 6.14.**

824 Franchises.

825 (a) The city council shall have the power to grant franchises for the use of the city's streets
826 and alleys for the purposes of railroads, street railways, telephone companies, electric
827 companies, electric membership corporations, cable television and other telecommunications
828 companies, gas companies, transportation companies, and other similar organizations. The
829 city council shall determine the duration, terms, whether the same shall be exclusive or
830 nonexclusive, and the consideration for such franchises; provided, however, no franchise
831 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
832 the city receives just and adequate compensation therefor. The city council shall provide for
833 the registration of all franchises with the city clerk in a registration book kept by the clerk.

834 The city council may provide by ordinance for the registration within a reasonable time of
835 all franchises previously granted.

836 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
837 on gross receipts for the use of the city's streets and alleys for the purposes of railroads, street
838 railways, telephone companies, electric companies, electric membership corporations, cable
839 television and other telecommunications companies, gas companies, transportation
840 companies, and other similar organizations.

841 **SECTION 6.15.**

842 **Service Charges.**

843 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
844 tolls for sewers, sanitary and health services, or any other services provided or made
845 available within and without the corporate limits of the city for the total cost to the city of
846 providing or making available such services. If unpaid, such charges shall be collected as
847 provided in Section 6.19 if this charter.

848 **SECTION 6.16.**

849 **Special Assessments.**

850 The city council, by ordinance, shall have the power to assess and collect the cost of
851 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
852 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
853 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
854 collected as provided in Section 6.19 of this charter.

855 **SECTION 6.17.**

856 **Construction; Other Taxes and Fees.**

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

SECTION 6.18.**Transfer of Executions.**

The city clerk shall be authorized to assign or transfer any fi. fa. or execution issued for any tax or for any street, sewer, or other assessment in the same manner and to the same extent as provided by Georgia law regarding sales and transfers of fi. fas. Such transfer or assignment, when made, shall vest the purchaser or transferee with all right, title, and interest as provided by Georgia law governing sales and transfers of tax fi. fas. Provided that upon levy of execution and sale of property pursuant to such tax fi. fa., whether assigned, transferred, or executed by the city, the owner of such property, in fee simple or lesser interest, shall not lose his or her right to redeem the property in accord with the requirements of redemption of property sold under state or county ad valorem tax fi. fas., as such requirements now exist or as may be hereinafter provided by law.

SECTION 6.19.**Collection of Delinquent Taxes.**

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

SECTION 6.20.**General Obligation Bonds.**

The city council shall have the power to issue bonds for the purpose of raising revenue to carry out any projects, programs, or ventures authorized under this charter or the general laws of this state. Such bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the time such issue is undertaken.

887 **SECTION 6.21.**

888 Revenue Bonds.

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

892 **SECTION 6.22.**

893 Short-Term Loans.

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

896 **SECTION 6.23.**

897 Lease-Purchase Contracts.

898 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
899 acquisition of goods, materials, real and personal property, services, and supplies provided
900 the contract terminates without further obligation on the part of the city at the close of the
901 calendar year in which it was executed and at the close of each succeeding calendar year for
902 which it may be renewed. Contracts must be executed in accordance with the requirements
903 of Code Section 36-60-13 of the Official Code of Georgia Annotated, or other such
904 applicable laws as are or may hereafter be enacted.

905 **SECTION 6.24.**

906 Fiscal Year.

907 The city council shall set the fiscal year by ordinance. Such fiscal year shall constitute the
908 budget year and the year for financial accounting and reporting of each and every office,
909 department, or institution, agency, and activity of the city government unless otherwise
910 provided by state or federal law.

911 **SECTION 6.25.**

912 Preparation of Budgets.

913 The city council shall provide, by ordinance, the procedures and requirements for the
914 preparation and execution of an annual operating budget and a capital improvement program

915 and a capital budget, including requirements as to the scope, content, and form of such
916 budgets and programs.

917 **SECTION 6.26.**

918 Submission of Operating Budget to City Council.

919 On or before a date fixed by the city council, but not later than 90 days prior to the beginning
920 of each fiscal year, the city administrator shall submit to the city council a proposed
921 operating budget for the ensuing fiscal year. The budget shall be accompanied by a message
922 from the city administrator containing a statement of the general fiscal policies of the city,
923 the important features of the budget, explanations of major changes recommended for the
924 next fiscal year, a general summary of the budget, and such other comments and information
925 as he or she may deem pertinent. The operating budget and the capital improvements budget
926 hereinafter provided for, the budget message, and all supporting documents shall be filed in
927 the office of the city clerk and shall be open to public inspection.

928 **SECTION 6.27.**

929 Action by City Council on Budget.

930 (a) The city council may amend the operating budget proposed by the city administrator.
931 However, the budget as finally amended and adopted must provide for all expenditures
932 required by state law or by other provisions of this charter and for all debt service
933 requirements for the ensuing fiscal year, and the total appropriations from any fund shall not
934 exceed the estimated fund balance, reserves, and revenues.

935 (b) The city council, by ordinance, shall adopt the final operating budget for the ensuing
936 fiscal year not later than the first regular meeting in January of each year. If the city council
937 fails to adopt the budget by this date, the amounts appropriated for operation for the current
938 fiscal year shall be deemed adopted for the ensuing fiscal year on a month to month basis,
939 with all items prorated accordingly until such time as the city council adopts a budget for the
940 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
941 ordinance setting out the estimated revenues in detail by sources and making appropriations
942 according to fund and by organizational unit, purpose, or activity as set out in the budget
943 preparation ordinance adopted pursuant to Section 6.25 of this charter.

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

948 **SECTION 6.28.**

949 Property Tax Levies.

950 As the next order of business following adoption of the operating budget, the city council
951 shall levy, by ordinance, an annual tax on all real and personal property within the City of
952 Milner. The tax rate set by such ordinance shall be such that reasonable estimates of revenues
953 from such levy shall at least be sufficient, together with other anticipated revenues, fund
954 balances, and applicable reserves, to equal the total amount appropriated for each of the
955 several funds set forth in the annual operating budget for defraying the expenses of the
956 general government of the City of Milner.

957 **SECTION 6.29.**

958 Changes in Appropriations.

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

963 **SECTION 6.30.**

964 Capital Budget.

965 (a) On or before the date fixed by the city council but no later than 90 days prior to the
966 beginning of each fiscal year, the city administrator shall submit to the city council a
967 proposed capital improvement plan with a recommended capital budget containing the means
968 of financing the improvements proposed for the ensuing fiscal year. The city council shall
969 have the power to accept, with or without amendments, or reject the proposed plan and
970 proposed budget. The city council shall not authorize an expenditure for the construction of
971 any building, structure, work, or improvement, unless the appropriations for such project are
972 included in the capital budget, except to meet a public emergency as provided in Section 2.24
973 of this charter.

974 (b) The city council shall adopt, by ordinance, the final capital budget for the ensuing fiscal
975 year not later than the first regular meeting of January of each year. No appropriation
976 provided for in a capital budget shall lapse until the purpose for which the appropriation was
977 made shall have been accomplished or abandoned; provided, however, the city administrator
978 may submit amendments to the capital budget at any time during the fiscal year,

979 accompanied by recommendations. Any such amendments to the capital budget shall
980 become effective only upon adoption by ordinance.

981 **SECTION 6.31.**

982 Independent Audit.

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

988 **SECTION 6.32.**

989 Contracting Procedures.

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

- 991 (1) It is in writing;
992 (2) It is drawn by or submitted and reviewed by the city attorney, and as a matter of
993 course, is signed by the city attorney to indicate such drafting or review; and
994 (3) It is made or authorized by the city council and such approval is entered in the city
995 council journal of proceedings pursuant to Section 2.21 of this charter.

996 **SECTION 6.33.**

997 Centralized Purchasing.

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

1000 **SECTION 6.34.**

1001 Sale and Lease of City Property.

- 1002 (a) The city council may sell and convey or lease any real or personal property owned or
1003 held by the city for governmental or other purposes as now or hereafter provided by law.
1004 (b) The city council may quitclaim any rights it may have in property not needed for public
1005 purposes upon report by the city administrator and adoption of a resolution, both finding that
1006 the property is not needed for public or other purposes and that the interest of the city has no
1007 readily ascertainable monetary value.

1008 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
1009 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
1010 tract or boundary of land owned by the city, the city council may authorize the city
1011 administrator to sell and convey such cut off or separated parcel or tract of land to an
1012 abutting or adjoining property owner or owners where such sale and conveyance facilitates
1013 the enjoyment of the highest and best use of the abutting owner's property. Included in the
1014 sales contract shall be a provision for the rights of way of such street, avenue, alley, or public
1015 place. Each abutting property owner shall be notified of the availability of the property and
1016 given the opportunity to purchase such property under such terms and conditions as set out
1017 by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered
1018 shall convey all title and interest the city has in such property, notwithstanding the fact that
1019 no public sale after advertisement was or is hereafter made.

1020 **ARTICLE VII. GENERAL PROVISIONS.**

1021 **SECTION 7.10.**

1022 **Official Bonds.**

1023 The officers and employees of the City of Milner, both elective and appointive, shall execute
1024 such surety or fidelity bonds in such amounts and upon such terms and conditions as the city
1025 council shall from time to time require by ordinance or as may be provided by law.

1026 **SECTION 7.11.**

1027 **Prior Ordinances.**

1028 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1029 with this charter are hereby declared valid and of full effect and force until amended or
1030 repealed by the city council.

1031 **SECTION 7.12.**

1032 **Existing Personnel and Officers.**

1033 Except as specifically provided otherwise by this charter, all personnel and officers of the
1034 city and their rights, privileges and powers shall continue beyond the time this charter takes
1035 effect for a period of 90 days before or during which the existing city council shall pass a
1036 transition ordinance detailing the changes in personnel and appointive officers required or
1037 desired and arranging such titles, rights, privileges, and powers as may be required or desired
1038 to allow a reasonable transition.

SECTION 7.13.

Pending Matters.

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

SECTION 7.14.

Construction.

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

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

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

SECTION 7.15.

Severability.

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

SECTION 7.16.

Specific Repealer.

An Act incorporating the City of Milner in the County of Lamar (Ga. L. 1969, p. 3475) is hereby repealed in its entirety and all amendatory acts thereto are likewise repealed in their entirety. All other laws and parts of laws in conflict with this charter are hereby repealed.

1065 **SECTION 7.17.**

1066 Effective Date.

1067 This Act shall become effective upon its approval by the Governor or upon its becoming law
1068 without such approval.

1069 **SECTION 7.18.**

1070 General Repealer.

1071 All laws and parts of laws in conflict with this Act are repealed.