

House Bill 1226 (AS PASSED HOUSE AND SENATE)

By: Representatives Burns of the 157th and Purcell of the 159th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23

ARTICLE I

24

INCORPORATION AND POWERS

25

SECTION 1.1.

26

Name.

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This city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style Springfield, Georgia, and by that name shall have perpetual succession.

30

SECTION 1.2.

31

Corporate boundaries.

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(a) The boundaries of this city shall be those existing on the earliest effective date in 2012 of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the city council and to be designated, as the case may be: "Official Map of the corporate limits of the City of Springfield, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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(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.

43

SECTION 1.3.

44

Extraterritorial jurisdiction.

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Be it further enacted, that for the purpose of protecting the peace, good order, morals and health of said city, its corporate limits and its jurisdiction shall extend for one mile beyond its limits as now defined or as they may hereinafter be extended, the same being for police and sanitary purposes, and within said zone thus created for police and sanitary purposes the mayor and councilmembers of the city and its marshal and police and other officers shall have right and power to abate and remove nuisances and any and all things that may be deleterious to the health, good order or peace of the city, to preserve order and make arrests, and to do any other acts or things for the protection of the health, safety and good order of said city and its inhabitants and said city council may exercise the full police power of the

54 state in said zone, and may adopt all ordinances that they may deem expedient for the
 55 purpose of regulating matters and the people within said zone for police and sanitary
 56 purposes aforesaid, as well as for prohibiting all acts and things and kinds of business therein
 57 that may tend to debauch the morals, injure the health, or become a source of disorder,
 58 disease or annoyance.

59 **SECTION 1.4.**

60 Powers and construction.

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

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

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

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

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

80 (4) Business regulation and taxation. To regulate business through the issuance of
 81 licenses for operation within the city boundaries; to levy and to provide for collection of
 82 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
 83 by Title 48 of the O.C.G.A. or such other applicable laws as are or may hereafter be
 84 enacted; to permit and regulate the same; to provide for the manner and method of
 85 payment of such regulatory fees and taxes; and to revoke such permits after due process
 86 for failure to pay any city taxes or fees;

87 (5) Condemnation. To condemn property, inside or outside the corporate limits of the
 88 city, for present or future use and for any corporate purpose deemed necessary by the

89 governing authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such
90 other applicable laws as are now or may hereafter be enacted;

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

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

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

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

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

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

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

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

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

- 126 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
127 over all traffic, including parking upon or across the streets, roads, alleys, and walkways
128 of the city;
- 129 (16) Municipal agencies and delegation of power. To create, alter, or abolish
130 departments, boards, offices, commissions, and agencies of the city and to confer upon
131 such agencies the necessary and appropriate authority for carrying out all the powers
132 conferred upon or delegated to the same;
- 133 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
134 city and to issue bonds for the purpose of raising revenue to carry out any project,
135 program, or venture authorized by this charter or the laws of the State of Georgia;
- 136 (18) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
137 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
138 outside the property limits of the city;
- 139 (19) Municipal property protection. To provide for the preservation and protection of
140 property and equipment of the city and the administration and use of same by the public;
141 and to prescribe penalties and punishment for violations thereof;
- 142 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
143 of public utilities, including but not limited to a system of waterworks, sewers and drains,
144 sewage disposal, gas works, electric light plants, cable television and other
145 telecommunications, transportation facilities, public airports, and any other public utility;
146 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
147 to provide for the withdrawal of service for refusal or failure to pay the same;
- 148 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
149 private property and to prescribe penalties and punishments for such nuisances;
- 150 (22) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
151 the authority of this charter and the laws of the State of Georgia;
- 152 (23) Planning and zoning. To provide comprehensive city planning for development by
153 zoning; and to provide subdivision regulation and the like as the city council deems
154 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;
- 155 (24) Police and fire protection. To exercise the power of arrest through duly appointed
156 police officers and to establish, operate, or contract for a police and a fire-fighting
157 agency;
- 158 (25) Public hazards; removal. To provide for the destruction and removal of any building
159 or other structure which is or may become dangerous or detrimental to the public;
- 160 (26) Public improvements. To provide for the acquisition, construction, building,
161 operation, and maintenance of public ways, parks and playgrounds, public grounds,
162 recreational facilities, cemeteries, markets and market houses, public buildings, libraries,

163 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, other
164 public utilities, public housing, airports, hospitals, terminals, docks, parking facilities, and
165 charitable, cultural, educational, recreational, conservation, sport, curative, corrective,
166 detentional, penal, and medical institutions, agencies, and facilities; and to provide any
167 other public improvements, inside or outside the corporate limits of the city; to regulate
168 the use of public improvements; and, for such purposes, property may be acquired by
169 condemnation under Title 22 of the O.C.G.A. or such other applicable laws as are now
170 or may hereafter be enacted;

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

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

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

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

185 (31) Retirement. To provide and maintain a retirement plan for officers and employees
186 of the city;

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

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

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

204 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
205 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
206 and the use of firearms; to regulate the transportation, storage, and use of combustible,
207 explosive, and inflammable materials, the use of lighting and heating equipment, and any
208 other business or situation which may be dangerous to persons or property; to regulate
209 and control the conduct of peddlers and itinerant traders, theatrical performances,
210 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
211 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
212 to regulate business based on its location within the city and especially as to the zoning
213 rules and regulations within the city;

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

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

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

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

224 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
225 and

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

237 **SECTION 1.5.**

238 Exercise of powers.

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

243 **ARTICLE II**
244 **GOVERNMENT STRUCTURE**

245 **SECTION 2.1.**

246 City council creation; number; election.

247 The legislative authority of the government of this city, except as otherwise specifically
248 provided in this charter, shall be vested in a city council to be composed of a mayor and six
249 councilmembers. The city council established in this charter shall in all respects be a
250 successor to and continuation of the city governing authority under prior law. The mayor and
251 councilmembers shall be elected in the manner provided by this charter.

252 **SECTION 2.2.**

253 City councilmembers;
254 terms and qualifications for office.

255 The members of the city council shall serve for terms of four years and until their respective
256 successors are elected and qualified. The term of office of each member of the city council
257 shall begin on the first day of January immediately following the election of such member
258 unless general law authorizes or requires the term to begin at the first organizational meeting
259 in January or upon some other date. No person shall be eligible to serve as mayor or
260 councilmember unless that person shall have been a resident of the city for 12 months prior
261 to the date of the election of mayor or members of the city council; each shall continue to
262 reside therein during that person's period of service and to be registered and qualified to vote
263 in municipal elections of this city.

264

SECTION 2.3.

265

Vacancy; filling of vacancies; suspensions.

266 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such
267 person's failing or ceasing to reside in the city or upon the occurrence of any event specified
268 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
269 hereafter be enacted.

270 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
271 for the remainder of the unexpired term, if any, by appointment if less than 12 months remain
272 in the unexpired term, otherwise by an election as provided for in Section 5.5 of this charter
273 and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

274 (c) Suspension. Upon the suspension from office of mayor or councilmember in any
275 manner authorized by the general laws of the State of Georgia, the city council or those
276 remaining shall appoint a successor for the duration of the suspension. If the suspension
277 becomes permanent, then the office shall become vacant and shall be filled for the remainder
278 of the unexpired term, if any, as provided for in this charter.

279

SECTION 2.4.

280

Compensation and expenses.

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

283

SECTION 2.5.

284

Conflicts of interest; holding other offices.

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

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

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

293 (2) Engage in or accept private employment or render services for private interests when
294 such employment or service is incompatible with the proper discharge of that person's

295 official duties or would tend to impair the independence of that person's judgment or
296 action in the performance of that person's official duties;

297 (3) Disclose confidential information, including information obtained at meetings which
298 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
299 government, or affairs of the governmental body by which that person is engaged without
300 proper legal authorization or use such information to advance the financial or other
301 private interest of that person or others;

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

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

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

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

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

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

329 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
330 any councilmember shall hold any other elective or compensated appointive office in the city
331 or otherwise be employed by said government or any agency thereof during the term for

332 which that person was elected. No former councilmember and no former mayor shall hold
 333 any compensated appointive office in the city until one year after the expiration of the term
 334 for which that person was elected.

335 (g) Political activities of certain officers and employees. No appointed officer and no
 336 employee of the city shall continue in such employment upon qualifying as a candidate for
 337 nomination or election to any public office of the City of Springfield. No employee of the
 338 city shall continue in such employment upon election to any public office which is
 339 inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 340 determination shall be made by the mayor and city council either immediately upon election
 341 or at any time such conflict may arise.

342 (h) Penalties for violation.

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

346 (2) Any officer or employee of the city who shall forfeit that person's office or position
 347 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 348 election to or employment in a position in the city government for a period of three years
 349 thereafter.

350 **SECTION 2.6.**

351 Inquiries and investigations.

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

358 **SECTION 2.7.**

359 General power and authority of the city council.

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

362

SECTION 2.8.

363

Organizational meetings.

364 The city council shall hold an organizational meeting on the second Tuesday in January, of
365 each year. The meeting shall be called to order by the city clerk. The oath of office shall be
366 administered by the city attorney, or other member of the State Bar of Georgia, to the newly
367 elected members as follows:

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

371

SECTION 2.9.

372

Meetings.

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

375 (b) Special meetings of the city council may be held on the call of three members of the city
376 council in writing, and filed with the city clerk. Only the business stated in the call may be
377 transacted at the special meeting.

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

382

SECTION 2.10.

383

Rules of procedure.

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

387 (b) All committees and committee chairpersons and officers of the city council shall be
388 appointed by the city council and shall serve at the pleasure of the city council, unless
389 otherwise specified within an ordinance. The city council shall have the power to appoint
390 new members to any committee at any time.

391 **SECTION 2.11.**

392 Quorum; voting.

393 Four members of the city council shall constitute a quorum and shall be authorized to
 394 transact business of the city council. Voting on the adoption of ordinances shall be by voice
 395 vote or any other method designated by the chair, and the vote shall be recorded in the
 396 journal, but any member of the city council shall have the right to request a roll-call vote and
 397 such vote shall be recorded in the journal. Except as otherwise provided in this charter, the
 398 affirmative vote of a majority of the members of the city council present shall be required for
 399 the adoption of any ordinance, resolution, or motion. An abstention shall not be counted as
 400 an affirmative or negative vote. Be it further enacted, that the mayor shall have the authority
 401 to veto all ordinances, orders and resolutions passed by the city council, and the said mayor
 402 shall have five days after the meeting at which the city council voted to file with the clerk in
 403 writing his disapproval, but the councilmembers may pass the ordinance, orders or
 404 resolutions, notwithstanding the veto, by a vote of two-thirds of those present, and entered
 405 upon the minutes. If the mayor fails to sign or veto any ordinances, orders, or resolutions
 406 passed by the city council within the time frame set forth within this charter, the act shall
 407 become effective.

408 **SECTION 2.12.**

409 Ordinance form; procedures.

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

414 (b) An ordinance may be introduced by any member of the city council and be read at a
 415 regular or special meeting of the city council. Ordinances shall be considered and adopted
 416 or rejected by the city council in accordance with the rules which it shall establish; provided,
 417 however, an ordinance shall not be adopted the same day it is introduced, except for
 418 emergency ordinances provided for in Section 2.14 of this charter. Upon introduction of any
 419 ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each
 420 councilmember and shall file a reasonable number of copies in the office of the clerk and at
 421 such other public places as the city council may designate.

422 **SECTION 2.13.**

423 Action requiring an ordinance.

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

425 **SECTION 2.14.**

426 Emergencies.

427 (a) To meet a public emergency affecting life, health, property, or public peace, the city
428 council may at the request of the city manager and the approval of a member of the city
429 council and may promptly adopt an emergency ordinance, but such ordinance may not levy
430 taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for
431 its services; or authorize the borrowing of money except for loans to be repaid within 30
432 days. An emergency ordinance shall be introduced in the form prescribed for ordinances
433 generally, except that it shall be plainly designated as an emergency ordinance and shall
434 contain, after the enacting clause, a declaration stating that an emergency exists and
435 describing the emergency in clear and specific terms. An emergency ordinance may be
436 adopted, with or without amendment, or rejected at the meeting at which it is introduced, but
437 the affirmative vote of a majority of the members of city council present shall be required for
438 adoption. It shall become effective upon adoption or at such later time as it may specify.
439 Every emergency ordinance shall automatically stand repealed 30 days following the date
440 upon which it was adopted, but this shall not prevent reenactment of the ordinance in the
441 manner specified in this section if the emergency still exists. An emergency ordinance may
442 also be repealed by adoption of a repealing ordinance in the same manner specified in this
443 section for adoption of emergency ordinances.

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

448 **SECTION 2.15.**

449 Codes of technical regulations.

450 (a) The city council may adopt any standard code of technical regulations by reference
451 thereto in an adopting ordinance. The procedure and requirements governing such adopting
452 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
453 of subsection (b) of Section 2.12 of this charter for distribution and filing of copies of the

454 ordinance shall be construed to include copies of any code of technical regulations, as well
455 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
456 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
457 Section 2.16 of this charter.

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

460 **SECTION 2.16.**

461 Signing; authenticating;
462 recording; codification; printing.

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

465 (b) The city council shall provide for the preparation of a general codification of all the
466 ordinances of the city having the force and effect of law. The general codification shall be
467 adopted by the city council by ordinance and shall be published promptly, together with all
468 amendments thereto and such codes of technical regulations and other rules and regulations
469 as the city council may specify. This compilation shall be known and cited officially as "The
470 Code of the City of Springfield, Georgia." Copies of the code shall be furnished to all
471 officers, departments, and agencies of the city and made available for purchase by the public
472 at a reasonable price as fixed by the city council.

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

482 **SECTION 2.17.**

483 City manager; appointment;
484 qualifications; compensation.

485 The city council shall appoint a city manager for an indefinite term and shall fix the city
486 manager's compensation. The city manager shall be appointed solely on the basis of that
487 person's executive and administrative qualifications.

488 **SECTION 2.18.**

489 Removal of city manager.

490 The city manager is employed at will and may be summarily removed from office at any time
491 by the city council by an affirmative vote of a majority of the members of city council
492 present.

493 **SECTION 2.19.**

494 Acting city manager.

495 By letter filed with the city clerk, the city manager shall designate, subject to approval of the
496 city council, a qualified city administrative officer to exercise the powers and perform the
497 duties of city manager during the city manager's temporary absence or physical or mental
498 disability. During such absence or disability, the city council may revoke such designation
499 at any time and appoint another individual to serve until the city manager shall return or the
500 city manager's disability shall cease.

501 **SECTION 2.20.**

502 Powers and duties of the city manager.

503 The city manager shall be the chief executive and administrative officer of the city. The city
504 manager shall be responsible to the city council for the administration of all city affairs
505 placed in the city manager's charge by an ordinance outlining the powers and duties of the
506 city manager, or any other applicable policy.

507 **SECTION 2.21.**

508 Council's interference with administration.

509 Except for the purpose of inquiries and investigations under Section 2.6 of this charter, the
 510 city council or its members shall deal with city officers and employees who are subject to the
 511 direction and supervision of the city manager solely through the city manager, and neither
 512 the city council nor its members shall give orders to or discipline any such officer or
 513 employee, either publicly or privately.

514 **SECTION 2.22.**

515 Selection of mayor pro tempore.

516 By a majority vote of all its members, the city council shall elect councilmembers to serve
 517 as mayor pro tempore, who shall serve at the pleasure of the city council. The mayor pro
 518 tempore shall continue to vote and otherwise participate as a councilmember.

519 **SECTION 2.23.**

520 Powers and duties of mayor.

521 The mayor shall:

- 522 (1) Set the agenda and preside at all meetings of the city council;
- 523 (2) Have the authority to convene the council in extra session whenever he deems it
 524 proper to do so;
- 525 (3) Be the head of the city for the purpose of service of process and for ceremonial
 526 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 527 (4) Have power to administer oaths and to take affidavits;
- 528 (5) Sign as a matter of course on behalf of the city all written and approved contracts,
 529 ordinances, and other instruments executed by the city which by law are required to be
 530 in writing;
- 531 (6) Vote to break any tie vote which may occur between the councilmembers related
 532 to the adoption of any ordinance, resolution, or motion;
- 533 (7) Not have the right to act upon any question before the city council except in the case
 534 of a tie; and
- 535 (8) Have the authority to nominate individuals to any committee or board associated
 536 with the City of Springfield.

537 **SECTION 2.24.**

538 Mayor pro tempore.

539 During the absence or physical or mental disability of the mayor for any cause, the mayor
 540 pro tempore of the city council, or in such person's absence or disability for any reason, any
 541 one of the councilmembers chosen by a majority vote of the city council, shall be clothed
 542 with all the rights and privileges of the mayor and shall perform the duties of the office of
 543 the mayor so long as such absence or disability shall continue. Any such absence or
 544 disability shall be declared by majority vote of all councilmembers. The mayor pro tempore
 545 or selected councilmember shall sign all contracts and ordinances in which the mayor has a
 546 disqualifying financial interest as provided in Section 2.5 of this charter.

547 **ARTICLE III**548 **ADMINISTRATIVE AFFAIRS**549 **SECTION 3.1.**

550 Administrative and service departments.

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

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

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

562 (d) All appointed officers and directors shall be employees at will and subject to removal or
 563 suspension at any time by the city manager unless otherwise provided by law or ordinance.

564 **SECTION 3.2.**

565 Boards, commissions, and authorities.

566 (a) The city council shall create by ordinance such boards, commissions, and authorities to
 567 fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems

568 necessary and shall by ordinance establish the composition, period of existence, duties, and
569 powers thereof.

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

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

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

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

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

585 (g) All members of boards, commissions, or authorities of the city serve at will and may be
586 removed at any time by the city council unless otherwise provided by law.

587 **SECTION 3.3.**

588 City attorney.

589 The city council shall appoint a city attorney, together with such assistant city attorneys as
590 may be authorized, and shall provide for the payment of such attorney or attorneys for
591 services rendered to the city. The city attorney shall be responsible for providing for the
592 representation and defense of the city in all litigation in which the city is a party; may be the
593 prosecuting officer in the municipal court; shall attend the meetings of the city council as
594 directed; shall advise the city council and city manager and other officers and employees of
595 the city concerning legal aspects of the city's affairs; and shall perform such other duties as
596 may be required by virtue of such person's position as city attorney. The city attorney shall
597 not represent any official of the city in their individual capacity.

598 **SECTION 3.4.**

599 City clerk.

600 The city council, or their designee, shall appoint a city clerk who shall not be a
601 councilmember. The city clerk shall be custodian of the official city seal and city records;
602 maintain city council records required by this charter; and perform such other duties as may
603 be required by the city council, and as set forth in the job description.

604 **SECTION 3.5.**

605 Position classifications.

606 The city manager shall be responsible for the preparation of a position classification which
607 shall be submitted to the city council for approval. For purposes of this section, all elected
608 and appointed city officials are not city employees.

609 **SECTION 3.6.**

610 Personnel policies.

611 All employees serve at will and may be removed from office at any time unless otherwise
612 provided by ordinance. All other personnel policies shall be adopted by the city council in
613 the "City of Springfield Personnel Policy" and may be amended as the council deems
614 necessary.

615 **ARTICLE IV**
616 **JUDICIAL BRANCH**

617 **SECTION 4.1.**

618 Creation; name.

619 There shall be a court to be known as the Municipal Court of the City of Springfield.

620 **SECTION 4.2.**

621 Chief judge; associate judge.

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

624 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
625 that person shall have attained the age of 21 years and shall be a member of the State Bar of
626 Georgia and shall possess all qualifications required by law. All judges shall be appointed
627 by the city council and shall serve until a successor is appointed and qualified.

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

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

631 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
632 judge will honestly and faithfully discharge the duties of the judge's office to the best of the
633 judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
634 minutes of the city council journal required in Section 2.10 of this charter.

635 **SECTION 4.3.**

636 Convening.

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

638 **SECTION 4.4.**

639 Jurisdiction; powers.

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

642 (b) The municipal court shall have authority to punish those in its presence for contempt,
643 provided that such punishment is now or hereafter provided by law.

644 (c) The municipal court may fix punishment for offenses within its jurisdiction as now or
645 hereafter provided by law.

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

649 (e) The municipal court shall have authority to establish bail and recognizances to ensure
650 the presence of those charged with violations before such court and shall have discretionary
651 authority to accept cash or personal or real property as surety for the appearance of persons
652 charged with violations. Whenever any person shall give bail for that person's appearance
653 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
654 judge presiding at such time and an execution issued thereon by serving the defendant and
655 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
656 In the event that cash or property is accepted in lieu of bond for security for the appearance

657 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
658 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
659 property so deposited shall have a lien against it for the value forfeited which lien shall be
660 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

671 **SECTION 4.5.**

672 Certiorari.

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

677 **SECTION 4.6.**

678 Rules for court.

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

686

ARTICLE V

687

ELECTIONS AND REMOVAL

688

SECTION 5.1.

689

Applicability of general law.

690

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title

691

21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

692

SECTION 5.2.

693

Regular elections; time for holding.

694

(a) There shall be a municipal general election biennially in odd-numbered years on the

695

Tuesday next following the first Monday in November.

696

(b) There shall be elected the mayor and three councilmembers at one election and at every

697

other election thereafter. The remaining councilmember seats shall be filled at the election

698

alternating with the first election so that a continuing body is created.

699

SECTION 5.3.

700

Nonpartisan elections.

701

Political parties shall not conduct primaries for city offices and all names of candidates for

702

city offices shall be listed without party designations.

703

SECTION 5.4.

704

Methods of election for mayor and councilmembers.

705

(a) Election of the mayor. The mayor shall be elected by a plurality of the votes cast for the

706

position. In the case of a tie for the highest number of votes cast in the mayoral election, a

707

run-off election, composed only of the tied candidates, will be held to fill by plurality vote

708

the position of mayor. If a tie remains after the run-off election, the current city council shall

709

elect, by majority vote, one of the tied candidates to fill the position of mayor.

710

(b) Election of councilmembers. The election of councilmembers shall be determined by

711

the candidates who receive the three highest numbers of votes cast in the councilmember

712

elections. In the event of a tie for the third highest number of votes cast, a run-off election,

713

composed only of the tied candidates, will be held to fill by plurality vote the remaining

714

councilmember position. If a tie for the highest number of votes cast occurs after the run-off

715 election, the current city council shall elect by majority vote one of the tied candidates to fill
716 the remaining councilmember position.

717 **SECTION 5.5.**

718 Special elections; vacancies.

719 In the event that the office of mayor or councilmember shall become vacant as provided in
720 Section 2.3 of this charter, the city council or those remaining shall order a special election
721 to fill the balance of the unexpired term of such official; provided, however, if such vacancy
722 occurs within 12 months of the expiration of the term of that office, the city council or those
723 members remaining shall appoint a successor for the remainder of the term. In all other
724 respects, the special election shall be held and conducted in accordance with Chapter 2 of
725 Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

726 **SECTION 5.6.**

727 Other provisions.

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

731 **SECTION 5.7.**

732 Removal of officers.

733 Be it further enacted, that should the mayor or any member of the city council be guilty of
734 malpractice in office, willful neglect of duty, gross and willful abuse of the powers entrusted
735 to them or for any reason become incompetent or unfit to fill such office, in the judgment of
736 any four members of council then and in that event, they are authorized to ask for his
737 resignation, and upon his failure to resign at once, or within five days, it shall be the duty of
738 the four members of council, jointly, to bring a rule against such offending officer setting up
739 the charges against him before the Judge of the Superior Court of Effingham County, who
740 shall issue a rule nisi thereupon, requiring the said offending officer named therein to appear
741 and show cause before him, at such time and place as he may therein designate, and require
742 the same to be served upon the said officer by handing him a copy of the petition and rules
743 nisi in person, or by leaving a copy at his most notorious place of abode, at least three days
744 before the hearing, and the said Judge of the Superior Court is hereby granted power and

745 authority to hear testimony and pass upon the said rule, and may, in his judgment, remove
746 the officer therein charged, and declare the office vacant, and his judgment shall be final.

747 **ARTICLE VI**

748 **FINANCE**

749 **SECTION 6.1.**

750 **Property tax.**

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

757 **SECTION 6.2.**

758 **Millage rate; due dates; payment methods.**

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

763 **SECTION 6.3.**

764 **Occupation and business taxes.**

765 The city council by ordinance shall have the power to levy such occupation or business taxes
766 as are not denied by law. The city council may classify businesses, occupations, or
767 professions for the purpose of such taxation in any way which may be lawful and may
768 compel the payment of such taxes as provided in Section 6.9 of this charter.

769 **SECTION 6.4.**

770 **Licenses; permits; fees.**

771 The city council by ordinance shall have the power to regulate businesses or practitioners
772 doing business in this city. The city council may approve or deny a permit for such activity,

773 and, upon approval, may require the business or practitioner to pay a regulatory fee for such
774 permit as provided by general law. Such fees shall reflect the total cost to the city of
775 regulating the activity and, if unpaid, shall be collected as provided in Section 6.9 of this
776 charter.

777 **SECTION 6.5.**

778 Franchises.

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

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

795 **SECTION 6.6.**

796 Service charges.

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

802 **SECTION 6.7.**

803 Special assessments.

804 The city council by ordinance shall have the power to assess and collect the cost of
805 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
806 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
807 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
808 collected as provided in Section 6.9 of this charter.

809 **SECTION 6.8.**

810 Construction; other taxes.

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

814 **SECTION 6.9.**

815 Collection of delinquent taxes and fees.

816 The city council by ordinance may provide generally for the collection of delinquent taxes,
817 fees, or other revenue due the city under Sections 6.1 through 6.8 of this charter by whatever
818 reasonable means as are not precluded by law. This shall include providing for the dates
819 when the taxes or fees are due; late penalties or interest; issuance and execution of fieri
820 facias; creation and priority of liens; making delinquent taxes and fees personal debts of the
821 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
822 city taxes or fees; and providing for the assignment or transfer of tax executions.

823 **SECTION 6.10.**

824 General obligation bonds.

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

829 **SECTION 6.11.**

830 Revenue bonds.

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

834 **SECTION 6.12.**

835 Short-term loans.

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

838 **SECTION 6.13.**

839 Lease-purchase contracts.

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

847 **SECTION 6.14.**

848 Fiscal year.

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

852 **SECTION 6.15.**

853 Budget ordinance.

854 The city council shall provide an ordinance on the procedures and requirements for the
855 preparation and execution of an annual operating budget, a capital improvement plan, and

856 a capital budget, including requirements as to the scope, content, and form of such budgets
857 and plans.

858 **SECTION 6.16.**

859 Operating budget.

860 On or before a date fixed by the city council but not later than 20 days prior to the beginning
861 of each fiscal year, the city manager shall submit to the city council a proposed operating
862 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
863 city manager containing a statement of the general fiscal policies of the city, the important
864 features of the budget, explanations of major changes recommended for the next fiscal year,
865 a general summary of the budget, and other pertinent comments and information. The
866 operating budget and the capital budget provided for in Section 6.20 of this charter, the
867 budget message, and all supporting documents shall be filed in the office of the city clerk and
868 shall be open to public inspection.

869 **SECTION 6.17.**

870 Action by city council on budget.

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

876 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
877 year not later than December 31 of each year. If the city council fails to adopt the budget by
878 said date, the amounts appropriated for operation for the then current fiscal year shall be
879 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
880 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal
881 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
882 the estimated revenues in detail by sources and making appropriations according to fund and
883 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
884 adopted pursuant to Section 6.15 of this charter.

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

889 **SECTION 6.18.**

890 Levy of taxes.

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

897 **SECTION 6.19.**

898 Changes in appropriations.

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

903 **SECTION 6.20.**

904 Capital improvements.

905 (a) On or before the date fixed by the city council, but not later than 20 days prior to the
 906 beginning of each fiscal year, the city manager shall submit to the city council a proposed
 907 capital improvements plan with a recommended capital budget containing the means of
 908 financing the improvements proposed for the ensuing fiscal year. The city council shall have
 909 power to accept, with or without amendments, or reject the proposed plan and budget. The
 910 city council shall not authorize an expenditure for the construction of any building, structure,
 911 work, or improvement unless the appropriations for such project are included in the capital
 912 budget, except to meet a public emergency as provided in Section 2.14 of this charter.

913 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 914 year not later than December 31 of each year. No appropriation provided for in a prior
 915 capital budget shall lapse until the purpose for which the appropriation was made shall have
 916 been accomplished or abandoned; provided, however, the mayor may submit amendments
 917 to the capital budget at any time during the fiscal year, accompanied by recommendations.
 918 Any such amendments to the capital budget shall become effective only upon adoption by
 919 ordinance.

920 **SECTION 6.21.**

921 Audits.

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

927 **SECTION 6.22.**

928 Procurement and property management.

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

930 (1) It is in writing;

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

933 (3) It is made or authorized by the city council and such approval is entered in the city
 934 council journal of proceedings pursuant to Section 2.10 of this charter.

935 **SECTION 6.23.**

936 Purchasing.

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

939 **SECTION 6.24.**

940 Sale and lease of property.

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

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

947 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 948 of the city a small parcel or tract of land is cut off or separated by such work from a larger
 949 tract or boundary of land owned by the city, the city council may authorize the city manager

950 to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
 951 property owner or owners where such sale and conveyance facilitates the highest and best
 952 use of the abutting owner's property. Included in the sales contract shall be a provision for
 953 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
 954 shall be notified of the availability of the property and given the opportunity to purchase said
 955 property under such terms and conditions as set out by ordinance. All deeds and
 956 conveyances heretofore and hereafter so executed and delivered shall convey all title and
 957 interest the city has in such property, notwithstanding the fact that no public sale after
 958 advertisement was or is hereafter made.

959 **ARTICLE VII**
 960 **GENERAL PROVISIONS**

961 **SECTION 7.1.**

962 Bonds for officials.

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

966 **SECTION 7.2.**

967 Prior ordinances.

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

971 **SECTION 7.3.**

972 Pending matters.

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

977

SECTION 7.4.

978

Construction and definitions.

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

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

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

984 (d) Except as specifically provided otherwise by this charter, the term:

985 (1) "City council" means the members of the city council and the mayor.

986 (2) "Councilmember" means a member of the city council other than the mayor.

987

SECTION 7.5.

988

Specific repealer.

989 An Act incorporating the City of Springfield, approved August 19, 1912 (Ga. L. 1912,
990 p. 1296), is hereby repealed in its entirety and all amendatory Acts thereto are likewise
991 repealed in their entirety.

992

SECTION 7.6.

993

Effective date.

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

996

SECTION 7.7.

997

General repealer.

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