

House Bill 1276 (AS PASSED HOUSE AND SENATE)

By: Representative Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Richmond Hill; 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 mayor and mayor pro tempore and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
10 attorney, a city clerk, a city finance officer, and other personnel and matters relating thereto;
11 to provide for rules and regulations; to provide for a municipal court and the judge or judges
12 thereof and other matters relative to those judges; to provide for the court's jurisdiction,
13 powers, practices, and procedures; to provide for the right of certiorari; to provide for
14 elections; to provide for taxation, licenses, and fees; to provide for franchises, service
15 charges, and assessments; to provide for bonded and other indebtedness; to provide for
16 auditing, accounting, budgeting, and appropriations; to provide for city contracts and
17 purchasing; to provide for the conveyance of property and interests therein; to provide for
18 bonds for officials; to provide for prior ordinances, rules, and pending matters; to provide for
19 penalties; to provide for definitions and construction; to provide for other matters relative to
20 the foregoing; to repeal specific Acts; 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:

ARTICLE I

INCORPORATION AND POWERS

SECTION 1.10.

Incorporation.

The City of Richmond Hill in Bryan County is reincorporated by the enactment of this charter and is constituted and declared a body politic and corporate under the name of the "City of Richmond Hill." References in the charter to "the city" or "this city" refer to the City of Richmond Hill. The city shall have perpetual existence.

SECTION 1.11.

Corporate boundaries.

(a) The boundaries of this city 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 by local law or in the manner provided by general state 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 clerk and to be designated, as the case may be: "Official Map or Description of the Corporate Limits of the City of Richmond Hill, Georgia." Photographic, typed, or other copies of such map or description certified by the mayor shall be admitted as evidence in all courts and shall have the same force and effect as 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.

Municipal powers.

(a) This 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. This city shall have all the powers of self-government not otherwise prohibited by this charter or by general law.

(b) The powers of this 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 this city. Said powers shall include, but are not limited to, the following:

(1) Animal regulations. To regulate and license or to 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; 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 under this charter;

(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 this city;

(3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures not inconsistent with general law; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades except as otherwise prohibited by general law;

(4) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; to provide for the due date therefor and to provide for reasonable penalties and interest in the event of failure to pay the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

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

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside 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 the natural resources, environment, and vital areas of the 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 or to comply with mandates enacted by the State of Georgia or any other governmental agency or authority;

(9) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the 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 within the city and 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 to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(12) 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, on such terms and conditions as the donor or grantor may impose;

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

(14) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and squares in the city; to provide for the commitment of such persons to any jail; or to provide for the commitment of such persons to any county work camp or county jail;

(15) 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;

(16) 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 the same;

(17) 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;

(18) 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 corporate limits of the city;

(19) 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;

(20) 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, sewage disposal, gas works, electric plants, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties therefor; to provide for the withdrawal of service for refusal or failure to pay the same; to authorize the extension of water, sewerage, and electrical distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons, firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;

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

(22) 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;

(23) 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 esthetically pleasing community;

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

(25) 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;

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

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

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

(29) Public utilities and services. To grant franchises or make contracts for public utilities and public services 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 of the Georgia Public Service Commission;

(30) 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, inside or abutting the corporate limits of the city, and to prescribe penalties and punishment for violation of such ordinances;

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

(32) 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 or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to negotiate and execute leases over, through, under, or across any city property or the right of way of any street, road, alley, and walkway or portion thereof within the corporate limits of the city for bridges, passageways, or any other purpose or use between buildings on opposite sides of the street and for other bridges, overpasses, and underpasses for private use at such location and to charge a rental therefor in such manner as may be provided by ordinance; to authorize and control the construction of bridges, overpasses, and underpasses within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities and for private use; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(33) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring, construction, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system; to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or tax for the availability or use of the sewers, except that no fee or charge for sewers shall be assessed against any abutting real estate which cannot be served by such sewers; to provide for the manner and method of collecting such service charge; and to impose and collect a sewer connection fee or fees to those connected with the system;

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

(35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of intoxicating liquors, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable 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 peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, massage parlors, and entertainment displaying nudity;

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

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

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

(39) Taxicabs or similar conveyances. 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;

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

(41) 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; to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated in this charter; 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; and no listing 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.

ARTICLE II

GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL

SECTION 2.10.

City council creation; composition; number; election.

(a) The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and four councilmembers.

(b) The mayor and councilmembers 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 he or she shall have been a resident of this city for 24 months immediately preceding the election of mayor or councilmembers; each such person shall continue to reside within the city during said period of service and shall be registered and qualified to vote in municipal elections of this city. No person's name shall be listed as a candidate on the ballot for election for either mayor or councilmember unless such person shall file a written notice with the clerk of said city that he or she desires his or her name to be placed on said ballot as a candidate either for mayor or councilmember. No person shall be eligible for the office of mayor or councilmember unless such person shall file above said notice within the time provided for in Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code." Provided, further, that no person shall hold the office of mayor for more than two consecutive terms.

SECTION 2.11.

Elections.

(a) At any election, all persons qualified under the Constitution and laws of the State of Georgia to vote for members of the General Assembly of Georgia and who are bona fide residents of said city shall be eligible to qualify as voters in the election.

(b) 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." 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 Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

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

(d) The mayor and councilmembers in office on the effective date of this charter and any person selected to fill a vacancy in such office shall serve until the regular expiration of the

270 term of office to which they were elected and until their successors are elected and qualified.
271 Successors to such mayor and councilmembers shall be elected at the municipal general
272 election on the Tuesday next following the first Monday in November. All future successors
273 to such mayor and councilmembers whose terms of office are to expire shall be elected at the
274 time of the municipal general election immediately preceding the expiration of such terms
275 and shall serve for terms of office of four years each and until the respective successors are
276 elected and qualified.
277 (e) For the purpose of electing members of the council, the City of Richmond Hill shall
278 consist of one election district with four at-large seats.

279 **SECTION 2.12.**
280 Vacancies in office.

281 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
282 incapacity, resignation, forfeiture of office, or removal from office in any manner authorized
283 by this charter or the general laws of the State of Georgia.
284 (b) Upon the suspension from office of the mayor or councilmember in any manner
285 authorized by the general laws of the State of Georgia, the city council or those remaining
286 shall appoint a successor for the duration of the suspension. If the suspension becomes
287 permanent, then the office shall become vacant and shall be filled as provided in
288 subsection (c) of this section.
289 (c) In the event that the office of councilmember shall become vacant for any cause
290 whatsoever, and the unexpired term shall exceed 12 months, then said vacancy shall be filled
291 by a special election. If, however, said vacancy does not exceed 12 months, then said
292 vacancy in office shall be filled for the unexpired term by appointment by the remaining
293 councilmembers and the mayor. Should the office of the mayor become vacant, the mayor
294 pro tempore and council shall appoint from among its members a mayor. If the mayor pro
295 tempore is chosen, the council will appoint another councilmember to hold the office of
296 mayor pro tempore. The resulting vacancy on the council will be filled as provided for in
297 this subsection.

298 **SECTION 2.13.**
299 Nonpartisan elections.

300 Political parties shall not conduct primaries for city offices and all names of candidates for
301 city offices shall be listed without party labels.

SECTION 2.14.

Election by simple majority.

The candidates receiving a simple majority of the votes cast for any city office shall be elected.

SECTION 2.15.

Compensation and expenses.

The mayor and councilmembers shall receive compensation and expenses for their services as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

SECTION 2.16.

Prohibitions.

(a) No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair the independence of his or her judgment or action in the performance of his or her 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 his or her official duties or would tend to impair the independence of his or her judgment or action in the performance of his or her official duties;

(3) Disclose confidential information concerning the property, government, or affairs of the governmental body by which he or she is engaged without proper legal authorization or use such information to advance the financial or other private interest of himself or herself or others;

(4) Accept any valuable gift, whether in the form of service, loan, object, or promise from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which he or she 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 this 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 he or she has a financial interest.

(b) Any elected official, appointed officer, or employee who has any private financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such private interest to the city council. The mayor or any councilmember who has a private financial interest in any matter pending before the city council shall disclose such private interest and such disclosure shall be entered on the records of the city council, and he or she 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 private financial interest, directly or indirectly, in any contract or matter pending before or within such agency or entity shall disclose such private interest to the governing body of such agency or entity.

(c) 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.

(d) Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render said contract or sale voidable at the option of the city council.

(e) Except as authorized by law, no member of the council shall hold any other elective city office or other city employment during the term for which he or she was elected. Except as authorized by law, no employee of the city or any agency or political entity to which this charter applies shall hold any other elective city office or other city employment during the term of such employment. The provisions of this subsection shall not apply to any person holding employment on the effective date of this charter.

SECTION 2.17.

Removal of officers.

(a) The mayor, a councilmember, or other appointed officers provided for in this charter may be removed for any one or more of the following causes:

(1) Incompetence, misfeasance, or malfeasance in office;

(2) Upon indictment or presentation of charges for any felony, regardless of whether such charge relates to the performance of the activities of office;

(3) Upon conviction for any misdemeanor involving moral turpitude;

(4) Failure at any time to possess any qualifications of office as provided by this charter;

(5) Abandonment of office or neglect to perform the duties thereof. This shall include, but is not limited to, willful failure to attend more than three city council meetings in succession without prior written notice of the absence that shall also include grounds for absence. This does not apply to absences approved by council or excused by operation of law; or

(6) Failure for any other cause to perform the duties of office as required by this charter or by state law.

(b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished by a vote of all remaining councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the 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 service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right to call and cross-examine witnesses and to put up a defense at this investigative hearing. Additionally, any elected officer sought to be removed from office as provided in this section shall have the right to appeal from the decision of the city council to the Superior Court of Bryan County. Such appeal shall be governed by the same rules that govern appeals to the superior court from the probate court.

ARTICLE III

ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY, AND ORDINANCES

SECTION 3.10.

General power and authority.

Except as otherwise provided by this charter, the city council shall be vested with all the powers of government of this city as provided by Article I of this charter.

SECTION 3.11.

Organization.

(a) The city council shall hold an organizational meeting at the first regular meeting in January following an election. The meeting shall be called to order by the city clerk. The oath of office shall be administered to the newly elected members as follows: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and the laws of the State of Georgia; I am qualified to hold the office of (mayor) (councilmember) for the City of Richmond Hill according to the Constitution and laws of the State of Georgia; I am not

401 the holder of any office of trust under the government of the United States, any other state,
402 or any foreign state which I am prohibited from holding by the laws of the State of Georgia;
403 I am not the holder of any unaccounted for public money due this state or any political
404 subdivision or authority thereof and that I will well and truly perform the duties of (mayor)
405 (councilmember) of the City of Richmond Hill to the best of my skill and ability, without
406 favor or affection, so help me God."

407 (b) The city council shall elect a mayor pro tempore. In the event this councilmember
408 refuses to serve or resigns as mayor pro tempore or councilmember, the council shall elect
409 by majority vote another councilmember as mayor pro tempore. During any disability or
410 absence of the mayor, the mayor pro tempore shall preside at all meetings of the city council
411 and shall assume the duties and powers of the mayor. Any such disability or absence shall
412 be declared by a majority vote of the city council. The city council shall elect by majority
413 vote a presiding officer from its number for any period in which the mayor pro tempore is
414 disabled, absent, or acting as mayor. Such absence or disability shall be declared by majority
415 vote of the city council, in accordance with subsection (c) of Section 2.12 of this charter.

416 **SECTION 3.12.**

417 **Inquiries and investigations.**

418 The city council or mayor may make inquiries and investigations into the affairs of the city
419 and the conduct of any department, office, or agency thereof and for this purpose may
420 subpoena witnesses, administer oaths, take testimony, and require the production of
421 evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of
422 those powers by the council or mayor shall be punished as provided by ordinance.

423 **SECTION 3.13.**

424 **Meetings.**

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

427 (b) Special meetings of the city council may be held on call of the mayor or not less than
428 three councilmembers. Notice of such special meetings shall be served on all other members
429 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
430 notice to councilmembers shall not be required if the mayor and all councilmembers are
431 present when the special meeting is called. Such notice of any special meeting may be
432 waived by a councilmember in writing before or after such a meeting and attendance at the
433 meeting shall also constitute a waiver of notice on any business transacted in such

434 councilmember's presence. Only the business stated in the call may be transacted at the
435 special meeting.

436 (c) All meetings of the city council shall be public to the extent required by law, and notice
437 to the public of special meetings shall be given as required by law.

438 **SECTION 3.14.**

439 Procedures.

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

443 (b) All committees and committee chairpersons and officers of the city council shall be
444 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
445 the power to appoint new members or designate new chairpersons and officers to any
446 committee at any time, with or without cause, all of said members and chairpersons serving
447 solely at the pleasure of the mayor.

448 **SECTION 3.15.**

449 Voting.

450 (a) Except as otherwise provided in subsection (b) of this section, four councilmembers or
451 three councilmembers and mayor shall constitute a quorum and shall be authorized to
452 transact the business of the city council. Voting on the adoption of ordinances shall be by
453 voice vote and the vote shall be recorded in the journal, but any member of the city council
454 shall have the right to request a roll-call vote and such vote shall be recorded in the journal.

455 (b) In the event vacancies in office result in less than a quorum of councilmembers holding
456 office, then the remaining councilmembers in office shall constitute a quorum and shall be
457 authorized to transact business of the city council. A vote of a majority of the remaining
458 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

459 **SECTION 3.16.**

460 Ordinances.

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

465 (b) An ordinance may be introduced by any councilmember and read at a regular or special
466 meeting of the city council. Ordinances shall be considered and adopted or rejected by the
467 city council in accordance with the rules which it shall establish; provided, however, an
468 ordinance shall not be adopted the same day it is introduced, except for emergency
469 ordinances provided for in Section 3.18 of this charter. Upon introduction of any ordinance,
470 the clerk shall, as soon as possible, distribute a copy to the mayor and to each councilmember
471 and shall file a reasonable number of copies in the office of the clerk and at such other public
472 places as the city council may designate.

473 **SECTION 3.17.**

474 Effect of ordinances.

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

476 **SECTION 3.18.**

477 Emergencies.

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

495 (b) Emergency meetings shall be open to the public to the extent required by law and notice
496 to the public of emergency meetings shall be made as fully as is reasonably possible in

497 accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are
498 or may hereafter be enacted.

499 **SECTION 3.19.**

500 Codes.

501 (a) The city council may adopt any standard code of technical regulations by reference
502 thereto in an adopting ordinance. The procedure and requirements governing such adopting
503 ordinance shall be prescribed for ordinances generally except that:

504 (1) The requirements of subsection (b) of Section 3.16 of this charter for distribution and
505 filing of copies of the ordinance shall be construed to include copies of any code of
506 technical regulations, as well as the adopting ordinance; and

507 (2) A copy of each adopted code of technical regulations, as well as the adopting
508 ordinance, shall be authenticated and recorded by the clerk pursuant to Section 3.20 of
509 this charter, or, in the alternative, the clerk may, with the approval of council, make
510 arrangements for reproduction and distribution of such technical regulations by electronic
511 or other means.

512 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
513 for distribution or for purchase at a reasonable price.

514 **SECTION 3.20.**

515 Codification of ordinances.

516 (a) The clerk shall authenticate by his or her signature and record in full in a properly
517 indexed book kept for that purpose all ordinances adopted by the council.

518 (b) The city council shall provide for the preparation of a general codification of all the
519 ordinances of the city having the force and effect of law. The general codification shall be
520 adopted by the city council by ordinance and shall be published promptly together with all
521 amendments thereto and may contain such codes of technical regulations and other rules and
522 regulations as the city council may specify, which may be incorporated into the city code by
523 reference thereto. This compilation shall be known and cited officially as "Code of
524 Ordinances, City of Richmond Hill, Georgia." Copies of the code shall be furnished to all
525 officers, departments, and agencies of the city.

526 (c) The city council shall cause each ordinance and each amendment to this charter to be
527 printed promptly following its adoption, and the printed ordinances and charter amendments
528 shall be made available for purchase by the public at reasonable prices to be fixed by the city
529 council. Following publication of the first code under this charter and at all times thereafter,

the ordinances and charter amendments shall be printed in substantially the same style as the code then in effect and shall be suitable in form for incorporation within the code. The city council shall make such further arrangements as deemed desirable for reproduction and distribution of any such adopted technical regulations or any changes in or additions to codes of technical regulations and other rules and regulations included in the code, specifically including, but not limited to, arrangements for electronic or Internet access and distribution.

SECTION 3.21.

City manager; appointment; qualifications; compensation.

The city council may, when it deems appropriate, appoint a city manager for an indefinite term and shall fix his or her compensation, and define the powers and duties of said office.

SECTION 3.22.

Chief executive officer; delegation of powers.

The mayor shall be the chief executive officer of this city. The mayor shall possess all of the executive and administrative powers granted to the city under the Constitution and laws of the State of Georgia and all the executive and administrative powers contained in this charter.

SECTION 3.23.

Powers and duties of mayor.

As the chief executive of this city, the mayor shall:

- (1) See that all laws and ordinances of the city are faithfully executed;
- (2) Appoint and remove, with the advice and consent of council, all officers, department heads, and employees of the city, except as otherwise provided in this charter;
- (3) Exercise supervision over all executive and administrative work of the city and provide for the coordination of administrative activities;
- (4) Prepare and submit to the city council a recommended operating budget and capital budget;
- (5) Submit to the city council at least once a year a statement covering the financial conditions of the city, and from time to time, such other information as the city council may request;
- (6) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor deems expedient;

- 561 (7) Call special meetings of the city council as provided for in subsection (b) of Section
562 3.13 of this charter;
- 563 (8) Veto any matter passed upon by council, provided that within four days of any such
564 veto, the mayor shall reduce his or her reasons for the veto to writing and furnish the
565 same to the clerk, who shall promptly distribute the same to all councilmembers, who at
566 the next regular or called meeting at which a quorum is present, read said reasons into the
567 minutes and again vote on the same question, and should as many as three
568 councilmembers again vote to pass the vetoed measure, the vetoed measure shall stand
569 affirmed over the veto of the mayor;
- 570 (9) Provide for an annual audit of all accounts of the city;
- 571 (10) Require any department or agency of the city to submit written reports whenever
572 the mayor deems it expedient;
- 573 (11) See that all funds of the city are properly accounted for and that all revenues are
574 properly and promptly collected;
- 575 (12) Hold and attend meetings and participate in negotiations on behalf of the city and
576 city council with the advice and consent of the city council;
- 577 (13) Preside at meetings of the city council and conduct other such meetings as may be
578 necessary;
- 579 (14) See that all meetings are conducted in a parliamentary manner and preserve order
580 and decorum;
- 581 (15) Appoint and be an ex officio member of all standing committees and special
582 committees of the city council;
- 583 (16) Bind the city by signing any contract, obligation, or other matter entered into and
584 authorized by ordinance or resolution of the city council properly passed in accordance
585 with the provisions of this charter;
- 586 (17) Vote on matters before the city council in cases where the vote of the city council
587 is evenly divided; in such cases, the mayor shall be counted toward a quorum as any
588 councilmember;
- 589 (18) Be and serve as an ex officio member of all committees, boards, agencies, or
590 political entities to which this charter applies; and
- 591 (19) Perform such other duties as may be required by law, this charter, or ordinance.

592 ARTICLE IV
593 ADMINISTRATIVE AFFAIRS
594 SECTION 4.10.
595 Department heads.

596 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
597 the functions or duties and establish, abolish, or alter all nonelective offices, positions of
598 employment, departments, and agencies of the city as necessary for the proper administration
599 of the affairs and government of this city.

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

603 SECTION 4.11.
604 Boards.

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

609 (b) All members of boards, commissions, and authorities of the city shall be appointed by
610 the mayor with the advice and consent of city council for such terms of office and in such
611 manner as shall be provided by ordinance, except where other appointing authority, terms
612 of office, or manner of appointment is prescribed by this charter or by law.

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

615 (d) Except as otherwise provided by charter or by law, no member of any city board,
616 commission, or authority shall hold any elective office in the city nor shall any such member
617 be a city employee during the tenure of such service.

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

621 (f) No member of a board, commission, or authority shall assume office until he or she has
622 executed and filed with the clerk of the city an oath obligating himself or herself to perform
623 faithfully and impartially the duties of his or her office, such oath to be prescribed by
624 ordinance and administered by the mayor.

625 (g) Any member of a board, commission, or authority may be removed from office for cause
626 by a vote of a majority of the members of the city council.

627 (h) Except as otherwise provided by this charter or by law, at least one member of each
628 board, commission, or authority of the city, as selected by the mayor with the advice and
629 consent of council, shall serve as chairperson of such board, commission or authority, which
630 service shall be at the pleasure of the mayor.

631 **SECTION 4.12.**

632 City attorney.

633 The city council shall appoint a city attorney who shall be a member of the State Bar of
634 Georgia and shall have actively practiced law for at least five years. The city attorney shall
635 serve at the pleasure of the city council. The city attorney shall be responsible for
636 representing and defending the city in all litigation in which the city is a party, may be the
637 prosecuting officer in the municipal court, shall advise the city council, mayor, and other
638 officers and employees of the city concerning legal aspects of the city's affairs, and shall
639 perform such duties as may be required of him or her by virtue of his or her position as city
640 attorney. The city council shall provide for the compensation of the city attorney.

641 **SECTION 4.13.**

642 City clerk.

643 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
644 shall be custodian of the official city seal, maintain city council records required by this
645 charter, and perform such other duties as may be required by the city council. The city
646 council shall provide for the compensation of the city clerk. Before assuming office, the city
647 clerk shall take an oath, given by the mayor, as provided in Section 3.11 of this charter.

648 **SECTION 4.14.**

649 City finance officer.

650 The city council shall appoint a city finance officer to collect all taxes, licenses, fees, and
651 other moneys belonging to the city subject to the provisions of this charter and the ordinances
652 of the city and to enforce all laws of Georgia relating to the collection of delinquent taxes and
653 sale or foreclosure for nonpayment of taxes to the city. The finance officer shall also be
654 responsible for the general duties of a treasurer and fiscal officer. The city council shall
655 provide for the compensation of the city finance officer.

SECTION 4.15.

Rules and regulations.

The city council shall adopt rules and regulations consistent with this charter concerning:

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

(2) The administration of a position classification and pay plan, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;

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

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel notices as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE V**JUDICIAL BRANCH****SECTION 5.10.**

Municipal court.

There shall be a court to be known as the Municipal Court of the City of Richmond Hill.

SECTION 5.11.

Judges.

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

(b) No person shall be qualified or eligible to serve as a judge on the municipal court unless he or she shall be a member of the State Bar of Georgia. All judges shall be appointed by the mayor with the approval of a majority of the city council.

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

(d) Judges may be removed for cause by a vote of a majority of the members of the city council.

(e) Before assuming office, each judge shall take an oath, given by the mayor, as provided in Section 3.11 of this charter. The oath shall be entered upon the minutes of the city council journal required in Section 3.14 of this charter.

SECTION 5.12.

Convening of court.

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

SECTION 5.13.

Powers.

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

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

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

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

(e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before said court and shall have discretionary authority to accept cash or personal or real property as surety bond for the appearance of persons charged with violations. Whenever any person shall give bail for his or her appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited by the judge presiding at such time and an execution shall be issued thereon by serving the defendant and his or her sureties with a rule nisi at least ten days before a hearing on the rule nisi.

(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 necessary.

(g) The municipal court shall have the authority to bind prisoners over to the appropriate court when it appears by probable cause that state law has been violated.

(h) Each judge of 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.

(i) 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 the state to issue warrants for offenses against state laws committed within the city.

(j) The municipal court is specifically vested with all the jurisdiction and powers throughout the geographic area of this city granted by law to municipal courts and particularly by such laws as authorize the abatement of nuisances and prosecution of traffic violations.

SECTION 5.14.

Certiorari and appeal.

(a) 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 Bryan County, under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

(b) The orders, verdicts, judgments, and sentences of the municipal court shall be subject to appellate review in accordance with state law.

SECTION 5.15.

Rules.

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 total the rules and regulations applicable to superior courts. The rules and regulations made or adopted shall be filed with the court clerk, shall be available for public inspection, and, upon request, shall be furnished to the public for the reasonable cost of copying and printing the same.

ARTICLE VI

FINANCE

SECTION 6.10.

Property tax.

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

751 city government, of providing governmental services, for the repayment of principal and
752 interest on general obligations, and for any other public purpose as determined by the city
753 council in its discretion.

754 **SECTION 6.11.**

755 Millage.

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

760 **SECTION 6.12.**

761 Occupation taxes and business license fees.

762 The city council by ordinance shall have the power to levy such occupation or business taxes
763 as are not denied by law. Such taxes may be levied on both individuals and corporations who
764 transact business in this city or who practice or offer to practice any profession or calling
765 within the city to the extent such persons have a constitutionally sufficient nexus to this city
766 to be so taxed. The city council may classify businesses, occupations, professions, or
767 callings for the purpose of such taxation in any way which may be lawful and may compel
768 the payment of such taxes as provided in Section 6.18 of this charter.

769 **SECTION 6.13.**

770 Licenses.

771 The city council by ordinance shall have the power to require any individual or corporation
772 who transacts business in this city or who practices or offers to practice any profession or
773 calling within the city to obtain a license or permit for such activity from the city and pay a
774 reasonable fee for such license or permit where such activities are not now regulated by
775 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
776 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
777 6.18 of this charter. The city council by ordinance may establish reasonable requirements
778 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

SECTION 6.14.

Franchises.

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

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

SECTION 6.15.

Service fees.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for sewers, sanitary and health services, or any other services provided or made available inside or outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter. No landowner shall be assessed any fee, charge, or toll for any service which does not benefit him or her or his or her property directly, and provided that any ordinance making any such assessment shall require at least two readings at two regular meetings prior to passage and shall further require that between said first and second readings, a notice of such proposed assessment shall be published one time by the clerk in the official organ of Bryan County, said publication to appear not less than eight days before the final passage of said ordinance. Said notice shall state that such ordinance has been introduced before the council and shall include a general description of the improvement, its location, and estimated cost and shall further state that the actual cost or whatever part thereof as the ordinance provides will be assessed against the affected real estate and the owners thereof and that any person wishing to be heard on the matter may

814 appear at the next regular meeting of the council, stating the specific date of such meeting.
815 The council may, in its discretion, permit the payment of any such fee, charge, or toll in
816 installments.

817 **SECTION 6.16.**
818 Special assessments.

819 The city council by ordinance shall have the power to assess, charge, and collect the costs
820 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
821 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
822 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
823 collected as provided in Section 6.18 of this charter. No landowner shall be assessed any fee,
824 charge, or toll for any service which does not benefit him or her or his or her property
825 directly, and provided that any ordinance making any such assessment shall require at least
826 two readings at two regular meetings prior to passage and shall further require that between
827 said first and second readings, a notice of such proposed assessment shall be published one
828 time by the clerk in the official organ of Bryan County, said publication to appear not less
829 than eight days before the final passage of said ordinance. Said notice shall state that such
830 ordinance has been introduced before the council and shall include a general description of
831 the improvement, its location, and estimated cost and shall further state that the actual cost
832 or whatever part thereof as the ordinance provides will be assessed against the affected real
833 estate and the owners thereof and that any person wishing to be heard on the matter may
834 appear at the next regular meeting of the council, stating the specific date of such meeting.
835 The council may, in its discretion, permit the payment of any such fee, charge, or toll in
836 installments.

837 **SECTION 6.17.**
838 Other taxes.

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

842

SECTION 6.18.

843

Collection of delinquent taxes.

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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 licenses for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax executions.

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SECTION 6.19.

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Borrowing.

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

857

SECTION 6.20.

858

Revenue bonds.

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

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SECTION 6.21.

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Short-term loans and lease purchase contracts.

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(a) The city may obtain short-term loans and must repay such loans not later than one year from the date of such obligations, unless otherwise provided by law.
(b) The city may enter into multiyear lease, purchase, or lease purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the

871 requirements of Code Section 36-60-13 of the O.C.G.A. or other such applicable laws as are
872 or may hereafter be enacted.

873 **SECTION 6.22.**

874 Fiscal year.

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

878 **SECTION 6.23.**

879 Budget ordinance.

880 The city council shall provide an ordinance on the procedures and requirements for the
881 preparation and execution of an annual operating budget, a capital improvement program,
882 and a capital budget, including requirements as to the scope, content, and form of such
883 budgets and programs. The city council shall comply with the provisions of Chapter 81 of
884 Title 36 of the O.C.G.A.

885 **SECTION 6.24.**

886 Operating budget.

887 On or before a date fixed by the city council but not later than 60 days prior to the beginning
888 of each fiscal year, the city finance officer, with the advice and consent of the mayor, shall
889 submit to the city council a proposed operating budget for the ensuing fiscal year. The
890 budget shall be accompanied by a message from the city finance officer, with the advice and
891 consent of the mayor, containing a statement of the general fiscal policies of the city, the
892 important features of the budget, explanations of major changes recommended for the next
893 fiscal year, a general summary of the budget, and such other comments and information as
894 he or she may deem pertinent. The operating budget, the capital improvements budget, the
895 budget message, and all supporting documents shall be filed in the office of the city clerk and
896 shall be open to public inspection.

897

SECTION 6.25.

898

Adoption.

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

904 (b) After the conducting of a budget hearing, the city council shall adopt the final operating
905 budget for the ensuing fiscal year not later than the end of the current fiscal year. If the city
906 council fails to adopt the budget by said date, the amounts appropriated for operation for the
907 then current fiscal year shall be deemed adopted for the ensuing fiscal year on a
908 month-to-month basis, with all items prorated accordingly, until such time as the city council
909 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an
910 appropriations ordinance setting out the estimated revenues in detail by sources and making
911 appropriations according to fund and by organizational unit, purpose, or activity as set out
912 in the budget preparation ordinance adopted pursuant to Section 6.23 of this charter.

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

917

SECTION 6.26.

918

Levy of taxes.

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

925 **SECTION 6.27.**

926 Changes in budget.

927 The city council by majority vote may make changes in the appropriations contained in the
928 current operating budget at any regular meeting or special or emergency meeting called for
929 such purposes.

930 **SECTION 6.28.**

931 Capital improvements.

932 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
933 beginning of each fiscal year, the city finance officer, with the advice and consent of the
934 mayor, shall submit to the city council a proposed capital improvements budget with his or
935 her recommendations as to the means of financing the improvements proposed for the
936 ensuing year. The city council shall have the power to accept, with or without amendments,
937 or reject the proposed program and proposed means of financing. The city council shall not
938 authorize an expenditure for the construction of any building, structure, work, or
939 improvement, unless the appropriations for such project are included in the capital
940 improvements budget, except to meet a public emergency as provided in Section 3.18 of this
941 charter.

942 (b) After the conducting of a public hearing, the city council shall adopt by ordinance the
943 final capital improvements budget for the ensuing fiscal year not later than the end of the
944 current fiscal year. No appropriations provided for in a prior capital improvements budget
945 shall lapse until the purpose for which the appropriations were made shall have been
946 accomplished or abandoned; provided, however, the mayor may submit amendments to the
947 capital improvements budget at any time during the fiscal year, accompanied by his or her
948 recommendations. Any such amendments to the capital improvements budget shall become
949 effective only upon adoption by majority vote of the city council.

950 **SECTION 6.29.**

951 Audits.

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

957 **SECTION 6.30.**

958 Procurement and property management.

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

960 (1) It is in writing; and

961 (2) It is made or authorized by the city council and such approval is entered in the city
962 council journal of proceedings pursuant to Section 3.14 of this charter.

963 **SECTION 6.31.**

964 Purchasing.

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

967 **SECTION 6.32.**

968 Sale of property.

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

971 (b) The city council may quitclaim any rights it may have in property not needed for public
972 purposes upon request by the mayor and adoption of a resolution, both finding that the
973 property is not needed for public or other purposes and that the interest of the city has no
974 readily ascertainable monetary value.

975 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
976 of the city a small parcel or tract of land is cut off or separated by such work from a larger
977 tract or boundary of land owned by the city, the city council may authorize the mayor to
978 execute and deliver in the name of the city a deed conveying said cut-off or separated parcel
979 or tract of land to an abutting or adjoining property owner or owners in exchange for rights
980 of way of said street, avenue, alley, or public place and such other consideration as may be
981 required by law when such exchange is deemed to be in the best interest of this city. All
982 deeds and conveyances heretofore and hereafter so executed and delivered shall convey all
983 title and interest the city has in such property, notwithstanding the fact that no public sale
984 after advertisement was or is hereafter made.

985 ARTICLE VII
986 GENERAL PROVISIONS
987 **SECTION 7.10.**
988 Bonds for officials.

989 The officers and employees of this city, both elected and appointed, shall execute such surety
990 or fidelity bonds in such amounts and upon such terms and conditions as the city council
991 shall from time to time require by ordinance or as may be provided by law. Nothing in this
992 section shall be construed to require council to impose any such bond conditions upon any
993 city employee. What city employees shall be bonded and in what amounts shall be
994 determined by city council who shall provide for the same by ordinance.

995 **SECTION 7.11.**
996 Rules and regulations.

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

1000 **SECTION 7.12.**
1001 Charter language on other general matters.

1002 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
1003 contracts, and legal or administrative proceedings shall continue and any such ongoing work
1004 or cases shall be completed by such city agencies, personnel, or offices as may be provided
1005 by the city council.

1006 **SECTION 7.13.**
1007 Definitions and construction.

1008 (a) Section captions in this charter are informative only and shall not be considered as a part
1009 thereof.
1010 (b) The word "shall" is mandatory and the word "may" is permissive.
1011 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
1012 versa.

SECTION 7.14.

Eminent domain.

The city council is 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 as provided in paragraph (5) of Section 1.12 and under procedures established under general law applicable now or as provided in the future.

SECTION 7.15.

Specific repealer.

An Act incorporating the City of Richmond Hill in the County of Bryan, approved May 10, 2005 (Ga. L. 2005, Act No. 377), is repealed in its entirety and all amendatory Acts thereto are likewise repealed in their entirety.

SECTION 7.16.

Effective date.

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

SECTION 7.17.

General repealer.

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