

House Bill 415

By: Representatives Smyre of the 135<sup>th</sup>, Smith of the 134<sup>th</sup>, Hugley of the 136<sup>th</sup>, Buckner of the 137<sup>th</sup>, and Pezold of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act providing for a new charter for the county-wide government of Columbus,  
2 Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to make certain  
3 stylistic changes to said charter; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 style="text-align:center">**SECTION 1.**

6 An Act providing for a new charter for the county-wide government of Columbus, Georgia,  
7 approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, is amended by revising  
8 paragraphs (2) and (6) of Section 1-103 as follows:

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

25 "(6) Except as otherwise provided by this Charter, urban services districts of the  
26 consolidated government shall be created, expanded, merged, consolidated, or reduced

27 only by ordinance duly adopted by the Council under such general rules, procedures,  
 28 regulations, requirements, and specifications as established by the Council; provided  
 29 however, no new urban service district shall be created or existing urban services districts  
 30 expanded, abolished, merged, consolidated, or reduced without providing an opportunity  
 31 for interested persons to be heard by publishing a notice of a public hearing on the  
 32 proposed expansion, consolidation, reduction, or creation of an urban services district in  
 33 one or more newspapers of general circulation including the newspaper having the largest  
 34 circulation in Columbus, Georgia, for a period of once each week for at least two  
 35 successive weeks prior to the date of the hearing. Such rules and regulations shall set  
 36 forth the manner and method for creation of new urban services districts, expansion,  
 37 consolidation, reduction, or merger of existing urban services districts, requirements for  
 38 defining functions and policies for rendering services, changes in levels of services within  
 39 existing services districts, transferring territory from one services district to another,  
 40 requirements for defining boundaries of services districts, procedures, expansion,  
 41 reduction, or consolidation of existing services districts and requirements for defining  
 42 boundaries of services districts."

43 **SECTION 2.**

44 Said Act is further amended by revising paragraph (14) of Section 4-201 as follows:

45 "(14) To direct, supervise, and coordinate the administration and activities of the  
 46 department of public safety;"

47 **SECTION 3.**

48 Said Act is further amended by revising Section 5-602 as follows:

49 "Section 5-602. Appeal bond; trial de novo. Any person or persons found guilty by the  
 50 recorder upon a plea of not guilty, when charged in violation of an ordinance of the  
 51 consolidated government, shall have the right of appeal to the State Court of Muscogee  
 52 County from the recorder's court in the same manner and under the same procedure as now  
 53 prescribed by law for such appeals."

54 **SECTION 4.**

55 Said Act is further amended by revising paragraph (4) of Section 6-102 as follows:

56 "(4) The Council shall enact a redistricting ordinance within six months after receiving  
 57 such report. If the Council fails to enact a redistricting ordinance within such six months,  
 58 the redistricting plan submitted by the districting commission shall become effective  
 59 without enactment by the Council, as if it were a duly enacted ordinance."

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**SECTION 5.**

61 Said Act is further amended by revising Section 6-201 as follows:

62 "Section 6-201. Special elections. In the event the office of mayor or councilor shall  
 63 become vacant for any cause whatsoever, then such vacancy shall be filled in the manner  
 64 provided for in this section. If a vacancy occurs within one and one-half years after the  
 65 date of a regular election for the office of mayor or councilor, then the board of elections  
 66 shall, within ten days after the occurrence of such vacancy, call a special election to fill the  
 67 balance of the unexpired term of such office by giving notice in one or more newspapers  
 68 of general circulation including the newspaper with the largest circulation in Columbus,  
 69 Georgia. If vacancy occurs more than one and one-half years after the date of a regular  
 70 election for the office of mayor or councilor, then a person shall be appointed by a majority  
 71 vote of the total membership of the Council to serve until a successor is elected and  
 72 qualified at a special election held concurrently with the next regular election for the office  
 73 of mayor or councilor. The successor elected at such special election shall serve the  
 74 remainder of the unexpired term of such office. The special election required herein shall  
 75 be held on the date specified in the advertisement, but not less than 30 days nor more than  
 76 45 days after the publication of the call of the election. In all other respects, every special  
 77 election shall be held and conducted in accordance with those provisions of the applicable  
 78 laws of Georgia as provided in Section 6-200 of this Charter."

79

**SECTION 6.**

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

81 "(3) The Council shall at once proceed to consider such petition and shall take final  
 82 action thereon within 30 days from the date of submission. If the Council rejects the  
 83 proposed ordinance, or passes it in a different form from that set forth in the petition, or  
 84 fails to act finally upon it within the time stated, then, if within five days thereafter the  
 85 committee of the petitioners files with the clerk written demand so to do, the clerk shall  
 86 at once upon the expiration of such five days cause three printed or typewritten copies of  
 87 such petition, without the signatures, to be made. The clerk shall cause such three copies  
 88 of such petition to be placed on file in the clerk's office, and provide facilities for their  
 89 signing the same, and shall immediately cause notice of the placing of such copies of  
 90 such petition to be published in one or more newspapers of general circulation including  
 91 the newspaper with the largest circulation in Columbus, Georgia. Such copies shall  
 92 remain on file in the office of the clerk for a period of 20 days, during which time any of  
 93 them may be signed by a qualified voter of the consolidated government in person, but  
 94 not by agent or attorney. Each signer of any such copy shall sign his or her name in ink  
 95 or indelible pencil and shall place thereafter his or her residence by street and number.

96 If during such time qualified voters equal to or exceeding 25 percent of the qualified  
 97 voters in the consolidated government as shown by the official registration list filed for  
 98 the regular election of councilors last held shall sign such copies of such petition, the  
 99 clerk shall forthwith certify such fact to the Council."

#### 100 **SECTION 7.**

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

102 "(2) A proposed annual operating and capital budget for the ensuing fiscal year shall be  
 103 prepared by the city manager to be submitted by the mayor to the Council on or before  
 104 a date fixed by ordinance, but not less than 60 days prior to the beginning of the fiscal  
 105 year. Such budgets shall be accompanied by a budget message from the mayor  
 106 containing explanations of general fiscal policies, explanations of major changes  
 107 recommended for the next fiscal year, a general summary of the budgets, and other  
 108 information deemed appropriate. Copies of the annual operating and capital budgets shall  
 109 be filed in the office of the clerk of Council and shall be open to public inspection. A  
 110 summary of the proposed annual operating and capital budgets shall be published in one  
 111 or more newspapers of general circulation including the newspaper having the largest  
 112 circulation in Columbus, Georgia."

#### 113 **SECTION 8.**

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

115 "(1) The Council shall, upon receipt of the proposed budgets, schedule and hold one or  
 116 more public hearings thereon, notice of which shall be published in a newspaper of  
 117 general circulation including the newspaper having the largest circulation in Columbus,  
 118 Georgia, at least seven days prior to the date set for such public hearing or hearings. The  
 119 hearings may be adjourned from time to time."

#### 120 **SECTION 9.**

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

122 "(1) The Council shall be authorized to sell any real or personal property owned or held  
 123 by the consolidated government for governmental or other public purposes under such  
 124 rules and regulations as the Council may establish; provided, however, that any public  
 125 utility owned by the consolidated government may only be sold when such sale has been  
 126 approved by a majority vote of the electors of Columbus, Georgia, voting in a regular or  
 127 in a special election called for such purpose. Except as otherwise provided by this  
 128 Charter, any sale of real property shall be made only after the receipt of sealed bids and  
 129 due advertisement of such sale in one or more newspapers of general circulation

130 including that with the largest general circulation in Columbus, Georgia, once a week for  
 131 a period of two weeks preceding the date at which such sale is to be made. All sales of  
 132 real property shall be subject to confirmation by the Council.

133 (2) The Council is empowered to authorize the following transactions:

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

136 (b) A sale of any such property to another governmental entity; and

137 (c) An exchange of such property for property that is owned either privately or by  
 138 some other governmental entity.

139 In each such instance, when the property is sold or exchanged or transferred, a statement  
 140 shall be published in one or more newspapers of general circulation, including that with  
 141 the largest general circulation in Columbus, Georgia, on each Monday of the two weeks  
 142 which precede the week in which such transaction is to be concluded. Such statement  
 143 shall contain a description of the property or properties involved and the prices and  
 144 estimated values as to each item of property."

145 **SECTION 10.**

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

147 "Section 8-104. County agencies. The grand juries in and for Muscogee County, the  
 148 Superior Court for Muscogee County, the State Court of Muscogee County, the Probate  
 149 Court, the Municipal Court of Columbus, the Juvenile Court of Muscogee County, the  
 150 Muscogee County department of public health, and the Muscogee County department of  
 151 family and children services shall continue to function, unaffected except as redesignated  
 152 by this Charter. The personnel of those bodies shall be selected as heretofore selected, and  
 153 those officials heretofore elected by the people shall hereafter be so elected. Nothing  
 154 herein contained shall be construed as altering the status of the Muscogee County School  
 155 District; provided, however, that the Muscogee County school board shall consist of nine  
 156 members who shall be residents of the consolidated government. Such courts, boards,  
 157 personnel, officers, and officials shall continue to occupy the same status with respect to  
 158 the consolidated government in the same position as previously occupied with respect to  
 159 Muscogee County. Similarly, the Council shall succeed to such rights, duties, and  
 160 obligations with regard to such courts, boards, officers, offices, and agencies and the  
 161 employed personnel thereof as heretofore possessed by either the board of commissioners  
 162 of Muscogee County or the mayor and city commission of the City of Columbus, or both,  
 163 specifically including, but not limited to, any right and authority to name and designate  
 164 personnel."

165

**SECTION 11.**

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