

House Bill 415 (AS PASSED HOUSE AND SENATE)

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

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."

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SECTION 11.

166 All laws and parts of laws in conflict with this Act are repealed.