

House Bill 1002

By: Representative Epps of the 144<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I  
INCORPORATION AND POWERS  
**SECTION 1.10.**

Name.

26 The city and the inhabitants thereof are reincorporated by the enactment of this charter and  
27 are hereby constituted and declared a body politic and corporate under the name and style  
28 City of Jeffersonville, Georgia, and by that name shall have perpetual succession.

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**SECTION 1.11.**  
Corporate boundaries.

31 (a) The boundaries of the city shall be those existing on the effective date of the adoption  
32 of this charter with such alterations as may be made from time to time in the manner  
33 provided by law. The boundaries of the city at all times shall be shown on a map, a written  
34 description, or any combination thereof, to be retained permanently in the office of the city  
35 clerk and to be designated, as the case may be, "Official Map (or Description) of the  
36 Corporate Limits of the City of Jeffersonville, Georgia." Photographic, typed, or other  
37 copies of such map or description certified by the city clerk shall be admitted as evidence in  
38 all courts and shall have the same force and effect as with the original map or description.  
39 (b) The city council may provide for the redrawing of any such map by ordinance to reflect  
40 the lawful changes in the corporate boundaries. A redrawn map shall supersede for all  
41 purposes the entire map or maps which it is designated to replace.

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**SECTION 1.12.**  
Powers and construction.

44 (a) The city shall have all powers possible for a city to have under the present or future  
45 Constitution and laws of this state as fully and completely as though they were specifically  
46 enumerated in this charter. The city shall have all the powers of self-government not  
47 otherwise prohibited by this charter or by general law.  
48 (b) The powers of the city shall be construed liberally in the favor of the city. The specific  
49 mention or failure to mention particular powers shall not be construed as limiting in any way  
50 the powers of the city.

**SECTION 1.13.**

## Examples of powers.

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

58 (b) Appropriations and expenditures. To make appropriations for the support of the  
59 government of the city; to authorize the expenditure of money for any purposes authorized  
60 by this charter and for any purpose for which a municipality is authorized by the laws of the  
61 State of Georgia; and to provide for the payment of expenses of the city.

62 (c) Building regulation. To regulate and to license the erection and construction of buildings  
63 and all other structures; to adopt building, housing, plumbing, fire safety, electrical, gas, and  
64 heating and air conditioning codes; and to regulate all housing and building trades.

65 (d) Business regulation and taxation. To levy and to provide for the collection of regulatory  
66 fees and taxes on privileges, occupations, trades, and professions as authorized by Title 48  
67 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted; to permit  
68 and regulate the same; to provide for the manner and method of payment of such regulatory  
69 fees and taxes; and to revoke such permits after due process for failure to pay any city taxes  
70 or fees.

71 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,  
72 for present or future use and for any corporate purpose deemed necessary by the governing  
73 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A. or such other  
74 applicable laws as are or may hereafter be enacted.

75 (f) Contracts. To enter into contracts and agreements with other governmental entities and  
76 private persons, firms, and corporations.

77 (g) Emergencies. To establish procedures for determining and proclaiming that an  
78 emergency situation exists inside or outside the city and to make and carry out all reasonable  
79 provisions deemed necessary to deal with or meet such an emergency for the protection,  
80 safety, health, or well-being of the citizens of the city.

81 (h) Environmental protection. To protect and preserve the nature resources, environment,  
82 and vital areas of the city, the region, and this state through the preservation and  
83 improvement of air quality, the restoration and maintenance of water resources, the control  
84 of erosion and sedimentation, the management of storm water and establishment of a  
85 storm-water utility, the management of solid and hazardous waste, and other necessary  
86 actions for the protection of the environment.

- 87 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge,  
88 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,  
89 relating to both fire prevention and detection and to fire fighting; and to prescribe penalties  
90 and punishment for violations thereof.
- 91 (j) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and  
92 disposal and other sanitary service charge, tax, or fee for such services as may be necessary  
93 in the operation of the city from all individuals, firms, and corporations residing in or doing  
94 business therein and benefiting from such services; to enforce the payment of such charges,  
95 taxes, or fees; and to provide for the manner and method of collecting such service charges.
- 96 (k) General health, safety, and welfare. To define, regulate, and prohibit any act, practice,  
97 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,  
98 and safety of the inhabitants of the city and to provide for the enforcement of such standards.
- 99 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any  
100 purpose related to powers and duties of the city and the general welfare of its citizens on such  
101 terms and conditions as the donor or grantor may impose.
- 102 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide  
103 for the enforcement of such standards.
- 104 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work  
105 out such sentences in any public works or on the streets, roads, drains, and other public  
106 property in the city; to provide for commitment of such persons to any jail; to provide for the  
107 use of pretrial diversion and any alternative sentencing allowed by law; or to provide for  
108 commitment of such persons to any county work camp or county jail by agreement with the  
109 appropriate county officials.
- 110 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over  
111 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the  
112 city.
- 113 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,  
114 boards, offices, commissions, and agencies of the city and to confer upon such agencies the  
115 necessary and appropriate authority for carrying out all of the powers conferred upon or  
116 delegated to the same.
- 117 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city  
118 and to issue bonds for the purpose of raising revenue to carry out any project, program, or  
119 venture authorized by this charter or the laws of the State of Georgia.
- 120 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or  
121 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or  
122 outside the corporate boundaries of the city.

- 123 (s) Municipal property protection. To provide for the preservation and protection of  
124 property and equipment of the city and the administration and use of the same by the public  
125 and to prescribe penalties and punishment for violations thereof.
- 126 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of  
127 public utilities, including, but not limited to, a system of waterworks, sewers and drains,  
128 sewage disposal, storm-water management, gas works, electric light plants, cable television  
129 and other telecommunications, transportation facilities, public airports, and any other public  
130 utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties of  
131 such public utilities; and to provide for the withdrawal of service for refusal or failure to pay  
132 the same.
- 133 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or  
134 private property.
- 135 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the  
136 authority of this charter and the laws of the State of Georgia.
- 137 (w) Planning and zoning. To provide comprehensive city planning for development by  
138 zoning and to provide subdivision regulation and the like as the city council deems necessary  
139 and reasonable to ensure a safe, healthy, and esthetically pleasing community.
- 140 (x) Police and fire protection. To exercise the power of arrest through duly appointed police  
141 officers and to establish, operate, or contract for a police and fire-fighting agency.
- 142 (y) Public hazards: removal. To provide for the destruction and removal of any building or  
143 other structure, which is or may become dangerous or detrimental to the public.
- 144 (z) Public improvements. To provide for the acquisition, construction, building, operation,  
145 and maintenance of public ways; parks and playgrounds; recreational facilities; cemeteries;  
146 markets and market houses; public buildings; libraries; public housing; airports; hospitals;  
147 terminals; docks; parking facilities; or charitable, cultural, educational, recreational  
148 conservation, sport, curative, corrective, detentional, penal, and medical institutions,  
149 agencies, and facilities; to provide any other public improvements inside or outside the  
150 corporate limits of the city; to regulate the use of public improvements; and for such  
151 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A. or such  
152 other applicable laws as are or may hereafter be enacted.
- 153 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly  
154 conduct, drunkenness, riots, and public disturbances.
- 155 (bb) Public transportation. To organize and operate such public transportation systems as  
156 are deemed beneficial.
- 157 (cc) Public utilities and services. To grant franchises or to make contracts for or impose  
158 taxes on public utilities and public service companies and to prescribe the rates, fares,  
159 regulations, and standards and conditions of service applicable to the service to be provided

160 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the  
161 Public Service Commission.

162 (dd) Regulation and roadside areas. To prohibit or regulate and control the erection,  
163 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and  
164 all structures or obstructions upon or adjacent to the rights of way of streets and roads or  
165 within view thereof, within or abutting the corporate limits of the city, and to prescribe  
166 penalties and punishment for violation of such ordinances.

167 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit  
168 plans and programs for officers and employees of the city.

169 (ff) Roadways. To lay out, open, extend, widen, narrow, establish, or change the grade of,  
170 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,  
171 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within  
172 the corporate limits of the city; to grant franchises and rights of way throughout the streets  
173 and roads and over the bridges and viaducts for the use of public utilities; and to require real  
174 estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or  
175 lands and to impose penalties for failure to do so.

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

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

187 (ii) Special areas of public regulation. To regulate or prohibit junk dealers and the  
188 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use  
189 of combustible, explosive, and inflammable materials, the use of lighting and heating  
190 equipment, and any other business or situation which may be dangerous to persons or  
191 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical  
192 performances, exhibitions, and shows of any kind by taxation or otherwise; to license and tax  
193 professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores  
194 to certain areas.

195 (jj) Special assessments. To levy and provide for the collection of special assessments to  
196 cover the costs of any public improvements.

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

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

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

205 (nn) Urban redevelopment. To organize and operate an urban redevelopment program.

206 (oo) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and  
 207 immunities necessary or desirable to promote or protect the safety, health, peace, security,  
 208 good order, comfort, convenience, or general welfare of the city and its inhabitants; to  
 209 exercise all implied powers necessary or desirable to carry into execution all powers granted  
 210 in this charter as fully and completely as if such powers were fully stated in this charter; and  
 211 to exercise all powers now or in the future authorized to be exercised by other municipal  
 212 governments under other laws of the State of Georgia; and no listing of particular powers in  
 213 this charter shall be held to be exclusive of others, nor restrictive of general words and  
 214 phrases granting powers, but shall be held to be in addition to such powers unless expressly  
 215 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

216 **SECTION 1.14.**

217 Exercise of powers.

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

222 **ARTICLE II**

223 **GOVERNMENT STRUCTURE**

224 **SECTION 2.10.**

225 City council creation; number; election.

226 The legislative authority of the government of the city, except as otherwise specifically  
 227 provided in this charter, shall be vested in a city council to be composed of a mayor and  
 228 seven councilmembers. The city council established shall in all respects be a successor to

229 and continuation of the governing authority under prior law. The mayor and councilmembers  
230 shall be elected in the manner provided by general law and this charter.

231 **SECTION 2.11.**

232 City council terms and qualifications for office.

233 The mayor and members of the city council shall serve for terms of four years and until their  
234 respective successors are elected and qualified. No person shall be eligible to serve as mayor  
235 or councilmember unless such person shall have been a resident of the city for 12 months  
236 prior to the date of election of mayor or councilmembers of the council; each such person  
237 shall continue to reside therein during his or her period of service and be registered and  
238 qualified to vote in municipal elections of this city. In addition to the above requirements,  
239 no person shall be eligible to serve as a councilmember representing a city council district  
240 unless such person has been a resident of the district he or she seeks to represent for a  
241 continuous period of at least six months immediately prior to the date of the election for  
242 councilmember and continues to reside in such district during his or her period of service.

243 **SECTION 2.12.**

244 Vacancies; filling of vacancies.

245 (a) Vacancies. The office of mayor or councilmember shall become vacant upon the  
246 incumbent's death, resignation, forfeiture of office, or occurrence of any event specified by  
247 the Constitution of the State of Georgia, Title 45 of the O.C.G.A., or such other applicable  
248 laws as are or may hereafter be enacted.

249 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled  
250 for the remainder of the unexpired term, if any, by appointment by the city council or those  
251 members remaining if less than 12 months remains in the unexpired term. If such vacancy  
252 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled  
253 for the remainder of the unexpired term by a special election, as provided for in Section 5.14  
254 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A. or other such laws  
255 as are or may hereafter be enacted.

256 (c) This provision shall also apply to a temporary vacancy created by the suspension from  
257 office of the mayor or any councilmember.

258

**SECTION 2.13.**

259

Compensation and expenses.

260 The mayor and councilmembers shall receive compensation and expenses for their services

261 as provided by ordinance.

262

**SECTION 2.14.**

263

Conflicts of interest; holding other offices.

264 (a) Fiduciary capacity. Elected and appointed officers of the city are trustees and servants

265 of the residents of the city and shall act in a fiduciary capacity for the benefit of such

266 residents.

267 (b) Conflict of interest. No elected official, appointed officer, or employee of the city or any

268 agency or political entity to which this charter applies shall knowingly:

269 (1) Engage in any business or transaction or have a financial or other personal interest,

270 direct or indirect, which is incompatible with the proper discharge of that person's official

271 duties or which would tend to impair the independence of the official's judgment or action

272 in the performance of those official duties;

273 (2) Engage in or accept private employment or render services for private interests when

274 such employment or service is incompatible with the proper discharge of that person's

275 official duties or would tend to impair the independence of the official's judgment or action

276 in the performance of those official duties;

277 (3) Disclose confidential information, including information obtained at meetings which

278 are closed pursuant to Title 50, Chapter 14 of the O.C.G.A., concerning the property,

279 government, or affairs of the governmental body by which the official is engaged without

280 proper legal authorization or use such information to advance the financial or other private

281 interest of the official or others;

282 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from

283 any person, firm, or corporation which to the official's knowledge is interested, directly or

284 indirectly, in any manner whatsoever in business dealings with the governmental body by

285 which the official is engaged; provided, however, that an elected official who is a candidate

286 for public office may accept campaign contributions and services in connection with any

287 such campaign;

288 (5) Represent other private interests in any action or proceeding against this city or any

289 portion of its government; or

290 (6) Vote or otherwise participate in the negotiation or in the making of any contract with

291 any business or entity in which the official has a financial interest.

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

302 (d) Use of public property. No elected official, appointed officer, or employee of the city  
303 or any agency or governmental entity to which this charter applies shall use property owned  
304 by such governmental entity for personal benefit or profit. Such official, officer, or  
305 employee shall use such property only in their capacity as an officer or employee of the city.

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

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

315 (g) Political activities of certain officers and employees. No appointed officer of the city  
316 shall continue in such employment upon qualifying as a candidate for nomination or election  
317 to any public office. No employee of the city shall continue in such employment upon  
318 qualifying for or election to any public office in this city or any other public office which is  
319 inconsistent, incompatible, or in conflict with the duties of the city employee. Such  
320 determination shall be made by the mayor and councilmembers either immediately upon  
321 election or at any time such conflict may arise.

322 (h) Penalties for violation:

323 (1) Any city officer or employee who knowingly violates any of the requirements of this  
324 section shall be guilty of malfeasance in office or position and shall be deemed to have  
325 forfeited that person's office or position; and

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

329

**SECTION 2.15.**

330

Inquiries and investigations.

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

337

**SECTION 2.16.**

338

General power and authority of the city council.

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

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

348

**SECTION 2.17.**

349

Eminent domain.

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

358

**SECTION 2.18.**

359

## Organizational meetings.

360 The city council shall hold an organizational meeting as prescribed by ordinance. The  
 361 meeting shall be called to order by the mayor-elect or city clerk, and the oath of office shall  
 362 be administered to the newly elected members by a judicial officer authorized to administer  
 363 oaths and shall, to the extent that it comports with federal and state law, be as follows:

364 "I do solemnly swear that I will faithfully perform the duties of (mayor) (councilmember)  
 365 of this city and that I will support and defend the charter thereof as well as the Constitution  
 366 and laws of the State of Georgia and of the United States of America. I am not the holder  
 367 of any unaccounted for public money due this state or any political subdivision or authority  
 368 thereof. I am not the holder of any office of trust under the government of the United  
 369 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am  
 370 prohibited from holding. I am otherwise qualified to hold such office according to the  
 371 Constitution and laws of Georgia. I have been a resident of the City of Jeffersonville for  
 372 the time required by the Constitution and laws of this state and by the municipal charter.  
 373 I will perform the duties of my office in the best interest of the City of Jeffersonville to the  
 374 best of my ability without fear, favor, affection, reward, or expectation thereof."

375

**SECTION 2.19.**

376

## Regular and special meetings.

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

379 (b) Special meetings of the city council may be held on call of the mayor or any member of  
 380 the city council. Notice of such special meetings shall be served on all other members  
 381 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such  
 382 notice to councilmembers shall not be required if the mayor and all councilmembers are  
 383 present when the special meeting is called. Such notice of any special meeting may be  
 384 waived by a councilmember in writing before or after such a meeting, and attendance at the  
 385 meeting shall also constitute a waiver of notice on any business transacted in such  
 386 councilmember's presence. Only the business stated in the call may be transacted at the  
 387 special meeting.

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

392 **SECTION 2.20.**

393 Rules of procedure.

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

397 (b) All committees and committee chairpersons and officers of the city council shall be  
 398 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have  
 399 the power to appoint new members to any committee at any time.

400 **SECTION 2.21.**

401 Quorum; voting.

402 (a) Four councilmembers shall constitute a quorum and shall be authorized to transact  
 403 business of the city council. Voting on the adoption of ordinances shall be by voice vote, and  
 404 the vote shall be recorded in the journal; but any member of the city council shall have the  
 405 right to request a roll call vote, and such vote shall be recorded in the journal. Except as  
 406 otherwise provided in this charter, the affirmative vote of four councilmembers shall be  
 407 required for the adoption of any ordinance, resolution, or motion.

408 (b) No member of the city council shall abstain from voting on any matter properly brought  
 409 before the city council for official action except when such councilmember has a conflict of  
 410 interest which is disclosed in writing prior to or at the meeting and made a part of the journal.  
 411 Any member of the city council present and eligible to vote on a matter and refusing to do  
 412 so for any reason other than a properly disclosed and recorded conflict of interest shall be  
 413 deemed to have acquiesced or concurred with the members of the majority who did vote on  
 414 the question involved. The mayor shall vote only in the case of tie or in the case where his  
 415 or her vote will provide the fourth affirmative vote required for approval of a matter.

416 **SECTION 2.22.**

417 Action requiring an ordinance.

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

419

**SECTION 2.23.**

420

## Emergencies.

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

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

441

**SECTION 2.24.**

442

## Codes of technical regulations.

443 (a) The city council may adopt any standard code of technical regulations by reference  
 444 thereto in an adopting ordinance. The procedure and requirements governing such adopting  
 445 ordinance shall be as prescribed for ordinances general except that:

446 (1) The requirements of subsection (b) of Section 2.25 of this charter for distribution and  
 447 filing of copies of the ordinance shall be construed to include copies of any code of  
 448 technical regulations, as well as the adopting ordinance; and

449 (2) A copy of each adopted code of technical regulations, as well as the adopting  
 450 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.25  
 451 of this charter.

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

454 **SECTION 2.25.**

455 Signing; authenticating; recording; codification; printing.

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

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

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

475 **SECTION 2.26.**

476 Mayor and mayor pro tempore.

477 (a) At each regular election, the voters of the city shall elect a mayor at large for a term of  
478 four years. The mayor shall be a qualified elector of the city and shall have been a resident  
479 of the city for at least 12 months immediately prior to the election. The mayor shall continue  
480 to reside in the city during his or her period of service.

481 (b) The city council shall elect from among its members a mayor pro tempore who shall act  
482 as a mayor during the absence or disability of the mayor and, if a vacancy occurs, shall  
483 become mayor for the remainder of the expired term.

484

**SECTION 2.27.**

485

Powers and duties of mayor.

486 The mayor shall:

487

(1) Be the executive officer of the city;

488

(2) Preside at all meetings of the city council;

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(3) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;

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(4) Vote at city council meetings when there is a tie vote or when his or her vote provides the fourth affirmative vote required for approval of a matter;

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(5) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;

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496

(6) See that all laws and ordinances of the city are faithfully executed; and

497

(7) Perform other duties as may be required by general state law, this charter, or ordinance.

498

**SECTION 2.28.**

499

Position of mayor pro tempore.

500

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

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**ARTICLE III**

510

**ADMINISTRATIVE AFFAIRS**

511

**SECTION 3.10.**

512

Administrative and service departments.

513

(a) Except as otherwise provided in this charter, the city council, by ordinance, shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all

514

515 nonelective offices, positions of employment, departments, and agencies of the city as  
516 necessary for the proper administration of the affairs and government of this city.

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

520 (c) All appointed officers and directors of departments shall receive such compensation as  
521 prescribed by ordinance or resolution.

522 (d) There shall be a director of each department or agency who shall be its principal officer.  
523 Each director shall be subject to the direction and supervision of the appointing authority and  
524 shall be responsible for the administration and direction of the affairs and operations of such  
525 director's department or agency.

526 (e) All appointed officers and directors under the supervision of the appointing authority  
527 shall be nominated by the mayor or any member of the city council with confirmation of  
528 appointment by the city council. All appointed officers and directors shall be employees at  
529 will and subject to removal or suspension at any time by the appointing authority unless  
530 otherwise provided by law or ordinance.

531 **SECTION 3.11.**

532 **Boards, commissions, and authorities.**

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

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

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

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

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

548 (f) No member of a board, commission, or authority shall assume office until such member  
549 has executed and filed with the city clerk an oath obligating himself or herself to faithfully

550 and impartially perform the duties of his or her office, such oath to be prescribed by  
551 ordinance and administered by the mayor.

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

554 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
555 authority of the city shall elect one of its members as chairperson and one member as vice  
556 chairperson and may elect as its secretary one of its own members or may appoint as  
557 secretary an employee of the city. Each board, commission, or authority of the city  
558 government may establish such bylaws, rules, and regulations, not inconsistent with this  
559 charter, ordinances of the city, or law, as it deems appropriate and necessary for the  
560 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and  
561 regulations shall be filed with the city clerk.

562 **SECTION 3.12.**

563 City attorney.

564 (a) The city council shall appoint a city attorney, together with such assistant city attorneys  
565 as may be authorized, and shall provide for the payment of such attorney or attorneys for  
566 services rendered to the city. The city attorney shall be responsible for providing for the  
567 representation and defense of the city in all litigation in which the city is a party; may be the  
568 prosecuting officer in the municipal court; shall attend the meetings of the city council as  
569 directed; shall advise the city council, mayor, and other officers and employees of the city  
570 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
571 required by virtue of the person's position as city attorney.

572 (b) The city attorney is not a public official of the city and does not take an oath of office.  
573 The city attorney shall at all times be an independent contractor. A law firm, rather than an  
574 individual, may be designated as the city attorney.

575 **SECTION 3.13.**

576 City clerk.

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

581 **SECTION 3.14.**

582 Personnel policies.

583 All employees serve at will and may be removed from office at any time unless otherwise  
584 provided by ordinance.

585 **ARTICLE IV**586 **JUDICIAL BRANCH**587 **SECTION 4.10.**

588 Creation; name.

589 There shall be a court to be known as the Municipal Court of the City of Jeffersonville.

590 **SECTION 4.11.**

591 Chief judge; associate judge.

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

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

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

599 (d) Judges serve at will and may be removed at any time by a vote of four members of the  
600 city council unless otherwise provided by law.

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

605 **SECTION 4.12.**

606 Convening.

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

608

**SECTION 4.13.**

609

Jurisdiction; powers.

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

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

614 (c) The municipal court may fix punishment for offenses within its jurisdiction not  
615 exceeding a fine of \$1,000.00 or imprisonment for 180 days, or both such fine and  
616 imprisonment, or may fix punishment by fine, imprisonment, or alternative sentencing as  
617 now or hereafter provided by law.

618 (d) The municipal court shall have authority to establish a schedule of fees to defray the cost  
619 of operation and shall be entitled to reimbursement of the cost of meals, transportation, and  
620 care taking of prisoners bound over to superior court for violations of state law.

621 (e) The municipal court shall have authority to establish bail and recognizance to ensure the  
622 presence of those charged with violations before such court and shall have discretionary  
623 authority to accept cash or personal or real property as surety for the appearance of persons  
624 charged with violations. Whenever any person shall give bail for that person's appearance  
625 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
626 presiding at such time, and an execution shall be issued thereon by serving the defendant and  
627 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.  
628 In the event that cash or property is accepted in lieu of bond for security for the appearance  
629 of a defendant at trial and if such defendant fails to appear at the time and place fixed for  
630 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the  
631 property so deposited shall have a lien against it for the value forfeited, which lien shall be  
632 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

643 **SECTION 4.14.**

644 Certiorari.

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

649 **SECTION 4.15.**

650 Rules for court.

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

658 **ARTICLE V**

659 **ELECTIONS AND REMOVAL**

660 **SECTION 5.10.**

661 Applicability of general law.

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

664 **SECTION 5.11.**

665 Voting districts and election of the city council and mayor.

666 (a) There shall be a municipal general election quadrennially on the Tuesday next following  
 667 the first Monday in November.

668 (b) There shall be elected the mayor and seven city councilmembers at the election; terms  
 669 of office shall be for four years.

670 (c) The mayor shall be elected at large by the qualified electors residing within the City of  
 671 Jeffersonville.

672 (d) The seven city councilmembers shall be elected as follows:

673 (1) Four councilmembers shall be elected from the qualified electors residing within  
 674 Voting District 1; each councilmember shall be a resident thereof; the four qualified  
 675 candidates with the highest vote totals shall be elected;

676 (2) Three councilmembers shall be elected from the qualified electors residing within  
 677 Voting District 2; each councilmember shall be a resident thereof; the three qualified  
 678 candidates with the highest vote totals shall be elected; and

679 (3) Each qualified elector shall only vote once for each candidate.

680 (e) For the purpose of electing members of the city council, the City of Jeffersonville is  
 681 divided into two voting districts based on the following descriptive geographies and census  
 682 block group geography:

683 Voting District 1 - The southeastern portion of the City of Jeffersonville, as defined in  
 684 Section 1.11 of this charter, bounded by Magnolia Street running southwest to N. Railroad  
 685 Street. South on N. Railroad Street to Church Street, west on Church Street to Hwy 80, and  
 686 south on Hwy 80. Extending west on Ridge Avenue to Elmore Drive then running  
 687 southeast to the city limits. Voting District 1 extends east from these bounds to the city  
 688 limits.

689 Census Block Groups: 2092, 2101, 2069, 2103, 2109, 2108, 2106, 2094, 2080, 2081, 2093,  
 690 2066, 2098, 2097, 2102, 2073, 2076, 2096, 2104, 2099, 2100, 2068, 2061, 2105, 2058,  
 691 2084, 2074, 2077, 2095, 2079, 2107, 1097, 2075, 2078, 2114, 1096, 2067

692 Voting District 2 - The northwestern portion of the City of Jeffersonville, as defined in  
 693 Section 1.11 of this charter, bounded by Magnolia Street running southwest to N. Railroad  
 694 Street. South on N. Railroad Street to Church Street, west on Church Street to Hwy 80, and  
 695 south on Hwy 80. Extending west on Ridge Avenue to Elmore Drive then running  
 696 southeast to the city limits. Voting District 2 extends northwest from these bounds to the  
 697 city limits.

698 Census Block Groups: 1073, 2071, 2091, 1090, 1088, 1079, 1092, 1075, 2090, 1080, 1089,  
 699 1091, 2086, 1078, 1095, 2072, 1077, 2083, 2085, 1083, 2082, 2088, 2089, 1076, 1074,  
 700 1086, 2070, 1094, 2087, 1093, 1082, 1085, 1087, 2042, 2039

701 **SECTION 5.12.**

702 Nonpartisan elections.

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

705 **SECTION 5.13.**

706 Election by plurality, majority, or minimum percentage.

707 The persons receiving the plurality of the votes cast for any city office shall be elected.

708 **SECTION 5.14.**

709 Special elections; vacancies.

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

717 **SECTION 5.15.**

718 Other provisions.

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

722 **ARTICLE VI**

723 **FINANCE**

724 **SECTION 6.10.**

725 Property tax.

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

732 **SECTION 6.11.**

733 Millage rate; due dates; payment methods.

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

738 **SECTION 6.12.**

739 Occupation and business taxes.

740 The city council by ordinance shall have the power to levy such corporation or business taxes  
741 as are not denied by law. The city council may classify businesses, occupations, or  
742 professions for the purpose of such taxation in any way which may be lawful and may  
743 compel the payment of such taxes as provided in Section 6.18 of this charter.

744 **SECTION 6.13.**

745 Regulatory fees; permits.

746 The city council by ordinance shall have the power to require businesses or practitioners  
747 doing business within this city to obtain a permit for such activity from the city and pay a  
748 reasonable regulatory fee for such permit as provided by general law. Such fees shall reflect  
749 the total cost to the city of regulating the activity and, if unpaid, shall be collected as  
750 provided in Section 6.18 of this charter.

751 **SECTION 6.14.**

752 Franchises.

753 (a) The city council shall have the power to grant franchises for the use of this city's streets  
754 and alleys for the purposes of railroads, street railways, telephone companies, electric  
755 companies, electric membership corporations, cable television and other telecommunications  
756 companies, gas companies, transportation companies, and other similar organizations. The  
757 city council shall determine the duration, terms, whether the same shall be exclusive or  
758 nonexclusive, and the consideration for such franchises; provided, however, that no franchise  
759 shall be granted for a period in excess of 35 years, and no franchise shall be granted unless  
760 the city receives just and adequate compensation therefor. The city council shall provide for  
761 the registration of all franchises with the city clerk in a registration book kept by the city

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

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

769 **SECTION 6.15.**

770 Service charges.

771 The city council by ordinance shall have the power to assess and collect fees, charges,  
772 assessments, and tolls for sewers, sanitary, and health services or any other services provided  
773 or made available inside or outside the corporate limits of the city. If unpaid, such charges  
774 shall be collected as provided in Section 6.18 of this charter.

775 **SECTION 6.16.**

776 Special assessments.

777 The city council by ordinance shall have the power to assess and collect the cost of  
778 constructing, reconstructing, widening, or improving any public way, street, sidewalk,  
779 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property  
780 owners. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

781 **SECTION 6.17.**

782 Construction; other taxes and fees.

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

786 **SECTION 6.18.**

787 Collection of delinquent taxes and fees.

788 The city council, by ordinance, may provide generally for the collection of delinquent taxes,  
789 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by  
790 whatever reasonable means as are not precluded by law. This shall include providing for the

791 dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi.  
 792 fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the  
 793 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any  
 794 city taxes or fees; and providing for the assignment or transfer of tax executions.

795 **SECTION 6.19.**

796 General obligation bonds.

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

801 **SECTION 6.20.**

802 Revenue bonds.

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

806 **SECTION 6.21.**

807 Short-term loans.

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

810 **SECTION 6.22.**

811 Lease-purchase contracts.

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

819 **SECTION 6.23.**

820 Fiscal year.

821 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the  
822 budget year and the year for financial accounting and reporting of each and every office,  
823 department, agency, and activity of the city government unless otherwise provided by state  
824 or federal law.

825 **SECTION 6.24.**

826 Preparation of budgets.

827 The city council shall provide an ordinance on the procedures and requirements for the  
828 preparation and execution of an annual operating budget, a capital improvement plan, and  
829 a capital budget, including requirements as to the scope, content, and form of such budgets  
830 and plans.

831 **SECTION 6.25.**

832 Submission of operating budget to city council.

833 On or before a date fixed by the city council but not later than 30 days prior to the beginning  
834 of each fiscal year, the mayor shall submit to the city council a proposed operating budget  
835 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor  
836 containing a statement of the general fiscal policies of the city, the important features of the  
837 budget, explanations of major changes recommended for the next fiscal year, a general  
838 summary of the budget, and such other pertinent comments and information. The operating  
839 budget and capital budget provided for in this charter, the budget message, and all supporting  
840 documents shall be filed in the office of the city clerk and shall be open to public inspection.

841 **SECTION 6.26.**

842 Action by city council on budget.

843 (a) The city council may amend the operating budget proposed by the mayor; provided,  
844 however, that the budget as finally amended and adopted shall provide for all expenditures  
845 required by state law or by other provisions of this charter and for all debt service  
846 requirements for the ensuing fiscal year, and the total appropriations from any fund shall not  
847 exceed the estimated fund balance, reserves, and revenues.

848 (b) The city council by ordinance shall adopt the final operating budget by a date each fiscal  
 849 year as enumerated in such ordinance. If the city council fails to adopt the budget by such  
 850 date, the amounts appropriated for operation for the current fiscal year shall be deemed  
 851 adopted by the ensuing fiscal year on a month-to-month basis, with all items prorated  
 852 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.  
 853 Adoption of the budget shall take the form of an appropriations ordinance setting out the  
 854 estimated revenues in detail by sources and making appropriations according to fund and by  
 855 organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 856 adopted pursuant to Section 6.24 of this charter.

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

861 **SECTION 6.27.**

862 Tax levies.

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

869 **SECTION 6.28.**

870 Changes in appropriations.

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

875 **SECTION 6.29.**

876 Capital budget.

877 (a) On or before the date fixed by the city council but no later than 30 days prior to the  
 878 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital

879 improvements plan with a recommended capital budget containing the means of financing  
880 the improvements proposed for the ensuing fiscal year. The city council shall have power  
881 to accept, with or without amendments, or reject the proposed plan and proposed budget.  
882 The city council shall not authorize an expenditure for the construction of any building,  
883 structure, work, or improvement, unless the appropriations for such project are included in  
884 the capital budget, except to meet a public emergency as provided in Section 2.23 of this  
885 charter.

886 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal  
887 year not later than a time set by city council by ordinance. No appropriations provided for  
888 in a prior capital budget shall lapse until the purpose for which the appropriation was made  
889 shall have been accomplished or abandoned; provided, however, that the city council may  
890 submit amendments to the capital budget at any time during the fiscal year, accompanied by  
891 recommendations. Any such amendments to the capital budget shall become effective only  
892 upon adoption by ordinance.

893 **SECTION 6.30.**

894 Independent audit.

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

900 **SECTION 6.31.**

901 Contracting procedures.

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

- 903 (1) It is in writing;
- 904 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of  
905 course, is signed by the city attorney to indicate such drafting or review; and
- 906 (3) It is made or authorized by the city council and such approval is entered in the city  
907 council journal of proceedings pursuant to Section 2.20 of this charter.

908 **SECTION 6.32.**

909 Centralized purchasing.

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

912 **SECTION 6.33.**

913 Sale and lease of city property.

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

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

920 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
921 of the city, a small parcel or tract of land is cut off or separated by such work from a larger  
922 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
923 and convey such cut-off or separated parcel or tract of land to an abutting or adjoining  
924 property owner or owners where such sale and conveyance facilitates the enjoyment of the  
925 highest and best use of the abutting owner's property. Included in the sales contract shall be  
926 a provision for the rights of way of such street, avenue, alley, or public place. Each abutting  
927 property owner shall be notified of the availability of the property and given the opportunity  
928 to purchase such property under such terms and conditions as set out by ordinance. All deeds  
929 and conveyances heretofore and hereafter so executed and delivered shall convey all title and  
930 interest the city has in such property, notwithstanding the fact that no public sale after  
931 advertisement was or is hereafter made.

932 **ARTICLE VII**

933 **GENERAL PROVISIONS**

934 **SECTION 7.10.**

935 Bonds for officials.

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

939 **SECTION 7.11.**

940 Prior ordinances.

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

944 **SECTION 7.12.**

945 Existing personnel and officers.

946 Except as specifically provided otherwise by this charter, all personnel and officers of the  
 947 city and their rights, privileges, and powers shall continue beyond the time this charter takes  
 948 effect.

949 **SECTION 7.13.**

950 Pending matters.

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

955 **SECTION 7.14.**

956 Construction.

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

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

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

962 **SECTION 7.15.**

963 Severability.

964 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be  
 965 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect  
 966 or impair other parts of this charter unless it clearly appears that such other parts are wholly

967 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the  
968 legislative intent in enacting this charter that each article, section, subsection, paragraph,  
969 sentence, or part thereof be enacted separately and independent of each other.

970 **SECTION 7.16.**

971 Specific repealer.

972 An Act incorporating the City of Jeffersonville in the County of Twiggs, approved  
973 August 16, 1909 (Ga. L. 1909, p. 977), is hereby repealed in its entirety, and all amendatory  
974 acts thereof are likewise repealed in their entirety.

975 **SECTION 7.17.**

976 Effective Date.

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

979 **SECTION 7.18.**

980 General repealer.

981 All laws and parts of laws in conflict with this charter are hereby repealed.