

House Bill 1003

By: Representative Epps of the 144th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Irwinton; to provide for incorporation, boundaries,
2 and powers of the city; to provide for general powers and limitations on powers; to provide
3 for a governing authority of such city and the powers, duties, authority, election, terms,
4 method of filling vacancies, compensation, expenses, qualifications, prohibitions, and
5 districts relative to members of such governing authority; to provide for inquiries and
6 investigations; to provide for organization and procedures; to provide for ordinances; to
7 provide for the office of mayor and certain duties and powers relative to the office of mayor;
8 to provide for administrative responsibilities; to provide for boards, commissions, and
9 authorities; to provide for a chief executive officer, mayor pro tem, city attorney, city clerk,
10 and other personnel; to provide for a municipal court and the judge or judges thereof; to
11 provide for practices and procedures; to provide for ethics and disclosures; to provide for
12 taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to
13 provide for bonded and other indebtedness; to provide for accounting and budgeting; to
14 provide for purchases; to provide for bonds for officials; to provide for related matters; to
15 repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other
16 purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 ARTICLE I
19 INCORPORATION AND POWERS
20 SECTION 1.10.
21 Name.

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

25

SECTION 1.11.

26

Corporate boundaries.

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

35 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
36 the lawful changes in the corporate boundaries. A redrawn map shall supersede for all
37 purposes the entire map or maps which it is designated to replace.

38

SECTION 1.12.

39

Powers and construction.

40 (a) The city shall have all powers possible for a city to have under the present or future
41 constitution and laws of this state as fully and completely as though they were specifically
42 enumerated in this charter. The city shall have all the powers of self-government not
43 otherwise prohibited by this charter or by general law.

44 (b) The powers of the city shall be construed liberally in the favor of the city. The specific
45 mention or failure to mention particular powers shall not be construed as limiting in any way
46 the powers of the city.

47

SECTION 1.13.

48

Examples of powers.

49 (a) Animal regulations. To regulate and license or to prohibit the keeping of running
50 at-large of animals and fowl, and to provide for the impoundment of same if in violation of
51 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
52 destruction of animals and fowl when not redeemed as provided by ordinance; and to provide
53 punishment for violation of ordinances enacted hereunder.

54 (b) Appropriations and expenditures. To make appropriations for the support of the
55 government of the city; to authorize the expenditure of money for any purposes authorized

56 by this charter and for any purpose for which a municipality is authorized by the laws of the
57 State of Georgia; and to provide for the payment of expenses of the city.

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

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

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

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

73 (g) Emergencies. To establish procedures for determining and proclaiming that an
74 emergency situation exists within or without the city, and to make and carry out all
75 reasonable provisions deemed necessary to deal with or meet such an emergency for the
76 protection, safety, health, or well-being of the citizens of the city.

77 (h) Environmental protection. To protect and preserve the nature resources, environment,
78 and vital areas of the city, the region, and the state through the preservation and improvement
79 of air quality, the restoration and maintenance of water resources, the control of erosion and
80 sedimentation, the management of stormwater and establishment of a stormwater utility, the
81 management of solid and hazardous waste, and other necessary actions for the protection of
82 the environment.

83 (i) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge
84 or restrict the same; to prescribe fire safety regulations not inconsistent with general law,
85 relating to both fire prevention and detection and to firefighting; and to prescribe penalties
86 and punishment for violations thereof.

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

- 92 (k) General health, safety and welfare. To define, regulate, and prohibit any act, practice,
93 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
94 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 95 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
96 purpose related to powers and duties of the city and the general welfare of its citizens, on
97 such terms and conditions as the donor or grantor may impose.
- 98 (m) Health and sanitation. To prescribe standards of health and sanitation and to provide
99 for the enforcement of such standards.
- 100 (n) Jail sentences. To provide that persons given jail sentences in the city's court may work
101 out such sentences in any public works or on the streets, roads, drains, and other public
102 property in the city; to provide for commitment of such persons to any jail; to provide for the
103 use of pretrial diversion and any alternative sentencing allowed by law; or to provide for
104 commitment of such persons to any county work camp or county jail by agreement with the
105 appropriate county officials.
- 106 (o) Motor vehicles. To regulate the operation of motor vehicles and exercise control over
107 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
108 city.
- 109 (p) Municipal agencies and delegation of power. To create, alter, or abolish departments,
110 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
111 necessary and appropriate authority for carrying out all of the powers conferred upon or
112 delegated to the same.
- 113 (q) Municipal debts. To appropriate and borrow money for the payment of debts of the city
114 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
115 venture authorized by this charter or the laws of the State of Georgia.
- 116 (r) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
117 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
118 outside the property limits of the city.
- 119 (s) Municipal property protection. To provide for the preservation and protection of
120 property and equipment of the city, and the administration and use of the same by the public;
121 and to prescribe penalties and punishment for violations thereof.
- 122 (t) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
123 public utilities, including, but not limited to, a system of waterworks, sewers and drains,
124 sewage disposal, stormwater management, gas works, electric light plants, cable television
125 and other telecommunications, transportation facilities, public airports, and any other public
126 utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
127 and to provide for the withdrawal of service for refusal or failure to pay the same.

- 128 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
129 private property.
- 130 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
131 authority of this charter and the laws of the State of Georgia.
- 132 (w) Planning and zoning. To provide comprehensive city planning for development by
133 zoning; and to provide subdivision regulation and the like as the city council deems
134 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 135 (x) Police and fire protection. To exercise the power of arrest through duly appointed police
136 officers, and to establish, operate, or contract for a police and firefighting agency.
- 137 (y) Public hazards: removal. To provide for the destruction and removal of any building or
138 other structure, which is or may become dangerous or detrimental to the public.
- 139 (z) Public improvements. To provide for the acquisition, construction, building, operation,
140 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
141 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
142 terminals, docks, parking facilities, or charitable, cultural, educational, recreational
143 conservation, sport, curative, corrective, detentional, penal, and medical institutions, agencies
144 and facilities; and to provide any other public improvements inside or outside the corporate
145 limits of the city; to regulate the use of public improvements; and for such purposes, property
146 may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable
147 laws as are or may hereafter be enacted.
- 148 (aa) Public peace. To provide for the prevention and punishment of loitering, disorderly
149 conduct, drunkenness, riots, and public disturbances.
- 150 (bb) Public transportation. To organize and operate such public transportation systems as
151 are deemed beneficial.
- 152 (cc) Public utilities and services. To grant franchises or to make contracts for, or impose
153 taxes on public utilities and public service companies; and to prescribe the rates, fares,
154 regulations, and standards and conditions of service applicable to the service to be provided
155 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
156 Public Service Commission.
- 157 (dd) Regulation and roadside areas. To prohibit or regulate and control the erection,
158 removal, and maintenance of signs, billboards, trees, shrubs, fences, building, and any and
159 all structures or obstructions upon or adjacent to the rights-of-way of streets and roads or
160 within view thereof, within or abutting the corporate limits of the city; and to prescribe
161 penalties and punishment for violation of such ordinances.
- 162 (ee) Retirement. To provide and maintain a retirement plan and other employee benefit
163 plans and programs for officers and employees of the city.

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

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

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

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

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

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

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

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

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

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

211 **SECTION 1.14.**

212 Exercise of powers.

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

217 **ARTICLE II**

218 **GOVERNMENT STRUCTURE**

219 **SECTION 2.10.**

220 City council creation; number; election.

221 The legislative authority of the government of the city, except as otherwise specifically
 222 provided in this charter, shall be vested in a city council to be composed of a mayor and four
 223 councilmembers. The city council established shall in all respects be a successor to and
 224 continuation of the governing authority under prior law. The mayor and councilmembers
 225 shall be elected in the manner provided by general law and this charter.

226 **SECTION 2.11.**

227 City council terms and qualifications for office.

228 The mayor and members of the city council shall serve for terms of four years and until their
 229 respective successors are elected and qualified. No person shall be eligible to serve as mayor
 230 or councilmember unless that person shall have been a resident of the city for 12 months
 231 prior to the date of election of mayor or members of the council; each shall continue to reside

232 therein during that member's period of service and to be registered and qualified to vote in
233 municipal elections of the city.

234 **SECTION 2.12.**

235 Vacancy; filling of vacancies.

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

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

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

249 **SECTION 2.13.**

250 Compensation and expenses.

251 The mayor and council shall receive compensation and expenses for their services as
252 provided by ordinance.

253 **SECTION 2.14.**

254 Conflicts of interest; holding other offices.

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

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

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

- 263 (2) Engage in or accept private employment, or render services for private interests when
264 such employment or service is incompatible with the proper discharge of that person's
265 official duties or would tend to impair the independence of the official's judgment or action
266 in the performance of those official duties;
- 267 (3) Disclose confidential information, including information obtained at meetings which
268 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
269 government, or affairs of the governmental body by which the official is engaged without
270 proper legal authorization; or use such information to advance the financial or other private
271 interest of the official or others;
- 272 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from
273 any person, firm, or corporation which to the official's knowledge is interested, directly or
274 indirectly, in any manner whatsoever, in business dealings with the governmental body by
275 which the official is engaged; provided, however, that an elected official who is a candidate
276 for public office may accept campaign contributions and services in connection with any
277 such campaign;
- 278 (5) Represent other private interests in any action or proceeding against this city or any
279 portion of its government; or
- 280 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
281 any business or entity in which the official has a financial interest.
- 282 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
283 financial interest, directly or indirectly, in any contract or matter pending before or within
284 any department of the city shall disclose such interest to the city council. The mayor or any
285 councilmember who has a financial interest in any matter pending before the city council
286 shall disclose such interest and such disclosure shall be entered on the records of the city
287 council, and that official shall disqualify himself or herself from participating in any decision
288 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
289 or political entity to which this charter applies who shall have any financial interest, directly
290 or indirectly, in any contract or matter pending before or within such entity shall disclose
291 such interest to the governing body of such agency or entity.
- 292 (d) Use of public property. No elected official, appointed officer, or employee of the city
293 or any agency or entity to which this charter applies shall use property owned by such
294 governmental entity for personal benefit or profit but shall use such property only in their
295 capacity as an officer or employee of the city.
- 296 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
297 knowledge, express or implied, of a party to a contract or sale shall render said contract or
298 sale voidable at the option of the city council.

299 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
 300 any councilmember shall hold any other elective or appointive office in the city or otherwise
 301 be employed by said government or any agency thereof during the term for which that
 302 official was elected. No former mayor and no former councilmember shall hold any
 303 appointive office in the city until one year after the expiration of the term for which that
 304 official was elected.

305 (g) Political activities of certain officers and employees. No appointive officer of the city
 306 shall continue in such employment upon qualifying as a candidate for nomination or election
 307 to any public office. No employee of the city shall continue in such employment upon
 308 qualifying for or election to any public office in this city or any other public office which is
 309 inconsistent, incompatible, or in conflict with the duties of the city employee. Such
 310 determination shall be made by the mayor and council either immediately upon election or
 311 at any time such conflict may arise.

312 (h) Penalties for violation:

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

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

319 **SECTION 2.15.**

320 Inquiries and investigations.

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

327 **SECTION 2.16.**

328 General power and authority of the city council.

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

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

338 **SECTION 2.17.**

339 Eminent domain.

340 The city council is hereby empowered to acquire, construct, operate, and maintain public
 341 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 342 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
 343 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
 344 penal, and medical institutions, agencies and facilities, and any other public improvements
 345 inside or outside the city, and to regulate the use thereof, and for such purposes, property
 346 may be condemned under procedures established under general law applicable now or as
 347 provided in the future.

348 **SECTION 2.18.**

349 Organizational meetings.

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

354 "I do solemnly swear that I will faithfully perform the duties of (mayor)(councilmember)
 355 of this city and that I will support and defend the charter thereof as well as the constitution
 356 and laws of the State of Georgia and of the United States of America. I am not the holder
 357 of any unaccounted for public money due this state or any political subdivision or authority
 358 thereof. I am not the holder of any office of trust under the government of the United
 359 States, any other state, or any foreign state which I by the laws of the State of Georgia am
 360 prohibited from holding. I am otherwise qualified to hold said office according to the
 361 Constitution and laws of Georgia. I have been a resident of the City of Irwinton for the
 362 time required by the Constitution and laws of this state and by the municipal charter. I will

363 perform the duties of my office in the best interest of the City of Irwinton to the best of my
364 ability without fear, favor, affecting, reward, or expectation thereof."

365 **SECTION 2.19.**

366 Regular and special meetings.

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

369 (b) Special meetings of the city council may be held on call by the mayor or any member
370 of council. Notice of such special meetings shall be served on all other members personally,
371 or by telephone personally, at least 24 hours in advance of the meeting. Such notice to
372 councilmembers shall not be required if the mayor and all council members are present when
373 the special meeting is called. Such notice of any special meeting may be waived by a
374 councilmember in writing before or after such a meeting, and attendance at the meeting shall
375 also constitute a waiver of notice on any business transacted in such councilmember's
376 presence. Only the business stated in the call may be transacted at the special meeting.

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

381 **SECTION 2.20.**

382 Rules of procedure.

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

386 (b) All committees and committee chairs and officers of the city council shall be appointed
387 by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power
388 to appoint new members to any committee at any time.

389 **SECTION 2.21.**

390 Quorum: voting.

391 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
392 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
393 the vote shall be recorded in the journal, but any member of the city council shall have the

394 right to request a roll call vote and such vote shall be recorded in the journal. Except as
 395 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
 396 required for the adoption of any ordinance, resolution, or motion.

397 (b) A councilmember shall vote on all motions unless he or she has a conflict of interest
 398 preventing him or her from making a decision in a fair and legal manner. If a conflict of
 399 interest does exist, the councilmember shall explain for the record his or her decision to
 400 abstain on any vote. Unless a councilmember is abstaining due to a conflict of interest, all
 401 abstentions shall be counted as affirmative votes.

402 **SECTION 2.22.**

403 Ordinance form; procedures.

404 (a) Every proposed ordinance shall be introduced in writing and in the form required for
 405 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 406 enacting clause shall be "It is hereby ordained by the governing authority of the City of
 407 Irwinton" and every ordinance shall so begin.

408 (b) An ordinance may be introduced by any councilmember and be read at a regular or
 409 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 410 by the city council in accordance with the rules which it shall establish; provided, however,
 411 that an ordinance shall not be adopted the same day it is introduced, except for emergency
 412 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the
 413 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and
 414 shall file a reasonable number of copies in the office of the clerk and at such other public
 415 places as the city council may designate.

416 **SECTION 2.23.**

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 2.24.**

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 three councilmembers and promptly adopt an
 423 emergency ordinance, but such ordinance may 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 three
 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 2.25.**

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 2.22 of this charter for distribution and
 447 filling 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 2.26
 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 2.26.**

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 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 Irwinton, Georgia." Copies of the code shall be furnished to all officers,
464 departments, and agencies of the city, and made available for purchase by the public at a
465 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 2.27.**

476 Election of mayor; forfeiture; compensation.

477 The mayor shall be elected and serve a term of four years and until a successor is elected and
478 qualified. The mayor shall be a qualified elector of the city and shall have been a resident
479 of the city for 12 months preceding the election. The mayor shall continue to reside in the
480 city during this period of service. The mayor shall forfeit the office on the same grounds and
481 under the same procedure as for councilmembers. The compensation of the mayor shall be
482 established in the same manner as for councilmembers.

483 **SECTION 2.28.**

484 Chief executive officer.

485 The mayor shall be the chief executive of the city. The mayor shall possess all of the
486 executive and administrative powers granted to the city under the constitution and laws of
487 the State of Georgia, and all the executive and administrative powers contained in this
488 charter.

489

SECTION 2.29.

490

Powers and duties of mayor.

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

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

493 (2) Appoint and remove all officers, department heads, and employees of the city, except
494 as otherwise provided by this charter;495 (3) Exercise supervision over all executive and administrative work of the city and provide
496 for the coordination of administrative activities;497 (4) Prepare and submit to the city council a recommended operating budget and capital
498 budget;499 (5) Submit to the city council at least once a year a statement covering the financial
500 conditions of the city, and from time to time, such other information as the city council
501 may request;502 (6) Recommend to the city council such measures relative to the affairs of the city,
503 improvement of the government, and promotion of the welfare of its inhabitants as the
504 mayor may deem expedient;505 (7) Call for special meetings of the city council as provided in subsection (b) of
506 Section 2.19 of this charter;

507 (8) Approve or disapprove ordinances as provided in Section 2.30 of this charter;

508 (9) Provide for an annual audit of all accounts of the city;

509 (10) Require any department or agency of the city to submit written reports whenever the
510 mayor deems it expedient; and

511 (11) Perform such other duties as may be required by law, this charter, or by ordinance.

512

SECTION 2.30.

513

Submission of ordinances to the mayor; veto power.

514 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
515 to the mayor.516 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
517 clerk with or without the mayor's approval. If the ordinance has been approved by the
518 mayor, it shall become law upon its return to the city clerk; if the ordinance is neither
519 approved nor disapproved, it shall become law at twelve o'clock noon on the tenth calendar
520 day after its adoption; if the ordinance is disapproved, the mayor shall submit to the city
521 council, through the city clerk, a written statement of reasons for the veto. The city clerk
522 shall record upon the ordinance the date of its delivery to and receipt from the mayor.

523 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
 524 at its next meeting. If the city council then or at its next meeting adopts the ordinance by an
 525 affirmative vote of three members, it shall become law.

526 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 527 ordinance. The approved part or parts of any ordinance making appropriations shall become
 528 law, and the part or parts disapproved shall not become law unless the mayor vetoes as
 529 provided herein. The reduced part or parts shall be presented to city council as though
 530 disapproved and shall not become law unless overridden by the council as provided in
 531 subsection (c) of this section.

532 **SECTION 2.31.**

533 Mayor pro tem; selections; duties.

534 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
 535 The mayor pro tem shall preside at all meetings of the city council and shall assume the
 536 duties and powers of the mayor upon the mayor's physical or mental disability, suspension
 537 from office, or absence. The city council, by a majority vote, shall elect a new presiding
 538 officer from among its members for any period in which the mayor pro tem is disabled,
 539 absent, or acting as the mayor. Any such absence or disability shall be declared by a
 540 majority vote of all councilmembers. When serving as a mayor, the mayor pro tem shall not
 541 vote as a member of the council.

542 **ARTICLE III**

543 **ADMINISTRATIVE AFFAIRS**

544 **SECTION 3.10.**

545 Administrative and service departments.

546 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 547 prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all
 548 non-elective offices, positions of employment, departments, and agencies of the city, as
 549 necessary for the proper administration of the affairs and government of the city.

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

553 (c) All appointive officers and directors of departments shall receive such compensation as
 554 prescribed by ordinance or resolution.

555 (d) There may be a director of each department or agency who shall be its principal officer.
 556 Each director shall be subject to the direction and supervision of the appointing authority and
 557 shall be responsible for the administration and direction of the affairs and operations of that
 558 director's department or agency.

559 (e) All appointive officers and directors, under the supervision of the mayor, shall be
 560 nominated by the mayor with confirmation of appointment by the city council. All
 561 appointive officers and directors shall be employees at-will and subject to removal or
 562 suspension at any time by the recommendation of the mayor and approval of city council
 563 unless otherwise provided by law or ordinance.

564 **SECTION 3.11.**

565 Boards, commissions, and authorities.

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

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

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

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

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

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

585 (g) All board members serve at-will and may be removed at any time by a vote of three
 586 members of the city council unless otherwise provided by law.

587 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 588 authority of the city shall elect one of its members as chairperson and one member as
 589 vice-chairperson, and may elect as its secretary one of its own members of may appoint as

590 secretary an employee of the city. Each board, commission, or authority of the city
591 government may establish such bylaws, rules, and regulations, not inconsistent with this
592 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
593 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
594 regulations shall be filed with the city clerk.

595 **SECTION 3.12.**

596 City attorney.

597 The city council shall appoint a city attorney, together with such assistant city attorneys as
598 may be authorized, and shall provide for the payment of such attorney or attorneys for
599 services rendered to the city. The city attorney shall be responsible for providing for the
600 representation and defense of the city in all litigation in which the city is a party; may be the
601 prosecuting officer in the municipal court; shall attend the meetings of the council as
602 directed; shall advise the city council, mayor, and other officers and employees of the city
603 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
604 required by virtue of the person's position as city attorney. The city attorney is not a public
605 official of the city and does not take an oath of office. The city attorney shall at all times be
606 an independent contractor. A law firm, rather than an individual, may be designated as the
607 city attorney.

608 **SECTION 3.13.**

609 City clerk.

610 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
611 shall be custodian of the official city seal and city records; maintain city council records
612 required by this charter; and perform such other duties as may be required by the city
613 council.

614 **SECTION 3.14.**

615 Position classification and pay plans.

616 The mayor shall be responsible for the preparation of a position classification and pay plan
617 which shall be submitted to the city council for approval. Such plan may apply to all
618 employees of the city and any of its agencies, departments, boards, commissions, or
619 authorities. When a pay plan has been adopted, the city council shall not increase or decrease

620 the salary range applicable to any position except by amendment of such pay plan. For
 621 purposes of this section, all elected and appointed city officials are not city employees.

622 **SECTION 3.15.**

623 Personnel policies.

624 All employees serve at-will and may be removed from office at any time unless otherwise
 625 provided by ordinance.

626 **ARTICLE IV**
 627 **JUDICIAL BRANCH**

628 **SECTION 4.10.**

629 Creation; name.

630 (a) There shall be a court to be known as the Municipal Court of the City of Irwinton.

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

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

637 (d) Compensation of the judges shall be fixed by ordinance.

638 (e) Judges serve at-will and may be removed from office at any time by the city council
 639 unless otherwise provided by ordinance.

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

644 **SECTION 4.11.**

645 Convening.

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

647

SECTION 4.12.

648

Jurisdiction; powers.

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

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

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

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

660 (e) The municipal court shall have authority to establish bail and recognizance to ensure the
661 presence of those charged with violations before said court, and shall have discretionary
662 authority to accept cash or personal or real property as surety for the appearance of persons
663 charged with violations. Whenever any person shall give bail for that person's appearance
664 and shall fail to appear at that time fixed for trial, the bond shall be forfeited by the judge
665 presiding at such time, and an execution issued thereon by serving the defendant and the
666 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
667 event that cash or property is accepted in lieu of bond for security for the appearance of a
668 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
669 the cash so deposited shall be on order of the judge declared forfeited to the city and the
670 property so deposited shall have a lien against it for the value forfeited which lien shall be
671 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

682 **SECTION 4.13.**

683 Certiorari.

684 The right of certiorari from the decision and judgment of the municipal court shall exist in
685 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
686 the sanction of a judge of the Superior Court of Wilkinson County under the laws of the State
687 of Georgia regulating the granting and issuance of writs of certiorari.

688 **SECTION 4.14.**

689 Rules for court.

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

697 **ARTICLE V**

698 **ELECTIONS AND REMOVAL**

699 **SECTION 5.10.**

700 Applicability of general law.

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

703 **SECTION 5.11.**

704 Election of the city council and mayor.

705 (a) There shall be a municipal general election biennially in the even years on the Tuesday
706 next following first Monday in November.

707 (b) There shall be elected the mayor and two city council members at one election and at
708 every other regular election thereafter. The remaining council seats shall be filled at the
709 election alternating with the first election so that a continuing body is created. Terms shall
710 be for four years.

711 **SECTION 5.12.**

712 Nonpartisan elections.

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

715 **SECTION 5.13.**

716 Election by majority.

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

718 **SECTION 5.14.**

719 Special elections; vacancies.

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

727 **SECTION 5.15.**

728 Other provisions.

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

732 **SECTION 5.16.**

733 Removal of officers.

734 (a) The mayor, council members, or other appointed officers provided for in this charter
735 shall be removed from office for any one or more of the causes provided in Title 45 of the
736 O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

737 (b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished
738 one of the following methods:

739 (1) Following hearing at which an impartial panel shall render a decision. In the event an
 740 elected officer is sought to be removed by the action of the city council, such officer shall
 741 be entitled to a written notice specifying the ground or grounds for removal and to a public
 742 hearing which shall be held not less than ten days after the service of such written notice.
 743 The city council shall provide by ordinance for the manner in which such hearings shall be
 744 held. Any elected officer sought to be removed from office as herein provided shall have
 745 the right of appeal from the decision of the city council to the Superior Court of Wilkinson
 746 County. Such appeal shall be governed by the same rules as govern appeals to the superior
 747 court from the probate court.

748 (2) By an order of the Superior Court of Wilkinson County following a hearing on a
 749 complaint seeking such removal brought by any resident of the City of Irwinton.

750 **ARTICLE VI**
 751 **FINANCE**
 752 **SECTION 6.10.**
 753 **Property Tax.**

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

760 **SECTION 6.11.**
 761 **Millage rate; due dates; payment methods.**

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

766 **SECTION 6.12.**
 767 **Occupation and business taxes.**

768 The city council by ordinance shall have the power to levy such corporation or business taxes
 769 as are not denied by law. The city council may classify businesses, occupations, or

770 professions for the purpose of such taxation in any way which may be lawful and may
771 compel the payment of such taxes as provided in Section 6.18 of this charter.

772 **SECTION 6.13.**

773 Regulatory fees; permits.

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

779 **SECTION 6.14.**

780 Franchises.

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

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

797 **SECTION 6.15.**

798 Service charges.

799 The city council by ordinance shall have the power to assess and collect fees, charges,
800 assessments, and tolls for sewers, sanitary and health services, or any other services provided

801 or made available within and without the corporate limits of the city. If unpaid, such charges
802 shall be collected as provided in Section 6.18 of this charter.

803 **SECTION 6.16.**

804 Special assessments.

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

809 **SECTION 6.17.**

810 Construction; other taxes and fees.

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

814 **SECTION 6.18.**

815 Collection of delinquent taxes and fees.

816 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
817 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
818 whatever reasonable means as are not precluded by law. This shall include providing for the
819 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
820 fi.fas; creation and priority of liens; making delinquent taxes and fees personal debts of the
821 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
822 city taxes or fees; and providing for the assignment or transfer of tax executions.

823 **SECTION 6.19.**

824 General obligation bonds.

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

829 **SECTION 6.20.**

830 Revenue bonds.

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

834 **SECTION 6.21.**

835 Short-term loans.

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

838 **SECTION 6.22.**

839 Lease-purchase contracts.

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

847 **SECTION 6.23.**

848 Fiscal year.

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

853 **SECTION 6.24.**

854 Preparation of budgets.

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

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

859 **SECTION 6.25.**

860 Submission of operating budget to city council.

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

870 **SECTION 6.26.**

871 Action by city council on budget.

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

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

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

890 **SECTION 6.27.**

891 Tax levies.

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

898 **SECTION 6.28.**

899 Changes in appropriations.

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

904 **SECTION 6.29.**

905 Capital budget.

906 (a) On or before the date fixed by the city council but no later than 30 days prior to the
907 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
908 improvements plan with a recommended capital budget containing the means of financing
909 the improvements proposed for the ensuing fiscal year. The city council shall have power
910 to accept, with or without amendments, or reject the proposed plan and proposed budget.
911 The city council shall not authorize an expenditure for the construction of any building,
912 structure, work, or improvement, unless the appropriations for such project are included in
913 the capital budget, except to meet a public emergency as provided in Section 2.24 of this
914 charter.

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

922 **SECTION 6.30.**

923 Independent audit.

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

929 **SECTION 6.31.**

930 Contracting procedures.

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

- 932 (1) It is in writing;
- 933 (2) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
 934 course, is signed by the city attorney to indicate such drafting or review; and
- 935 (3) It is made or authorized by the city council and such approval is entered in the city
 936 council journal of proceedings pursuant to Section 2.21 of this charter.

937 **SECTION 6.32.**

938 Centralized purchasing.

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

941 **SECTION 6.33.**

942 Sale and lease of city property.

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

945 (b) The city council may quitclaim any rights it may have in property not needed for public
 946 purposes upon report by the city council and adoption of a resolution, both finding that the
 947 property is not needed for public or other purposes and that the interest of the city has not
 948 readily ascertainable monetary value.

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

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

961 **ARTICLE VII**

962 **GENERAL PROVISIONS**

963 **SECTION 7.10.**

964 Bonds for officials.

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

968 **SECTION 7.11.**

969 Prior ordinances.

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

973 **SECTION 7.12.**

974 Existing personnel and officers.

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

978 **SECTION 7.13.**

979 Pending matters.

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

984 **SECTION 7.14.**

985 Construction.

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

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

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

991 **SECTION 7.15.**

992 Severability.

993 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall be
 994 held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect
 995 or impair other parts of this charter unless it clearly appears that such other parts are wholly
 996 and necessarily dependent upon the part held to be invalid or unconstitutional, it being the
 997 legislative intent in enacting this charter that each article, section, subsection, paragraph,
 998 sentence, or part thereof be enacted separately and independent of each other.

999 **SECTION 7.16.**

1000 Specific repealer.

1001 An Act incorporating the City of Irwinton in the County of Wilkinson, approved March 28,
 1002 1988 (Ga. L. 1988, p. 4341), is hereby repealed in its entirety and all amendatory acts thereof
 1003 are likewise repealed in their entirety.

1004 **SECTION 7.17.**

1005 Effective date.

1006 This Act shall become effective upon its approval by the Governor or upon its becoming law
1007 without such approval.

1008 **SECTION 7.18.**

1009 General repealer.

1010 All laws and parts of laws in conflict with this charter are repealed.