

House Bill 1022

By: Representative Parrish of the 158<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To provide for a new charter for the City of Oak Park; to provide for reincorporation and a  
2 name; to provide for corporate boundaries, municipal powers, and exercise of powers; to  
3 provide for a government structure of such city, including creation, number, and election of  
4 the city council; to provide for council member's terms and qualifications for office; to  
5 provide procedures for elections, vacancies in office, and filling of vacancies; provide for  
6 compensation and expenses; to provide for a code of ethics; to provide for inquiries and  
7 investigations; to provide general powers and authority of the city council; to provide for  
8 eminent domain; to provide for organizational meetings; to provide for regular, special, and  
9 emergency meetings; to provide for action requiring an ordinance; to provide for signing and  
10 recording and to provide for codification of ordinances, and availability of laws; to provide  
11 for a city manager and appointment and qualifications; to prohibit commission interference  
12 with administration; to provide for the powers and duties of the mayor; to provide for  
13 submission of ordinances to the mayor; to provide for veto power of the mayor; to provide  
14 for a mayor pro tempore; to define the position of mayor pro tempore; to provide for the  
15 administrative affairs of the city; to create boards, commissions, and authorities of the city;  
16 to provide for a city attorney; to provide for a city clerk; to provide for a city accountant; to  
17 provide for personnel policies; to provide for a judicial branch including a municipal court  
18 and judges of that court; to provide for the convening of court; to establish certiorari; to  
19 provide for rules of the municipal court; to provide for elections of city officers by majority  
20 vote; to provide for special elections; to provide for nonpartisan elections; to provide for  
21 removal of officers; to provide for the finance of the city; to provide for property taxes; to  
22 provide for a millage rate; to provide for occupation taxes and regulatory fees; to provide for  
23 licenses and permits; to provide for franchises; to provide for service fees and special  
24 assessments; to provide for other taxes; to provide for the collection of delinquent taxes; to  
25 provide for borrowing; to provide for revenue bonds; to provide for loans; to provide for  
26 lease-purchase contracts; to provide for a fiscal year; to provide for accounting and

27 budgeting; to provide for a budget ordinance and submission of the budget to the council; to  
 28 provide for adoption of the budget; to provide for the levy of taxes; to provide for changes  
 29 in the budget; to provide for audits; to provide for procurement and property management;  
 30 to provide for sale of property; to provide for bonds for officials; to provide for the validity  
 31 of existing ordinances, resolutions, rules, and regulations of the city; to provide for the  
 32 continuation of existing personnel and officers of the city; to provide for charter language on  
 33 other general matters; to provide for definitions and construction; to provide for a specific  
 34 repealer; to provide an effective date; to provide for related matters; to repeal conflicting  
 35 laws; and for other purposes.

36 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

37 ARTICLE I.  
 38 INCORPORATION AND POWERS

39 SECTION 1.10.

40 Name.

41 The City of Oak Park, in Emanuel County, Georgia, is reincorporated by the enactment of  
 42 this charter and is hereby constituted and declared a body politic and corporate under the  
 43 name "City of Oak Park" and by that name shall have perpetual succession. References in  
 44 this charter to "the city" or "this city" refer to the City of Oak Park, Georgia.

45 SECTION 1.11.

46 Corporate boundaries.

47 (a) The boundaries of this city shall be those existing on the effective date of the adoption  
 48 of this charter with such alterations as may be made from time to time in the manner  
 49 provided by law. The boundaries of this city at all times shall be shown on a map, a written  
 50 description, or any combination thereof, to be retained permanently in the office of the city  
 51 clerk and to be designated, as the case may be: "Official Map of the corporate limits of the  
 52 City of Oak Park, Georgia." Photographic, typed, or other copies of such map or  
 53 description certified by the city clerk shall be admitted as evidence in all courts and shall  
 54 have the same force and effect as with the original map or description.

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

58 **SECTION 1.12.**

59 Powers and construction.

60 (a) This city shall have all powers possible for a city to have under the present or future  
61 Constitution and laws of this state as fully and completely as though they were specifically  
62 enumerated in this charter. This city shall have all the powers of self-government not  
63 otherwise prohibited by this charter or by general law; specifically, but not limited to the  
64 following powers:

- 65 (1) To levy and collect taxes and fees;
- 66 (2) To manage city property and finances;
- 67 (3) To regulate local commerce;
- 68 (4) To regulate animals and criminal activities and nuisances;
- 69 (5) To regulate construction and buildings;
- 70 (6) To implement environmental and waste controls;
- 71 (7) To provide and regulate public services and utilities;
- 72 (8) To regulate transportation and streets; and
- 73 (9) To provide penalties for violations of ordinances and laws and resolutions.

74 (b) This city shall exercise and enjoy all powers, functions, rights, privileges, and  
75 immunities necessary or desirable to promote or protect the safety, health, peace, security,  
76 good order, comfort, convenience, or general welfare of the city and its inhabitants; to  
77 exercise all express and implied powers necessary or desirable to carry into execution all  
78 powers granted by law or in this charter as fully and completely as if such powers were  
79 fully stated herein; and to exercise all powers now or in the future authorized to be  
80 exercised by other municipal governments under other laws of the State of Georgia; and  
81 no listing of particular powers in this charter shall be held to be exclusive of others, nor  
82 restrictive of general words and phrases granting powers, but shall be held to be in addition  
83 to such powers unless expressly prohibited to municipalities under the Constitution or  
84 applicable laws of the State of Georgia.

85 (c) The powers of this city shall be construed liberally in favor of the city. The specific  
86 mention or failure to mention particular powers shall not be construed as limiting in any  
87 way the powers of this city.

88 **SECTION 1.13.**

89 Exercise of powers.

90 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies,  
91 or employees shall be carried into execution as provided by this charter. If this charter  
92 makes no provision, such shall be carried into execution as provided by ordinance or as  
93 provided by pertinent laws of the State of Georgia.

94 **ARTICLE II.**

95 **GOVERNMENT STRUCTURE**

96 **SECTION 2.10.**

97 Council creation; number, election.

98 The legislative authority of the government of this city, except as otherwise specifically  
99 provided in this charter, shall be vested in a council to be composed of a mayor and five  
100 council members. The council established shall in all respects be a successor to and  
101 continuation of the governing authority under prior law. The mayor and council members  
102 shall be elected in the manner provided by general law and this charter.

103 **SECTION 2.11.**

104 Council terms and qualifications for office.

105 (a) The mayor and council in office on the effective date of this charter shall continue in  
106 office until their respective successors are elected and qualified.

107 (b) The mayor and council members shall serve for terms of four years and until their  
108 respective successors are elected and qualified. No person shall be eligible to serve as  
109 mayor or council member unless that person shall have been a resident of the city for 12  
110 months prior to the date of election of mayor or council members; each shall continue to  
111 reside therein during that member's period of service and to be registered and qualified to  
112 vote in municipal elections of this city. No person shall be eligible to serve as a council  
113 member unless that person continues to reside in the corporate limits of the city during that  
114 person's period of service.

115 (c) On the Tuesday following the first Monday in November, 2014, and every four years  
116 thereafter, the mayor and the successors to the council members representing Posts 1 and  
117 2 shall be elected and shall serve for terms of office of four years and until their respective

118 successors are elected and qualified and shall take office on the first day of January  
119 immediately following their election.

120 (d) On the Tuesday following the first Monday in November, 2014, the successors to the  
121 council members representing Posts 3, 4, and 5 shall be elected and shall serve for terms  
122 of office of two years and until their respective successors are elected and qualified and  
123 shall take office on the first day of January immediately following their election. On the  
124 Tuesday following the first Monday in November, 2016, successors to such council  
125 members shall be elected and shall serve for terms of four years and until their respective  
126 successors are elected and qualified and shall take office on the first day of January  
127 immediately following their election.

128 (e) Thereafter, on the Tuesday following the first Monday in November of the last year of  
129 the terms of the mayor and each of the council members, an election shall be held to elect  
130 their successors, each of whom shall serve for a term of office of four years and until his  
131 or her successor is elected and qualified and shall take office on the first day of January  
132 immediately following his or her election.

133 **SECTION 2.12.**

134 Vacancy; filling of vacancies.

135 (a) The office of mayor or of a council member shall become vacant upon the incumbent's  
136 death, resignation, forfeiture of office, or occurrence of any event specified by the  
137 Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated,  
138 or such other applicable laws as are or may hereafter be enacted.

139 (b) A vacancy in the office of mayor or council member shall be filled for the remainder  
140 of the unexpired term, if any, by appointment by the council or those members remaining  
141 if less than 12 months remain in the unexpired term. If such vacancy occurs 12 months or  
142 more prior to the expiration of the term of that office, it shall be filled for the remainder of  
143 the unexpired term by a special election, as provided for in Section 5.14 of this charter and  
144 in accordance with Titles 21 and 45 of the Official Code of Georgia Annotated, or such  
145 other laws as are or may hereafter be enacted.

146 (c) This section shall also apply to a temporary vacancy created by the suspension from  
147 office of the mayor or any council member.

148 **SECTION 2.13.**

149 Mayor and council; compensation and expenses.

150 The mayor and council members shall receive compensation and expenses for their  
151 services as provided by ordinance.

152 **SECTION 2.14.**

153 Ethics.

154 The city council by ordinance shall adopt a code of ethics in accordance with applicable  
155 law.

156 **SECTION 2.15.**

157 Inquiries and investigations.

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

164 **SECTION 2.16.**

165 General power and authority of the council.

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

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

175 **SECTION 2.17.**

176 Eminent domain.

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

185 **SECTION 2.18.**

186 Organizational meetings.

187 The council shall hold an organizational meeting on the first Tuesday in January of every  
188 year or on the first Wednesday in January if the first Tuesday is January 1. The meeting  
189 shall be called to order by the mayor-elect and the oath of office shall be administered to  
190 any newly elected members by a judicial officer authorized to administer oaths and such  
191 oath shall, to the extent that it comports with federal and state law, be as follows:

192 "I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (council  
193 member) of this city and that I will support and defend the charter thereof as well as the  
194 Constitution and laws of the State of Georgia and of the United States of America. I am  
195 not the holder of any unaccounted for public money due this state or any political  
196 subdivision or authority thereof. I am not the holder of any office of trust under the  
197 government of the United States, any other state, or any foreign state which I, by the laws  
198 of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold said  
199 office according to the Constitution and laws of Georgia. I have been a resident of the City  
200 of Oak Park for the time required by the Constitution and laws of this state and by the  
201 municipal charter. I will perform the duties of my office in the best interest of the City of  
202 Oak Park to the best of my ability without fear, favor, affection, reward, or expectation  
203 thereof."

204 **SECTION 2.19.**

205 Regular, special, and emergency meetings.

206 The council shall hold regular meetings and special meetings at such times and places as  
207 prescribed by ordinance. To meet a public emergency affecting life, health, property, or  
208 public peace, the city council may convene on call of the mayor or three council members.

209 **SECTION 2.20.**

210 Action requiring an ordinance.

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

212 **SECTION 2.21.**

213 Signing; authenticating; recording; codification; printing.

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

217 (b) The council shall provide for the preparation of a general codification of all the  
218 ordinances of the city having the force and effect of law. The general codification shall be  
219 adopted by the council by ordinance and shall be published promptly, together with all  
220 amendments thereto and such codes of technical regulations and other rules and regulations  
221 as the council may specify. This compilation shall be known and cited officially as "The  
222 Code of the City of Oak Park, Georgia." Copies of the code shall be furnished to all  
223 officers, departments, and agencies of the city and made available for purchase by the  
224 public at a reasonable price as fixed by the council.

225 (c) The council shall cause each ordinance and each amendment to this charter to be  
226 printed promptly following its adoption, and the printed ordinances and charter  
227 amendments shall be made available for purchase by the public at reasonable prices to be  
228 fixed by the council. Following publication of the first code under this charter and at all  
229 times thereafter, the ordinances and charter amendments shall be printed in substantially  
230 the same style as the code currently in effect and shall be suitable in form for incorporation  
231 therein. The council shall make such further arrangements as deemed desirable with  
232 reproduction and distribution of any current changes in or additions to codes of technical  
233 regulations and other rules and regulations included in the code.

234 **SECTION 2.22.**

235 City employees.

236 (a) The city council may appoint a city manager to act as city administrator, and require  
 237 of him or her such bond as necessary and to fix such compensation as may be just and  
 238 proper, if the council determines that such officer is necessary for the proper administration  
 239 of the city.

240 (b) The council shall appoint other city employees and prescribe their duties, and require  
 241 of them such bonds as may be necessary, and to fix such compensation as may be just and  
 242 proper.

243 **SECTION 2.23.**

244 Council interference with administration.

245 Except for the purpose of inquiries and investigations under Section 2.15 of this charter,  
 246 the council or its members shall deal with city officers and employees who are subject to  
 247 the direction and supervision of the city administrator solely through the city administrator,  
 248 and neither the council nor its members shall give orders to any such officer or employee,  
 249 either publicly or privately.

250 **SECTION 2.24.**

251 Powers and duties of mayor.

252 The mayor shall:

253 (1) Preside at all meetings of the council;

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

256 (3) Have power to administer oaths and to take affidavits;

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

260 (5) Act as city administrator, unless a city manager is appointed; and

261 (6) Vote to create or break a tie within the city council, except in the instance of a veto  
 262 override.

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**SECTION 2.25.**

264

Submission of ordinances to mayor; veto power.

265 (a) Every ordinance adopted by the council shall be presented promptly by the city clerk  
266 to the mayor.

267 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the  
268 city clerk with or without the mayor's approval or with the mayor's disapproval. If the  
269 ordinance has been approved by the mayor, it shall become law upon its return to the city  
270 clerk; if the ordinance is neither approved nor disapproved, it shall become law at 12:00  
271 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the  
272 mayor shall submit to the council through the city clerk a written statement of the reasons  
273 for the veto. The city clerk shall record upon the ordinance the date of its delivery to and  
274 receipt from the mayor.

275 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the council at  
276 its next meeting. If the council then or at its next meeting adopts the ordinance by a  
277 three-fifths vote, it shall become law.

278 (d) The mayor may disapprove or reduce any item or items of appropriation in any  
279 ordinance. The approved part or parts of any ordinance making appropriations shall  
280 become law, and the part or parts disapproved shall not become law unless subsequently  
281 passed by the council over the mayor's veto as provided by subsection (c) of this section.  
282 The reduced part or parts shall be presented to council as though disapproved and shall not  
283 become law unless overridden by the council as provided in subsection (c) of this section.

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**SECTION 2.26.**

285

Selection of mayor pro tempore.

286 By a majority vote of all its members, the council at its organizational meeting pursuant to  
287 Section 2.18 of this charter shall elect a council member to serve as mayor pro tempore  
288 who shall serve at the pleasure of the council. The mayor pro tempore shall continue to  
289 vote and otherwise participate as a council member.

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**SECTION 2.27.**

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Mayor pro tempore; duties.

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During the absence or physical or mental disability of the mayor for any cause, the mayor

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pro tempore, or in the mayor pro tempore's absence or disability for any reason, any one

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of the council members chosen by a majority vote of the council, shall be clothed with all

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the rights and privileges of the mayor and shall perform the duties of the office of the

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mayor so long as such absence or disability shall continue. Any such absence or disability

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shall be declared by majority vote of all council members. The mayor pro tempore or

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selected council member shall sign all contracts and ordinances in which the mayor has a

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disqualifying interest. When acting as mayor, the mayor pro tempore shall continue to

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have only one vote as a council member.

301

**ARTICLE III.**

302

**ADMINISTRATIVE AFFAIRS**

303

**SECTION 3.10.**

304

Administrative and service departments.

305

Except as otherwise provided in this charter, the council by ordinance shall prescribe the

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functions or duties and establish, abolish, alter, consolidate, or leave vacant all non-elective

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offices, positions of employment, departments, and agencies of the city as necessary for the

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proper administration of the affairs and government of this city.

309

**SECTION 3.11.**

310

Boards, commissions, and authorities.

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(a) The council shall create by ordinance such boards, commissions, and authorities to

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fulfill any investigative, quasi-judicial, or quasi-legislative function the council deems

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necessary and shall by ordinance establish the composition, period of existence, duties, and

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powers thereof.

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(b) All members of boards, commissions, and authorities of the city shall be appointed by

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the council for such terms of office and in such manner as shall be provided by ordinance,

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except where other appointing authority, terms of office, or manner of appointment is

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prescribed by this charter or by law.

- 319 (c) The council by ordinance may provide for the compensation and reimbursement for  
320 actual and necessary expenses of the members of any board, commission, or authority.
- 321 (d) Except as otherwise provided by charter or by law, no member of any board,  
322 commission, or authority shall hold any elective office in the city.
- 323 (e) Any vacancy on a board, commission, or authority of the city shall be filled for the  
324 unexpired term in the manner prescribed by this charter for original appointment, except  
325 as otherwise provided by this charter or by law.
- 326 (f) No member of a board, commission, or authority shall assume office until that person  
327 has executed and filed with the city clerk an oath obligating himself or herself to faithfully  
328 and impartially perform the duties of that member's office, such oath to be prescribed by  
329 ordinance and administered by the mayor.
- 330 (g) All board members serve at will and may be removed at any time by a vote of three  
331 council members unless otherwise provided by law.
- 332 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
333 authority of the city shall elect one of its members as chair and one member as vice chair,  
334 and may elect as its secretary one of its own members or may appoint as secretary an  
335 employee of the city. Each board, commission, or authority of the city government may  
336 establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances  
337 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
338 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
339 the city clerk.

340 **SECTION 3.12.**

341 City attorney.

- 342 (a) The council shall appoint a city attorney, together with such assistant city attorneys as  
343 may be authorized, and shall provide for the payment of such attorney or attorneys for  
344 services rendered to the city. The city attorney shall be responsible for providing for the  
345 representation and defense of the city in all litigation in which the city is a party; may be  
346 the prosecuting officer in the municipal court; shall attend the meetings of the council as  
347 directed; shall advise the council, mayor, and other officers and employees of the city  
348 concerning legal aspects of the city's affairs; and shall perform such other duties as may be  
349 required by virtue of the person's position as city attorney.

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

353 **SECTION 3.13.**

354 City clerk.

355 The council shall appoint a city clerk who shall not be a council member. The city clerk  
 356 shall be custodian of the official city seal and city records; maintain council records  
 357 required by this charter; and perform such other duties as may be required by the council.

358 **SECTION 3.14.**

359 City accountant.

360 The council shall appoint a city accountant to perform the duties of an accountant and the  
 361 audits of the city.

362 **SECTION 3.15.**

363 Personnel policies.

364 (a) All employees serve at will and may be removed from office at any time unless  
 365 otherwise provided by ordinance.

366 (b) The city council by ordinance shall adopt such personnel and administration policies  
 367 as deemed necessary for the proper administration of the affairs and government of this  
 368 city.

369 **ARTICLE IV.**

370 **JUDICIAL BRANCH**

371 **SECTION 4.10.**

372 Creation; name.

373 There shall be a court to be known as the Municipal Court of the City of Oak Park.

374

**SECTION 4.11.**

375

Chief judge; associate judge.

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

378 (b) No person shall be qualified or eligible to serve as a judge on the municipal court  
379 unless that person shall have attained the age of 21 years, shall be a member in good  
380 standing of the State Bar of Georgia, and shall possess all qualifications required by law.  
381 All judges shall be appointed by the council and shall serve until a successor is appointed  
382 and qualified.

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

384 (d) Judges serve at will and may be removed from office at any time by the council unless  
385 otherwise provided by ordinance.

386 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the  
387 judge will honestly and faithfully discharge the duties of the office to the best of that  
388 person's ability and without fear, favor, or partiality. The oath shall be entered upon the  
389 minutes of the council journal.

390

**SECTION 4.12.**

391

Convening.

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

393

**SECTION 4.13.**

394

Jurisdiction; powers.

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

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

399 (c) The municipal court may fix punishment for offenses within its jurisdiction as provided  
400 by general laws.

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

404 (e) The municipal court shall have authority to establish bail and recognizance to ensure  
405 the presence of those charged with violations before the court and shall have discretionary  
406 authority to accept cash or personal or real property as surety for the appearance of persons  
407 charged with violations. Whenever any person shall give bail for that person's appearance  
408 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge  
409 presiding at such time and an execution issued thereon by serving the defendant and the  
410 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In  
411 the event that cash or property is accepted in lieu of bond for security for the appearance  
412 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for  
413 trial, the cash so deposited shall be on order of the judge declared forfeited to the city or  
414 the property so deposited shall have a lien against it for the value forfeited, and such lien  
415 shall be enforceable in the same manner and to the same extent as a lien for city property  
416 taxes.

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

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

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

#### 427 **SECTION 4.14.**

#### 428 **Certiorari.**

429 The right of certiorari from the decision and judgment of the municipal court shall exist in  
430 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under  
431 the sanction of a judge of the Superior Court of Emanuel County under the laws of the  
432 State of Georgia regulating the granting and issuance of writs of certiorari.

433 **SECTION 4.15.**

434 Rules for court.

435 With the approval of the council, the chief judge shall have full power and authority to  
436 make reasonable rules and regulations necessary and proper to secure the efficient and  
437 successful administration of the municipal court; provided, however, that the council may  
438 adopt in part or in total the rules and regulations applicable to municipal courts. The rules  
439 and regulations made or adopted shall be filed with the city clerk, shall be available for  
440 public inspection, and, upon request, a copy shall be furnished to all defendants in  
441 municipal court proceedings at least 48 hours prior to such proceedings.

442 **ARTICLE V.**

443 **ELECTIONS AND REMOVAL**

444 **SECTION 5.10.**

445 Applicability of general law.

446 All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the  
447 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter  
448 amended.

449 **SECTION 5.11.**

450 Council posts.

451 (a) As there are five council members, each council member shall have a designated post  
452 number.

453 (b) These post numbers shall be for electoral identification only, and shall serve no other  
454 purpose.

455 **SECTION 5.12.**

456 Council members.

457 As there are no districts or wards identified within the city, the council members shall be  
458 elected at-large by the voters of the entire city.

459 **SECTION 5.13.**

460 Mayor.

461 The mayor shall be elected by the voters of the entire city.

462 **SECTION 5.14.**

463 Special elections; vacancies.

464 In the event that the office of mayor or council member shall become vacant as provided  
465 in Section 2.12 of this charter, the council or those remaining shall order a special election  
466 to fill the balance of the unexpired term of such official; provided, however, if such  
467 vacancy occurs within 12 months of the expiration of the term of that office, the council  
468 or those remaining shall appoint a successor for the remainder of the term. In all other  
469 respects, the special election shall be held and conducted in accordance with Chapter 2 of  
470 Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as now  
471 or hereafter amended.

472 **SECTION 5.15.**

473 Nonpartisan elections.

474 Political parties shall not conduct primaries for city offices, and all names of candidates for  
475 city offices shall be listed without any party designation.

476 **SECTION 5.16.**

477 Election by majority vote.

478 The mayor and council members shall be elected by a majority vote of the votes cast for  
479 each position.

480 **SECTION 5.17.**

481 Other provisions.

482 Except as otherwise provided by this charter, the council by ordinance shall prescribe such  
483 rules and regulations it deems appropriate to fulfill any options and duties under Chapter

484 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election Code," as  
485 now or hereafter amended.

486 **SECTION 5.18.**

487 Removal of officers.

488 (a) The mayor, council members, or other appointed officers provided for in this charter  
489 shall be removed from office for any one or more of the causes provided in Title 45 of the  
490 Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter  
491 be enacted.

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

494 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
495 an elected officer is sought to be removed by the action of the council, such officer shall  
496 be entitled to a written notice specifying the ground or grounds for removal and to a  
497 public hearing which shall be held not less than ten days after the service of such written  
498 notice. The council shall provide by ordinance for the manner in which such hearings  
499 shall be held. Any elected officer sought to be removed from office as provided in this  
500 paragraph shall have the right of appeal from the decision of the council to the Superior  
501 Court of Emanuel County. Such appeal shall be governed by the same rules as govern  
502 appeals to the superior court from the probate court; or

503 (2) By an order of the Superior Court of Emanuel County following a hearing on a  
504 complaint seeking such removal brought by any resident of the City of Oak Park.

505 **ARTICLE VI.**

506 **FINANCE**

507 **SECTION 6.10.**

508 Property tax.

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

515 **SECTION 6.11.**

516 Millage rate; due dates; payment methods.

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

521 **SECTION 6.12.**

522 Occupation and business taxes.

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

527 **SECTION 6.13.**

528 Regulatory fees; permits.

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

534 **SECTION 6.14.**

535 Franchises.

536 (a) The council shall have the power to grant franchises for the use of this city's streets and  
 537 alleys for the purposes of railroads, street railways, telephone companies, electric  
 538 companies, electric membership corporations, cable television and other  
 539 telecommunications companies, gas companies, transportation companies, and other  
 540 similar organizations. The council shall determine the duration, terms, whether the same  
 541 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,  
 542 however, that no franchise shall be granted for a period in excess of 35 years and no

543 franchise shall be granted unless the city receives just and adequate compensation therefor.  
544 The council shall provide for the registration of all franchises with the city clerk in a  
545 registration book kept by the city clerk. The council may provide by ordinance for the  
546 registration within a reasonable time of all franchises previously granted.

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

552 **SECTION 6.15.**

553 Service charges.

554 The council by ordinance or resolution shall have the power to assess and collect fees,  
555 charges, assessments, and tolls for sewers, sanitary and health services, or any other  
556 services provided or made available within and without the corporate limits of the city. If  
557 unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

558 **SECTION 6.16.**

559 Special assessments.

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

565 **SECTION 6.17.**

566 Construction; other taxes.

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

570 **SECTION 6.18.**

571 Collection of delinquent taxes and fees.

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

580 **SECTION 6.19.**

581 General obligation bonds.

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

586 **SECTION 6.20.**

587 Revenue bonds.

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

591 **SECTION 6.21.**

592 Short-term loans.

593 The city may obtain short-term loans, unless otherwise prohibited by law.

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**SECTION 6.22.**

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Lease-purchase contracts.

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

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**SECTION 6.23.**

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Fiscal year.

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

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**SECTION 6.24.**

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Preparation of budgets.

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

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**SECTION 6.25.**

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Submission of operating budget to council.

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On or before a date fixed by the council, but not later than 120 days prior to the beginning of each fiscal year, the city administrator shall submit to the council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the city administrator containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next

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622 fiscal year, a general summary of the budget, and such other pertinent comments and  
 623 information. The operating budget, the capital budget, the budget message, and all  
 624 supporting documents shall be filed in the office of the city clerk and shall be open to  
 625 public inspection.

626 **SECTION 6.26.**

627 Action by council on budget.

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

633 (b) The council by ordinance shall adopt the final operating budget for the ensuing fiscal  
 634 year not later than October 1 of each year. If the council fails to adopt the budget by this  
 635 date, the amounts appropriated for operation for the current fiscal year shall be deemed  
 636 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated  
 637 accordingly until such time as the council adopts a budget for the ensuing fiscal year.  
 638 Adoption of the budget shall take the form of an appropriations ordinance setting out the  
 639 estimated revenues in detail by sources and making appropriations according to fund and  
 640 by organizational unit, purpose, or activity as set out in the budget preparation ordinance  
 641 adopted pursuant to Section 6.24 of this charter.

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

646 **SECTION 6.27.**

647 Tax levies.

648 The council shall levy by ordinance such taxes as are necessary. The taxes and tax rates  
 649 set by such ordinances shall be such that reasonable estimates of revenues from such levy  
 650 shall at least be sufficient, together with other anticipated revenues, fund balances, and  
 651 applicable reserves, to equal the total amount appropriated for each of the several funds set

652 forth in the annual operating budget for defraying the expenses of the general government  
653 of this city.

654 **SECTION 6.28.**

655 Changes in appropriations.

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

659 **SECTION 6.29.**

660 Independent audit.

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

666 **SECTION 6.30.**

667 Sale and lease of city property.

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

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

674 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
675 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
676 tract or boundary of land owned by the city, the council may authorize the city  
677 administrator to sell and convey said cut-off or separated parcel or tract of land to an  
678 abutting or adjoining property owner or owners if such sale and conveyance facilitates the  
679 enjoyment of the highest and best use of the abutting owner's property. Included in the  
680 sales contract shall be a provision for the rights of way of such street, avenue, alley, or

681 public place. Each abutting property owner shall be notified of the availability of the  
682 property and given the opportunity to purchase such property under such terms and  
683 conditions as set out by ordinance. All deeds and conveyances so executed and delivered  
684 shall convey all title and interest the city has in such property, notwithstanding the fact that  
685 no public sale after advertisement was or is hereafter made.

686 **ARTICLE VII.**

687 **GENERAL PROVISIONS**

688 **SECTION 7.10.**

689 Bonds for officials.

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

693 **SECTION 7.11.**

694 Prior ordinances.

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

698 **SECTION 7.12.**

699 Existing personnel and officers.

700 Except as specifically provided otherwise by this charter, all personnel and officers of the  
701 city and their rights, privileges, and powers shall continue.

702 **SECTION 7.13.**

703 Pending matters.

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

708 **SECTION 7.14.**

709 Construction.

710 (a) Section captions in this charter are informative only and are not to be considered a part  
711 thereof.

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

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

715 **SECTION 7.15.**

716 Repealer.

717 An Act incorporating the Town of Oak Park, Georgia, in the County of Emanuel, approved  
718 July 18, 1929 (Ga. L.1929, p. 1241), as amended, is hereby repealed in its entirety and all  
719 amendatory acts thereto are likewise repealed in their entirety.

720 **SECTION 7.16.**

721 Effective date.

722 This Act shall become effective on July 1, 2014.

723 **SECTION 7.17.**

724 General repealer.

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