

House Bill 1090

By: Representative Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Arlington, Georgia; to provide for incorporation,
2 boundaries, and powers of the city; to provide for a governing authority of such city and the
3 powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications,
4 prohibitions, conflicts of interest, and suspension and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for
7 ordinances and codes; to provide for a mayor and mayor pro tempore, and certain duties,
8 powers, and other matters relative thereto; to provide for administrative affairs and
9 responsibilities; to provide for boards, commissions and authorities: to provide for a city
10 attorney, a city clerk, and other personnel and matters relating thereto; to provide for a
11 municipal court and the judge or judges thereof and other matters relative to those judges;
12 to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the
13 right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to
14 provide for franchise service charges and assessments; to provide for bonded and other
15 indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide
16 for city contracts and purchasing; to provide for conveyance of property; to provide for bonds
17 for officials; to provide for prior ordinances and rules, pending matters, and existing
18 personnel; to provide for definitions and construction; to provide for other matters relative
19 to the foregoing; to provide for severability; to repeal a specific Act; to provide for an
20 effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I

23

INCORPORATION AND POWERS

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SECTION 1.10.

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Name.

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This city and the inhabitants thereof are incorporated by the enactment of this charter and are hereby constituted and declared a body politic and corporate under the name and style of the City of Arlington, Georgia, and by that name shall have perpetual existence.

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SECTION 1.11.

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Corporate boundaries.

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(a) The boundaries of the city shall be those existing on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The boundaries of this city at all times shall be shown on a map, or a written description, retained permanently in the city hall for the City of Arlington, Georgia, and to be identified by the city clerk as the "Official Map (or Description) of the Corporate Limits of the City of Arlington, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

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SECTION 1.12.

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Powers and construction.

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

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

SECTION 1.13.

Specific powers.

53 The city shall have the following powers:

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

59 (2) Appropriations and Expenditures. To make appropriations for the support of the
60 government of the city; to authorize the expenditure of money for any purposes
61 authorized by this charter or for municipalities by the laws of the State of Georgia; and
62 to provide for the payment of expenses of the city.

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

66 (4) Business Regulation and Taxation. To levy and to provide for the collection of
67 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
68 by Title 48 of the Official Code of Georgia Annotated, or other such applicable laws as
69 are or may thereafter be enacted; to permit and regulate the same; to provide for the
70 manner and method of payment of such regulatory fees and taxes; and to revoke such
71 permits after due process for failure to pay any city taxes or fees.

72 (5) Condemnation. To condemn property inside or outside the corporate limits of the
73 city for present or future use and for any corporate purpose deemed necessary by the
74 governing authority, utilizing procedures enumerated in the Official Code of Georgia
75 Annotated or such other applicable laws as are or may hereafter be enacted.

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

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

82 (8) Environmental Protection. To protect and preserve the natural resources,
83 environment, and vital areas of the city through the preservation and improvement of air
84 quality, the restoration and maintenance of water resources, the control of erosion and
85 sedimentation, the management of solid and hazardous waste, and other necessary actions
86 for the protection of the environment.

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

124 (19) Municipal Property Protection. To provide for the preservation and protection of
125 property and equipment of the city and the administration and use of same by the public;
126 and to prescribe penalties and punishment for violations thereof.

127 (20) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
128 of public utilities, including but not limited to a system of waterworks, sewers, and
129 drains, sewage disposal, gas works, electric light plants, cable television, and other
130 telecommunications, transportation facilities, public airports, and any other public utility;
131 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
132 and to provide for the withdrawal of service for refusal or failure to pay the same.

133 (21) Nuisance. To define a nuisance and provide for its abatement whether on public or
134 private property.

135 (22) Penalties. To provide penalties for the violation of any ordinances adopted pursuant
136 to the authority of this charter and the laws of the State of Georgia.

137 (23) Planning and Zoning. To provide comprehensive city planning for development by
138 zoning; and to provide subdivision regulation and the like as the city council deems
139 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community.

140 (24) Police and Fire Protection. To exercise the power of arrest through duly appointed
141 policemen and to establish, operate, or contract for a police department and a fire-fighting
142 agency.

143 (25) Public Hazards; Removal. To provide for the destruction and removal of any
144 building or other structure which is or may become dangerous or detrimental to the
145 public.

146 (26) Public Improvements. To provide for the acquisition, construction, building,
147 operation, and maintenance of public ways, parks, and playgrounds, recreational
148 facilities, cemeteries, markets, and market houses, public buildings, libraries, public
149 housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural,
150 educational, recreational, conservation, sport, curative, corrective, detentional, penal and
151 medical institutions, agencies, and facilities; and to provide any other public
152 improvements, inside or outside the corporate limits of the city; to regulate the use of
153 public improvements; and for such purposes, property may be acquired by condemnation
154 under procedures provided in the Official Code of Georgia Annotated, or such other
155 applicable laws are or may hereafter be enacted.

156 (27) Public Peace. To provide for the prevention and punishment of drunkenness, riots,
157 and public disturbances.

158 (28) Public Transportation. To organize and operate such public transportation systems
159 as are deemed beneficial.

160 (29) Public Utilities and Services. To grant franchises or make contracts for, or impose
161 taxes on public utilities and public service companies; and to prescribe the rates, fares,
162 regulations, and standards and conditions of service applicable to the service to be
163 provided by the franchise grantee or contractor, insofar as not in conflict with valid
164 regulations of the Public Service Commission.

165 (30) Regulation of Roadside Areas. To prohibit or regulate and control the erection,
166 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
167 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
168 roads or within the view thereof, within or abutting the corporate limits of the city; and
169 to prescribe penalties and punishment for violation of such ordinances.

170 (31) Retirement. To provide and maintain a retirement plan for officers and employees
171 of the city.

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

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

187 (34) Solid Waste Disposal. To provide for the collection and disposal of garbage,
188 rubbish, and refuse, and to regulate the collection and disposal of garbage, rubbish, and
189 refuse by others; to provide for the separate collection of glass, tin, aluminum, cardboard,
190 paper, and other recyclable materials; and to provide for the sale of such items.

191 (35) Special Areas of Public Regulation. To regulate or prohibit junk dealers, pawn
192 shops, the manufacture, sale, or transportation of intoxicating liquors, and the use and
193 sale of firearms; to regulate the transportation, storage, and use of combustible, explosive,
194 and inflammable materials, the use of lighting and hearing equipment, and any other
195 business or situation which the city may deem to be dangerous to persons or property; to
196 regulate and control the conduct of peddlers and itinerant traders, theatrical performance,

197 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
 198 or prohibit professional fortune-telling, palmistry, adult bookstores, and massage parlors.
 199 (36) Special Assessments. To levy and provide for the collection of special assessments
 200 to cover the costs for any public improvements.
 201 (37) Taxes; Ad Valorem. To levy and provide for the assessment, valuation, revaluation,
 202 and collection of taxes on all property subject to taxation.
 203 (38) Taxes; Other. To levy and collect such other taxes as may be allowed now or in the
 204 future by law.
 205 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 206 number of such vehicles; to require the operators thereof to be licensed; to require public
 207 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 208 regulate the parking of such vehicles.
 209 (40) Urban Redevelopment. To organize and operate an urban redevelopment program.
 210 (41) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges,
 211 and immunities necessary or desirable to promote or protect the safety, health, peace,
 212 security, good order, comfort, convenience, or general welfare of the city and its
 213 inhabitants; and to exercise all implied powers necessary or desirable to carry into
 214 execution all powers granted in this charter as fully and completely as if such powers
 215 were fully stated herein; and to exercise all powers now or in the future authorized to be
 216 exercised by other municipal governments under other laws of the State of Georgia; and
 217 no listing of particular powers in this charter shall be held to be exclusive of others, nor
 218 restrictive of general words and phrases granting powers, but shall be held to be in
 219 addition to such powers unless expressly prohibited to municipalities under the
 220 Constitution or applicable laws of the State of Georgia.

221 **SECTION 1.14.**

222 Exercise of powers.

223 All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or
 224 employees shall be carried into execution as provided by this charter. If this charter makes
 225 no provisions, such shall be carried into execution as provided by ordinance or as provided
 226 by pertinent laws of the State of Georgia.

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ARTICLE II

228

GOVERNMENT STRUCTURE

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SECTION 2.10.

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City council creation; number; election.

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

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SECTION 2.11.

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City council, terms, and qualifications for office.

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The members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or council member unless that person shall have been a resident of the city for one year prior to the date of the election; each person holding city office shall continue to reside therein during his or her period of service and to be registered and qualified to vote in municipal elections of this city. Persons shall also be subject to other qualifications as provided by general law.

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SECTION 2.12.

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Vacancy; filling of vacancies.

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(a) Vacancies. The office of mayor or council member shall become vacant upon the occurrence of any event specified by the Constitution of the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted. Provided however, the office of mayor and council member shall become vacant upon the unexcused absence of the holder of office from four consecutive regularly scheduled meetings of the city council. Excused absences shall be granted by a majority vote of the remaining city council members and the mayor as provided in Section 2.21 and shall be entered upon the minutes of the council meeting.

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(b) Filling of Vacancies. A vacancy in the officer of mayor or council member shall be filled for the remainder of the unexpired term, if any, by appointment by the remaining council members if less than six months remain in the unexpired term; otherwise, an election shall be held, as provided for in Section 5.14 of this charter, and in accordance with Titles

258 21 and 45 of the Official Code of Georgia Annotated, or other such laws as are or may
259 hereafter be enacted.

260 **SECTION 2.13.**

261 Compensation and expenses.

262 The mayor and council members shall receive compensation and expenses for their services
263 as established by ordinance adopted in accordance with general law.

264 **SECTION 2.14.**

265 Holding other office; conflicts of interest; code of ethics.

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

268 (b) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
269 ordinance, resolution, contract, or other matter in which that person is financially interested.

270 (c) Conflicts of Interest - No elected official, appointed officer, or employee of the city or
271 an agency or political entity to which this charter is applicable shall knowingly violate the
272 Conflict of Interest provisions of Chapter 10 of Title 45 of the Official Code of Georgia
273 Annotated, provisions in this charter, and other applicable laws of this state.

274 (d) Code of Ethics - No elected official, appointed officer, or employee of the city or an
275 agency or political entity to which this charter is applicable shall knowingly violate the Code
276 of Ethics provisions of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,
277 provisions in this charter, and other applicable laws of this state.

278 **SECTION 2.15.**

279 Inquiries and investigations.

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

286 **SECTION 2.16.**

287 General power and authority of the city council.

288 Except as otherwise provided by law or this charter, the city council shall be vested with all
289 the powers of the government of this city.

290 **SECTION 2.17.**

291 Eminent domain.

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

300 **SECTION 2.18.**

301 Organizational meetings.

302 The city council shall hold an organizational meeting on the first meeting in January
303 following the regular election, as provided for in Section 5.11. The meeting shall be called
304 to order by the city clerk, and the oath of office shall be administered to the newly-elected
305 members as follows:

306 "I _____ do solemnly swear or affirm that I will properly perform the
307 duties of the office of _____ in and for the City of Arlington, Georgia,
308 to the best of my knowledge, skill, and ability; that I am not the holder of any unaccounted
309 for public money due to the State of Georgia or any political subdivision or authority
310 thereto; that I am not the holder of any office of trust under the government of the United
311 States, any other state, or any foreign state, which I am by the laws of the State of Georgia
312 prohibited from holding; that I am qualified to hold the office which I am about to enter
313 according to the Constitution and laws of the State of Georgia; that I will support the
314 Constitution of the United States and the State of Georgia; that I have been a resident of
315 the post from which elected and the City of Arlington, Georgia, for the time required by
316 the Constitution and laws of the State of Georgia and the charter of the City of Arlington,
317 Georgia, so help me God."

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SECTION 2.19.

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Regular and special meetings.

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

322 (b) Special meetings of the city council may be held on call of the mayor, mayor pro
323 tempore or two members of the city council. Notice of such special meetings shall be served
324 on all other members personally, or by telephone personally, at least 24 hours in advance of
325 the meeting. Such notice to council members shall not be required if the mayor and all
326 council members are present when the special meeting is called. Such notice of any special
327 meeting may be waived by a council member in writing before or after such meeting, and
328 attendance at the meeting shall also constitute a waiver of notice on any business transacted
329 in such council member's presence. Only the business stated in the call may be transacted
330 at the special meeting.

331 (c) All meetings of the city council shall be public to the extent required by law, and notice
332 to the public of special meetings shall be made fully as is reasonably possible as provided by
333 Code Section 50-14-1, et seq. of the Official Code of Georgia Annotated, or other such
334 applicable laws as are or may hereafter be enacted.

335

SECTION 2.20.

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Rules of procedure.

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

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

343

SECTION 2.21.

344

Quorum; voting.

345 (a) Four council members, other than the mayor, or the mayor and three council members
346 shall constitute a quorum and shall be authorized to transact business of the city council.

347 (b) Voting on the adoption of ordinances shall be by voice vote, and the vote shall be
348 recorded in the journal; but any member of the city council shall have the right to request a
349 roll call vote, and such vote shall be recorded in the journal.

350 (c) Except as otherwise provided in this charter, the affirmative vote of the majority of the
 351 council at any meeting shall be required for the adoption of any ordinance, resolution, or
 352 motion. The mayor shall vote in the event of a tie or when an affirmative or negative vote
 353 of the mayor constitutes a majority of four votes.

354 (d) An abstention shall not be counted as either an affirmative or negative vote.

355 (e) In the event the event that a council member fails to voice his or her vote, the failure to
 356 voice a vote shall be considered an acquiescence and counted as an affirmative vote.

357 (f) Unless otherwise specified, the terms "majority" or "majority vote" will mean a majority
 358 vote of the council when a vote is required under this charter, ordinances, and resolutions of
 359 the city.

360 **SECTION 2.22.**

361 Ordinance form; procedures.

362 (a) Every proposed ordinance should be introduced in writing, and in the form required for
 363 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
 364 enacting clause shall be "As is hereby ordained by the governing authority of the City of
 365 Arlington, Georgia," and every ordinance shall so begin.

366 (b) An ordinance may be introduced by a council member and may be read at a regular or
 367 special meeting of the city council. Ordinances shall be considered and adopted or rejected
 368 by the city council in accordance with the rules which it shall establish; provided, however,
 369 an ordinance shall not be adopted the same day it is introduced, except for emergency
 370 ordinances provided in Section 2.24. Upon introduction of any ordinance, the clerk shall, as
 371 soon as possible, distribute a copy to the mayor and to each council member and shall file
 372 a reasonable number of copies in the office of the clerk and at such other public places as the
 373 city council may designate.

374 **SECTION 2.23.**

375 Action requiring an ordinance.

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

377 **SECTION 2.24.**

378 Emergencies.

379 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 380 council may convene by call of the mayor, mayor pro tempore or three council members and

381 promptly adopt an emergency ordinance or resolution, but such ordinance or resolution may
 382 not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public
 383 utility for its services; or authorize the borrowing of money, except for loans to be repaid
 384 within 30 days.

385 (b) An emergency ordinance shall be introduced in the form prescribed for ordinances
 386 generally, except that it shall be plainly designated as an emergency ordinance and shall
 387 contain, after the enacting clause, a declaration stating that an emergency exists, and
 388 describing the emergency in clear specific terms.

389 (c) An emergency ordinance or resolution may be adopted, with or without amendment, or
 390 rejected at the meeting at which it is introduced, but the affirmative vote of three council
 391 members shall be required for adoption. It shall become effective upon adoption or at such
 392 later time as it may specify.

393 (d) Every emergency ordinance or resolution shall automatically stand repealed 30 days
 394 following the date upon which it was adopted, but this shall not prevent re-enactment of the
 395 ordinance in the manner specified in this section if the emergency still exists. An emergency
 396 ordinance may also be repealed by adoption of a repealing ordinance in the same manner
 397 specified in this section for adoption of emergency ordinances.

398 (e) Such meetings shall be open to the public to the extent required by law, and notice to the
 399 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 400 with Code Section 50-14-1, et seq. of the Official Code of Georgia Annotated, or other
 401 applicable laws as are or may hereafter be enacted.

402 **SECTION 2.25.**

403 Code of technical regulations.

404 (a) The city council may adopt any standard code of technical regulations by reference
 405 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 406 ordinance shall be as prescribed for ordinances generally, except that: (1) the requirements
 407 of Section 2.22(b) for distribution and filing of copies of the ordinance shall be construed to
 408 include copies of any code of technical regulations, as well as the adopting ordinance; and
 409 (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance,
 410 shall be authenticated and recorded by the city clerk pursuant to Section 2.26.

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

413

SECTION 2.26.

414

Signing; authenticating; recording; codification; printing.

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

417 (b) The city council shall provide for the preparation of a general codification of all the
418 ordinances of the city having the force and effect of law. The general codification shall be
419 adopted by the city council by ordinance and shall be published promptly, together with all
420 amendments thereto, and such codes of technical regulations and other rules and regulations
421 as the city council may specify. This compilation shall be known and cited officially as "The
422 Code of the City of Arlington, Georgia." Copies of the code shall be furnished to all officers,
423 department, and agencies of the city and made available for purchase by the public at a
424 reasonable price as fixed by the city council.

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

434

SECTION 2.27.

435

Election of mayor; forfeiture; compensation.

436 The mayor shall be elected and serve for a term of four years and until a successor is elected
437 and qualified. The mayor shall be a qualified elector of this city and shall have been a
438 resident of the city for one year preceding the election. The mayor shall continue to reside
439 in this city during the period of service. The mayor shall forfeit the office on the same
440 grounds and under the same procedure as for council members. The compensation of the
441 mayor shall be established in the same manner as for council members.

442 **SECTION 2.28.**

443 Chief executive officer; delegation of powers.

444 The mayor shall be the chief executive officer of this city. The mayor shall possess all of the
 445 executive and administrative power granted to the city under the Constitution and laws of the
 446 State of Georgia, and all the executive powers contained in this charter.

447 **SECTION 2.29.**

448 Powers and duties of mayor.

449 As the chief executive of this city, the mayor shall:

- 450 (1) See that all laws and ordinances of the city are faithfully executed;
- 451 (2) Exercise supervision over all executive and administrative work of the city and over
 452 all employees and departments of the city and provide for the coordination of
 453 administrative activities;
- 454 (3) Hire and fire city personnel subject to the approval of the city council;
- 455 (4) Prepare and submit to the council members a recommended operating budget and
 456 capital budget;
- 457 (5) Submit to the council members at least once a year a statement covering the financial
 458 conditions of the city and from time to time such other information as the council
 459 members may request;
- 460 (6) Recommend to the council members such measures relative to the affairs of the city,
 461 improvement of the government, and promotion of the welfare of the city's inhabitants
 462 as the mayor may deem expedient;
- 463 (7) Call special meetings of the council members as provided for in subsection (b) of
 464 Section 2.19 of this charter;
- 465 (8) Preside at all meetings of the city council and vote only in the event of a tie or when
 466 an affirmative or negative vote of the mayor constitutes a majority of four votes;
- 467 (9) Be the head of the city for the purpose of service of process and for ceremonial
 468 purposes and be the official spokesperson for the city and the chief advocate of policy;
- 469 (10) Provide for an annual audit of all accounts of the city;
- 470 (11) Require any department or agency of the city to submit written reports whenever
 471 the mayor deems it expedient;
- 472 (12) Have power to administer oaths and take affidavits;
- 473 (13) Sign as a matter of course on behalf of the city all written and approved contracts,
 474 ordinances, and other instruments executed by the city which by law are required to be
 475 in writing; and

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

477 **SECTION 2.30.**

478 Mayor pro tempore.

479 By a majority vote, the city council shall elect a council member to serve as mayor pro
 480 tempore at the first meeting in January of every year. In the mayor's absence, the mayor pro
 481 tempore shall preside at meetings of the city council and assume the duties and powers of the
 482 mayor upon the mayor's physical or mental disability. The mayor pro tempore shall vote as
 483 a member of the council at all times when serving as herein provided.

484 **ARTICLE III**

485 **ADMINISTRATIVE AFFAIRS**

486 **SECTION 3.10.**

487 Administrative and service departments.

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

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

495 (c) All appointive officers and directors of departments shall receive such compensation as
 496 prescribed by ordinance.

497 (d) There shall be a director of each department or agency who shall be its principal officer.
 498 Each director shall, subject to the direction and supervision of the mayor, be responsible for
 499 the administration and direction of the affairs and operations of that director's department or
 500 agency.

501 (e) All appointed officers, directors, and department heads under the supervision of the
 502 mayor shall be nominated by the mayor with confirmation of appointment by the city
 503 council. All appointed officers, directors, and department heads shall be employees at-will
 504 and subject to removal or suspension at any time by the mayor, upon approval from the city
 505 council, unless otherwise provided by law or ordinance.

506

SECTION 3.11.

507

Council interference with administration.

508 (a) At the first meeting in January of every year, the mayor shall appoint two council
 509 members to oversee each department of the city. If the mayor fails to make the appointments
 510 within 60 days of the first meeting, the city council may make such appointment by a
 511 majority vote of the council.

512 (b) With regard to the carrying out the duties of their employment, council members are
 513 allowed to communicate directly with the employees in the departments over which the
 514 council member is assigned to oversee.

515 (c) If a council member has any grievance, issue, or concern with a department or employee
 516 of a department which the council member does not oversee, the matter should be addressed
 517 with the council member who is directly over the department or employee. If the matter
 518 cannot be resolved, the council member with the grievance, issue, or concern may address
 519 such with the city council.

520

SECTION 3.12.

521

Boards, commissions, and authorities.

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

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

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

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

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

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

539 and impartially perform the duties of that member's office, such oath to be prescribed by
540 ordinance and administered by the mayor.

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

543 (h) Except as otherwise provided by this charter or by law, each board, commission, or
544 authority of the city shall elect one of its members as chair and one member as vice chair and
545 may elect as its secretary one of its own members or may appoint as secretary an employee
546 of the city. Each board, commission, or authority of the city government may establish such
547 bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or
548 law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of
549 its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the
550 city.

551 **SECTION 3.13.**

552 City attorney.

553 The city council shall appoint a city attorney, together with such assistant city attorneys as
554 may be authorized, and shall provide for the payment of such attorney or attorneys for
555 services rendered to the city. The city attorney shall be responsible for providing for the
556 representation and defense of the city in all litigation in which the city is a party; may be the
557 prosecuting officer in the Municipal Court; shall attend the meetings of the city council as
558 directed; shall advise the city council, mayor, and other officers and employees of the city
559 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
560 required by virtue of the person's position as city attorney.

561 **SECTION 3.14.**

562 City clerk.

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

567 **SECTION 3.15.**

568 At-will employment.

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

571 **ARTICLE IV**572 **JUDICIAL BRANCH**573 **SECTION 4.10.**

574 Creation; name.

575 There shall be a court to be known as the Municipal Court of the City of Arlington, Georgia.

576 **SECTION 4.11.**

577 Judges; associate judge.

578 (a) The Municipal Court shall be presided over by a chief judge and such part-time,
579 full-time, or stand-by judges as shall be provided by ordinance.

580 (b) No person shall be qualified or eligible to serve as a judge of the Municipal Court unless
581 that person shall have attained the age of 21 years and shall possess all the qualifications
582 required by law. All judges shall be appointed by the city council and shall serve until a
583 successor is appointed and qualified.

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

585 (d) Judges serve at-will and may be removed from office at any time by the city council,
586 unless otherwise provided by ordinance.

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

591 **SECTION 4.12.**

592 Convening.

593 The Municipal Court shall be convened at regular intervals as provided by ordinance.

594

SECTION 4.13.

595

Jurisdiction; powers.

596 (a) The Municipal Court shall try and punish violations of this charter, all city ordinances,
597 and such other violations as provided by law.

598 (b) The Municipal Court shall have authority to punish those in its presence for contempt,
599 provided that such punishment shall not exceed \$200.00 or ten days in jail.

600 (c) The Municipal Court may fix punishment for offenses within its jurisdiction not
601 exceeding a fine of \$1,000.00, imprisonment for 180 days, or such fine and imprisonment,
602 or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter
603 provided by law.

604 (d) The Municipal Court shall have authority to establish a schedule of fees to defray the
605 cost of operation and shall be entitled to reimbursement of the cost of meals, transportation,
606 and caretaking of prisoners bound over to superior courts for violations of state law.

607 (e) The Municipal Court shall have authority to establish bail and recognizance to ensure the
608 presence of those charged with violations before said court, and shall have discretionary
609 authority to accept cash, or personal or real property as surety for the appearance of persons
610 charged with violations. Whenever any person shall give bail for that person's appearance
611 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
612 presiding at such time, and an execution shall be issued thereon by serving the defendant and
613 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
614 In the event that cash or property is accepted in lieu of bond for security for the appearance
615 of a defendant at trial, and if such defendant fails to appear at the time and place affixed for
616 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
617 property so deposited shall have a lien against it for value forfeited which lien shall be
618 enforceable in the same manner and to the same extent as a lien for city property taxes.

619 (f) The Municipal Court shall have the same authority as superior courts to compel the
620 production of evidence in the possession of any party; to enforce obedience to its orders,
621 judgments, and sentences; and to administer such oaths as are necessary.

622 (g) The Municipal Court may compel the presence of all parties necessary to a proper
623 disposal of each case by the issuance of summonses, subpoenas, and warrants, which may
624 be served as executed by any officer as authorized by this charter or by law.

625 (h) Each judge of the Municipal Court shall be authorized to issue warrants for the arrest of
626 persons charged with offenses against any ordinance of the city, and each judge of the
627 Municipal Court shall have the same authority as a magistrate of the state to issue warrants
628 for offenses against state laws committed within the city.

629

SECTION 4.14.

630

Certiorari.

631

The right of certiorari from the decision and judgment of the Municipal Court shall exist in

632

all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

633

the sanction of a judge of the Superior Court of Calhoun County, Georgia, under the laws of

634

the State of Georgia regulating the granting and issuance of writs of certiorari.

635

SECTION 4.15.

636

Rules for court.

637

With the approval of the city council, the judge or judges of Municipal Court shall have full

638

power and authority to make reasonable rules and regulations necessary and proper to secure

639

the efficient and successful administration of the Municipal Court; provided, however, that

640

the city council may adopt in part or in total the rules and regulations applicable to Municipal

641

Courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be

642

available for public inspection, and, upon request, a copy shall be furnished to all defendants

643

in Municipal Court proceedings at least 48 hours prior to said proceedings.

644

SECTION 4.16.

645

Indigent defense and prosecutor.

646

The mayor and council shall have the power to provide for a system of defense for indigent

647

persons charged in the Municipal Court of the City of Arlington, Georgia, with violations of

648

ordinances or state laws, and for the prosecution of such cases by a prosecutor, and to

649

provide for and require the expense of same to be prorated over all criminal cases disposed

650

of by the court, and all bond forfeitures in said cases, to be imposed by the Municipal Court

651

judge and collected in all criminal cases and in bond forfeitures in such cases as costs in

652

addition to fines, penalties, and all other costs.

653 **ARTICLE V**
654 **ELECTIONS**

655 **SECTION 5.10.**

656 Applicability of general law.

657 All elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the
658 Official Code of Georgia Annotated, the "Georgia Election Code," as amended.

659 **SECTION 5.11.**

660 Regular elections; time for holding.

661 (a) Beginning in 2015, and every four years thereafter, on the Tuesday following the first
662 Monday in November, there shall be an election for city council members for Posts 1, 2, and
663 3, or otherwise held in accordance with Georgia election law.

664 (b) Beginning in 2017, and every four years thereafter, on the Tuesday following the first
665 Monday in November, there shall be an election for mayor and city council members for
666 Posts 4, 5, and 6, or otherwise held in accordance with Georgia election law.

667 (c) The terms of office shall begin at the organizational meeting as provided for in Section
668 2.18.

669 (d) The mayor and council members who are in office on the effective date of this Act shall
670 serve until the expiration of the term of office to which they were elected and until their
671 successors are elected and qualified.

672 **SECTION 5.12.**

673 Nonpartisan election.

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

676 **SECTION 5.13.**

677 Election by majority.

678 The mayor and council members shall be elected from the city at large. Candidates for city
679 council shall qualify for a specified post at the time of qualifying. The person receiving a
680 majority of the votes cast in the city election for the office of mayor shall be elected. The

681 persons receiving a majority of the votes cast in the city election for each of the city council
682 posts shall be elected to the respective post.

683 **SECTION 5.14.**

684 Special elections; vacancies.

685 In the event that the office of mayor or council member shall become vacant, as provided in
686 Section 2.12 of this charter, the city council or those remaining shall appoint a successor for
687 the remainder of the term if such vacancy occurs within six months of the expiration of the
688 term of that office; provided, if such vacancy occurs with more than six months remaining
689 before the expiration of the term of that office, the city council shall order a special election
690 to fill the balance of the unexpired term of such official. In all other respects, the special
691 election shall be held and conducted in accordance with Chapter 2 of Title 21 of the Official
692 Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter amended.

693 **SECTION 5.15.**

694 Other provisions.

695 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
696 such rules and regulations as it deems appropriate to fulfill any options and duties under
697 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, the "Georgia Election
698 Code," as now or hereafter amended.

699 **SECTION 5.16.**

700 Removal of officers.

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

705 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
706 by one of the following methods:

707 (1) Following a hearing at which an impartial panel shall render a decision. In the event
708 an elected officer is sought to be removed by the action of the city council, such officer
709 shall be entitled to a written notice specifying the ground or grounds for removal and to
710 a public hearing which shall be held not less than ten days after the service of such
711 written notice. The city council shall provide by ordinance for the manner in which such

712 hearings shall be held. Any elected officer sought to be removed from office as provided
 713 in this section shall have the right of appeal from the decision of the impartial panel to
 714 the Superior Court of Calhoun County, Georgia. Such appeal shall be governed by the
 715 same rules as govern appeals to the superior court from the probate court.

716 (2) By an order of the Superior Court of Calhoun County, Georgia, following a hearing
 717 on a complaint seeking such removal brought by any resident of the City of Arlington,
 718 Georgia.

719 **ARTICLE VI**

720 **FINANCE**

721 **SECTION 6.10.**

722 **Property tax.**

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

729 **SECTION 6.11.**

730 **Millage rate; due dates; payment methods.**

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

735 **SECTION 6.12.**

736 **Occupation and business taxes.**

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

741 **SECTION 6.13.**

742 Regulatory fees; permits.

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

748 **SECTION 6.14.**

749 Franchise.

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

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

766 **SECTION 6.15.**

767 Service charges.

768 The city council, by ordinance, shall have the power to assess and collect fees, charges, and
 769 tolls for sewers, sanitary and health services, or any other services provided or made
 770 available within and outside the corporate limits of the city for the total cost to the city of
 771 providing or making available such services. If unpaid, such charges shall be collected as
 772 provided in Section 6.18.

773 **SECTION 6.16.**

774 Special assessments.

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

780 **SECTION 6.17.**

781 Construction; other taxes and fees.

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

785 **SECTION 6.18.**

786 Collection of delinquent taxes and fees.

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

794 **SECTION 6.19.**

795 General obligation bonds.

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

800 **SECTION 6.20.**

801 Revenue bonds.

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

805 **SECTION 6.21.**

806 Short-term loans.

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

809 **SECTION 6.22.**

810 Lease-purchase contracts.

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

818 **SECTION 6.23.**

819 Fiscal year.

820 (a) The city council shall set the fiscal year by ordinance, local law, or appropriate resolution
821 in compliance with the provisions of Article 1 of Chapter 81 of Title 36 of the Official Code
822 of Georgia Annotated or other such laws as are or may hereafter be enacted. This fiscal year
823 shall constitute the budget year and the year for financial accounting and reporting of each
824 year and every office, department, agency, and activity of the city government.

825 (b) All steps taken with regard to the preparation, submission, and adoption of a budget for
826 the fiscal year shall be made in compliance with the provisions of Chapter 81 of Title 36 of
827 the Official Code of Georgia Annotated or other such laws as are or may hereafter be
828 enacted.

829 **SECTION 6.24.**

830 Preparation of budgets.

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

835 **SECTION 6.25.**

836 Submission of operating budget to city council.

837 On or before a date fixed by the city council, but not later than 60 days prior to the beginning
838 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
839 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
840 containing a statement of the general fiscal policies of the city, the important features of the
841 budget, explanations of major changes recommended for the next fiscal year, a general
842 summary of the budget, and such other pertinent comments and information. The operating
843 and capital budgets hereinafter provided for, the budget message, and all supporting
844 documents shall be filed in the office of the city clerk and shall be open to public inspection.

845 **SECTION 6.26.**

846 Action by city council on budget.

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

852 (b) The city council by ordinance or resolution shall adopt the final operating budget for the
853 ensuing fiscal year not later than 60 days after the beginning of the fiscal year. If the city
854 council fails to adopt the budget by this date, the amounts appropriated for operation for the
855 current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month
856 basis, with all items prorated accordingly until such time as the city council adopts a budget
857 for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
858 ordinance or resolution setting out the estimated revenues in detail by sources and making
859 appropriations according to fund and by organizational unit, purpose, or activity as set out
860 in the budget preparation ordinance or resolution adopted pursuant to Section 6.24.

861 **SECTION 6.27.**

862 Tax levies.

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

869 **SECTION 6.28.**

870 Changes in appropriation.

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

875 **SECTION 6.29.**

876 Independent audit.

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

882 **SECTION 6.30.**

883 Contracting procedures.

884 (a) No contract with the city shall be binding on the city unless:

885 (1) It is in writing;

886 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 887 course, the city attorney has indicated such drafting or review by letter to the council; and

888 (3) It is made or authorized by the city council and such approval is entered in the city
 889 council journal of proceedings pursuant to Section 2.21.

890 (b) If the mayor is unable to execute contracts due to his or her absentee or disability, the
891 mayor pro tempore shall sign such contract pursuant to the terms of Section 2.29.

892 **SECTION 6.31.**

893 Centralized purchasing.

894 The city council shall, by ordinance, prescribe procedures for a system of centralized
895 purchasing for the city.

896 **SECTION 6.32.**

897 Sale and lease of city property.

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

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

904 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
905 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
906 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
907 and convey said cut off or separated parcel or tract of land to an abutting or adjoining
908 property owner or owners where such sale and conveyance facilitates the enjoyment of the
909 highest and best use of the abutting owner's property. Included in the sales contract shall be
910 a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting
911 property owner shall be notified of the availability of the property and given the opportunity
912 to purchase said property under such terms and conditions as set out by ordinance. All deeds
913 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
914 interest the city has in such property, notwithstanding the fact that no public sale after
915 advertisement was or is hereafter made. All actions shall be made in accordance with
916 applicable law.

917 **ARTICLE VII**
918 MISCELLANEOUS

919 **SECTION 7.10.**
920 Bonds for officials.

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

924 **SECTION 7.11.**
925 Prior ordinances.

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

929 **SECTION 7.12.**
930 Pending matters.

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

935 **SECTION 7.13.**
936 Construction.

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

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

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

942 **SECTION 7.14.**

943 Severability.

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

950 **SECTION 7.15.**

951 Specific repealer.

952 An Act incorporating the City of Arlington, in the County of Calhoun, State of Georgia,
953 approved April 10, 1971 (Ga. L. 1971, p. 3885), as amended, is repealed in its entirety and
954 all amendatory Acts thereto are likewise repealed in their entirety. All other laws and parts
955 of laws in conflict with this charter are hereby repealed.

956 **SECTION 7.16.**

957 Effective date.

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

960 **SECTION 7.17.**

961 General repealer.

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