

Senate Bill 212

By: Senator Kirk of the 13th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

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

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

- 52 (1) Air and water pollution. To regulate the emission of smoke or other exhaust which
53 pollutes the air and to prevent the pollution of natural streams which flow within the
54 corporate limits of the city;
- 55 (2) Animal regulations. To regulate and license or to prohibit the keeping or running at
56 large of animals and fowl; to provide for the impoundment of the same if in violation of
57 any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
58 destruction of animals and fowl when not redeemed as provided by ordinance; and to
59 provide punishment for violation of ordinances enacted hereunder;
- 60 (3) Appropriations and expenditures. To make appropriations for the support of the
61 government of the city; to authorize the expenditure of money for any purpose authorized
62 by this charter and for any purpose for which a municipality is authorized by the laws of
63 the State of Georgia; and to provide for the payment of expenses of this city;
- 64 (4) Building regulations. To regulate and to license the erection and construction of
65 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
66 and heating and air conditioning codes; and to regulate all housing and building trades;
- 67 (5) Business regulation and taxation. To levy and to provide for the collection of license
68 fees and taxes on privileges, trades, and professions; to license and regulate the same; to
69 provide for the manner and method of payment of such licenses and taxes; and to revoke
70 such licenses after due process for the failure to pay any city taxes or fees;
- 71 (6) Condemnation. To condemn property, inside or outside the corporate limits of the
72 city, for present or future use and for any corporate purpose deemed necessary by the
73 governing authority, utilizing procedures enumerated in O.C.G.A. Title 22 or such other
74 applicable laws as are or may hereafter be enacted;
- 75 (7) Contracts. To enter into contracts and agreements with other governmental entities
76 and with private persons, firms, and corporations;
- 77 (8) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists inside or outside the city and to make and carry out all
79 reasonable provisions deemed necessary to deal with or meet such an emergency for the
80 protection, safety, health, or well-being of the citizens of the city;
- 81 (9) Fire regulations. To fix and establish fire limits and from time to time extend,
82 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
83 general law relating to both fire prevention and detection and to fire fighting; and to
84 prescribe penalties and punishment for violations thereof;
- 85 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
86 and disposal and other sanitary service charges, taxes, or fees for such services as may
87 be necessary for the operation of the city from all individuals, firms, and corporations

88 residing or doing business therein; to enforce the payment of such charges, taxes, or fees;
89 and to provide for the manner and method of collecting such service charges;

90 (11) General health, safety, and welfare. To define, regulate, and prohibit any act,
91 practice, conduct, or use of property which is detrimental to the health, sanitation,
92 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
93 enforcement of such standards;

94 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
95 any purpose related to the powers and duties of the city and the general welfare of its
96 citizens on such terms and conditions as the donor or grantor may impose;

97 (13) Health and sanitation. To prescribe standards of health and sanitation within the
98 city and to provide for the enforcement of such standards;

99 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
100 work out such sentences in any public works or on the streets, roads, drains, and squares
101 in the city; to provide for the commitment of such persons to any jail; or to provide for
102 the commitment of such persons to any county work camp or county jail by agreement
103 with the appropriate county officials;

104 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
105 over all traffic, including parking on or off the streets, roads, alleys, and walkways of the
106 city;

107 (16) Municipal agencies and delegation of power. To create, alter, or abolish
108 departments, boards, authorities, offices, commissions, and agencies of the city and to
109 confer upon such agencies the necessary and appropriate authority for carrying out all the
110 powers conferred upon or delegated to the same;

111 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
112 city and to issue bonds for the purpose of raising revenues to carry out any project,
113 program, or venture authorized by this charter or the laws of the State of Georgia;

114 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or
115 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
116 outside the property limits of the city;

117 (19) Municipal property protection. To provide for the preservation and protection of
118 property and equipment of the city and the administration and use of the same by the
119 public and to prescribe penalties and punishment for violations thereof;

120 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
121 of public utilities, including, but not limited to, a system of waterworks, sewers and
122 drains, sewage disposal, gas works, electric light plants, transportation facilities, and any
123 other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations,
124 and penalties; to provide for the withdrawal of service for refusal to pay the same; to

125 authorize the extension of water, sewerage, and electrical distribution systems and all
126 necessary appurtenances by which such utilities are distributed, inside and outside the
127 corporate limits of the city; and to provide utility services to persons, firms, and
128 corporations inside and outside the corporate limits of the city as provided by ordinance;

129 (21) Nuisances. To define a nuisance and provide for its abatement, whether on public
130 or private property;

131 (22) Ordinances, rules, and regulations. To make, establish, and adopt such bylaws,
132 ordinances, policies, and rules and regulations as shall appear necessary for the security,
133 welfare, convenience, and interest of the city and the inhabitants thereof and for
134 preserving the health, peace, order, and good governance of the city;

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

137 (24) Planning and zoning. To provide comprehensive city planning for development by
138 zoning, including implementation of a land use plan and enforcement of the goals and
139 objectives in the land use plan, and to provide subdivision regulation and the like as the
140 city council deems necessary and reasonable to ensure a safe, healthy, and aesthetically
141 pleasing community;

142 (25) Police and fire protection. To exercise the power of arrest through duly appointed
143 police officers and to establish, operate, or contract for a police and a fire-fighting
144 agency;

145 (26) Public hazards. To provide for the destruction and removal of any building or other
146 structure which is or may become dangerous or detrimental to the public;

147 (27) Public improvements. To provide for the acquisition, construction, building,
148 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
149 cemeteries, markets and market houses, public buildings, libraries, public housing,
150 hospitals, sewers, drains, sewerage treatment, docks, parking facilities, and charitable,
151 cultural, educational, recreational, conservation, sport, curative, corrective, detentional,
152 penal, and medical institutions, agencies, and facilities; to provide any other public
153 improvements inside or outside the corporate limits of the city; to regulate the use of
154 public improvements; and, for such other purposes, property may be acquired by
155 condemnation under O.C.G.A. Title 22 or such other applicable laws as are or may
156 hereafter be enacted;

157 (28) Public peace. To provide for the prevention and punishment of drunkenness, riots,
158 and public disturbances;

159 (29) Public transportation. To organize and operate such public transportation systems
160 as are deemed beneficial;

161 (30) Public utilities and services. To grant franchises or make contracts for public
162 utilities and public services and to prescribe the rates, fares, regulations, and the standards
163 and conditions of service applicable to the service to be provided by the franchise grantee
164 or contractor, insofar as these are not in conflict with valid regulations of the Public
165 Service Commission;

166 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
167 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
168 and all other structures or obstructions upon or adjacent to the rights of way of streets and
169 roads or within view thereof, inside or abutting the corporate limits of the city, and to
170 prescribe penalties and punishments for violations of such ordinances;

171 (32) Retirement. To provide and maintain a retirement plan for employees of the city;

172 (33) Roadways. To lay out, open, extend, widen, narrow, establish, change the grade of,
173 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
174 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
175 walkways within the corporate limits of the city; to negotiate and execute leases over,
176 through, and under any city property or the right of way of any street, road, alley, and
177 walkway or portion thereof within the corporate limits of the city for bridges,
178 passageways, or any other purpose or use between buildings on opposite sides of the
179 street and for other bridges, overpasses, and underpasses for private use at such location
180 and to charge a rental therefor in such manner as may be provided by ordinance; to
181 authorize and control the construction of bridges, overpasses, and underpasses within the
182 corporate limits of the city; to grant franchises and rights of way throughout the streets
183 and roads and over the bridges and viaducts for the use of public utilities and for private
184 use; and to require real estate owners to repair and maintain in a safe condition the
185 sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

186 (34) Sewer fees. To levy a fee, charge, or sewer tax as necessary to assure the acquiring,
187 constructing, equipping, operating, maintaining, and extending of a sewage disposal plant
188 and sewerage system; to levy on those to whom sewers and sewerage systems are made
189 available a sewer service fee, charge, or sewer tax for the availability or use of the
190 sewers; to provide for the manner and method of collecting such service charges and for
191 enforcing payment of the same; and to charge, impose, and collect a sewer connection fee
192 or fees to those connected with the system;

193 (35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
194 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
195 others; to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
196 and other recyclable materials; and to provide for the sale of all solid waste;

- 197 (36) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
198 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
199 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
200 inflammable materials, the use of lighting and heating equipment, and any other business
201 or situation which may be dangerous to persons or property; to regulate and control the
202 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
203 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
204 professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 205 (37) Special assessments. To provide for the collection of special assessments to cover
206 the cost of any public improvements;
- 207 (38) Taxes, ad valorem. To levy and provide for the assessment, valuation, revaluation,
208 and collection of taxes on all property subject to taxation;
- 209 (39) Taxes, other. To levy and collect such other taxes as may be allowed now or in the
210 future by law;
- 211 (40) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
212 number of such vehicles; to require the operators thereof to be licensed; to require public
213 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
214 regulate the parking of such vehicles;
- 215 (41) Telecommunications. The city shall have the power and authority to acquire, own,
216 hold, lease, sell, resell, build, maintain, operate, and contract with respect to a
217 telecommunications systems network in order to provide telecommunications services
218 and other similar services, including cable television services (CATV); to establish and
219 charge rates, fees, tolls, and charges for the services, facilities, or commodities furnished
220 or made available by such undertaking; to interconnect its system or services or both with
221 the systems or services of consumers and other providers; to use telecommunications to
222 respond to community needs; to encourage the development of information based
223 organizations in the City of Leslie, Georgia; to finance from time to time any such
224 telecommunications systems through the issuance of revenue bonds as then permitted by
225 the Constitution and the laws of the State of Georgia; and to make any contract with
226 respect to and furnish the services of any such systems to consumers inside or outside the
227 corporate limits of the city;
- 228 (42) Urban redevelopment. To organize and operate an urban redevelopment program;
229 and
- 230 (43) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
231 and immunities necessary or desirable to promote or protect the safety, health, peace,
232 security, good order, comfort, convenience, or general welfare of the city and its
233 inhabitants; to exercise all implied powers necessary to carry into execution all powers

234 granted in this charter as fully and completely as if such powers were fully stated herein;
 235 and to exercise all powers now or in the future authorized to be exercised by other
 236 municipal governments under other laws of the State of Georgia; and no listing of
 237 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 238 general words and phrases granting powers, but shall be held to be in addition to such
 239 powers unless expressly prohibited to municipalities under the Constitution or applicable
 240 laws of the State of Georgia.

241 **ARTICLE II**

242 **GOVERNMENT STRUCTURE**

243 **SECTION 2.10.**

244 City council creation; number; election.

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

250 **SECTION 2.11.**

251 Vacancy; filling of vacancies.

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

256 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
 257 for the remainder of the unexpired term, if any, by appointment by the city council or those
 258 members remaining if less than 12 months remain in the unexpired term. If such vacancy
 259 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
 260 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
 261 of this charter and in accordance with O.C.G.A. Title 21 or such other laws as are or may
 262 hereafter be enacted.

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

265

SECTION 2.12.

266

Compensation and expenses.

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

268 as provided by ordinance.

269

SECTION 2.13.

270

Holding other office; voting when financially interested.

271 (a) No elected officer, appointed officer, employee, or member of a board, commission, or

272 authority of the city or any agency or political entity to which this charter applies shall

273 knowingly:

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

275 directly or indirectly, which is incompatible with the proper discharge of his or her

276 official duties or which would tend to impair the independence of his or her judgment or

277 action in the performance of his or her official duties;

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

279 such employment or service is incompatible with the proper discharge of his or her

280 official duties or would tend to impair the independence of his or her judgment or action

281 in the performance of his or her official duties;

282 (3) Disclose confidential information concerning the property, governance, or affairs of

283 the governmental body by which he or she is engaged without proper legal authorization

284 or use such information to advance the financial or other private interest of himself or

285 herself or others;

286 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,

287 from any person, firm, or corporation which to his or her knowledge is interested, directly

288 or indirectly, in any manner whatsoever in business dealings with the governmental body

289 by which he or she is engaged; provided, however, that an elected official who is a

290 candidate for public office may accept campaign contributions and services in connection

291 with any such campaign;

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

293 portion of its government; or

294 (6) Vote or otherwise participate in the negotiations or in the making of any contract with

295 any business or entity in which he or she has a financial interest.

296 (b) Any elected officer, appointed officer, employee, or member of a board, commission,

297 or authority of the city who shall have any private financial interest, directly or indirectly,

298 in any contract or matter pending before or within any department of the city shall disclose

299 such private interest to the city council. The mayor or any councilmember who has a private
300 interest in any matter pending before the city council shall disclose such private interest and
301 such disclosure shall be entered on the records of the city council, and he or she shall
302 disqualify himself or herself from participating in any decision or vote relating thereto. Any
303 elected officer, appointed officer, or employee or any agency or political entity to which this
304 charter applies who shall have any private financial interest, directly or indirectly, in any
305 contract or matter pending before or within such entity shall disclose such private interest to
306 the governing body of such agency or entity.

307 (c) No elected officer, appointed officer, employee, or member of a board, commission, or
308 authority of the city or any agency or entity to which this charter applies shall use property
309 owned by such governmental entity for personal benefit, convenience, or profit, except in
310 accordance with policies promulgated by the city council or the governing body of such
311 agency or entity.

312 (d) Any violation of this section which occurs with the knowledge, express or implied, of
313 a party to a contract or sale shall render such contract or sale voidable at the option of the city
314 council.

315 (e) Except as authorized by law, neither the mayor nor any councilmember shall hold any
316 other elective or compensated appointive office in the city or otherwise be employed by such
317 government or any agency thereof during the term for which he or she was elected. No
318 former mayor and no former councilmember shall hold any employed position in the city
319 until one year after the expiration of the term for which he or she was elected.

320 (f) No department director, department head, employee, or member of any board,
321 commission, or authority of the city shall continue in such position or employment upon
322 qualifying as a candidate for nomination or election to any public office.

323 (g)(1) Any elected officer, appointed officer, employee, or member of a board,
324 commission, or authority of the city who knowingly conceals such financial interest or
325 knowingly violates any of the requirements of this section applicable to his or her
326 respective office or position shall be guilty of malfeasance in office or position and shall
327 be deemed to have forfeited such office or position.

328 (2) Any elected officer, appointed officer, employee, or member of a board, commission,
329 or authority of the city who forfeits his or her office or position as described in paragraph
330 (1) of this subsection shall be ineligible for appointment or election to or employment in
331 a position in the city government for a period of three years thereafter.

332 **SECTION 2.14.**

333 Inquiries and investigations.

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

340 **SECTION 2.15.**

341 General power and authority of the city council.

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

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

351 **SECTION 2.16.**

352 Eminent domain.

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

361

SECTION 2.17.

362

Organizational meetings.

363 (a) The city council shall hold an organizational meeting on the first scheduled meeting in
 364 January next following the municipal election. The meeting shall be called to order by the
 365 mayor-elect or city clerk and the oath of office shall be administered to the newly elected
 366 members by a judicial officer authorized to administer oaths and shall, to the extent that it
 367 comports with federal and state law, be as follows:

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

380 (b) At the organizational meeting, the city council shall elect from among its membership
 381 a mayor pro tem.

382

SECTION 2.18.

383

Regular and special meetings.

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

386 (b) Special meetings of the city council may be held on call of the mayor or two members
 387 of the city council. Notice of such special meetings shall be served on all other
 388 councilmembers personally or by telephone at least 48 hours in advance of the meeting.
 389 Such notice to councilmembers shall not be required if the mayor and all councilmembers
 390 are present when the special meeting is called. Such notice of any special meeting may be
 391 waived by a councilmember in writing before or after such a meeting, and attendance at the
 392 meeting shall also constitute a waiver of notice on any business transacted in such
 393 councilmember's presence.

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

397 **SECTION 2.19.**

398 Rules of procedure.

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

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

405 **SECTION 2.20.**

406 Quorum; voting.

407 (a) Three councilmembers shall constitute a quorum and shall be authorized to transact
 408 business of the city council. Voting on the adoption of ordinances shall be by voice vote and
 409 the vote shall be recorded in the journal, but any member of the city council shall have the
 410 right to request a roll-call vote and such vote shall be recorded in the journal. Except as
 411 otherwise provided in this charter, the affirmative vote of a majority of councilmembers
 412 present, or if applicable a majority of councilmembers and the mayor, shall be required for
 413 the adoption of any ordinance, resolution, or motion.

414 (b) An abstention noted on the record shall be counted as a negative vote.

415 (c) The mayor shall vote only so as to make or break a tie vote among councilmembers.

416 **SECTION 2.21.**

417 Ordinance form; procedures.

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

422 (b) An ordinance may be introduced by any councilmember and read at a regular or special
 423 meeting of the city council. Ordinances shall be considered and adopted or rejected by the
 424 city council in accordance with the rules which it shall establish; provided, however, an

425 ordinance shall not be adopted the same day it is introduced, except for emergency
 426 ordinances as provided in Section 2.23 of this charter or upon unanimous consent of the
 427 councilmembers present. Upon introduction of any ordinance, the city clerk shall as soon
 428 as possible distribute a copy to the mayor and to each councilmember and shall file a
 429 reasonable number of copies in the office of the city clerk and at such other public places as
 430 the city council may designate.

431 **SECTION 2.22.**

432 Action requiring an ordinance.

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

434 **SECTION 2.23.**

435 Emergencies.

436 (a) To meet a public emergency affecting life, health, property, or public peace, the city
 437 council may convene on call of the mayor or two councilmembers and promptly adopt an
 438 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
 439 franchise; regulate the rate charged by any public utility for its services; or authorize the
 440 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
 441 shall be introduced in the form prescribed for ordinances generally, except that it shall be
 442 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
 443 a declaration stating that an emergency exists and describing the emergency in clear and
 444 specific terms. An emergency ordinance may be adopted, with or without amendment, or
 445 rejected at the meeting at which it is introduced, but the affirmative vote of a majority of
 446 councilmembers present shall be required for adoption. It shall become effective upon
 447 adoption or at such later time as it may specify. Every emergency ordinance shall
 448 automatically stand repealed 30 days following the date upon which it was adopted, but this
 449 shall not prevent reenactment of the ordinance in the manner specified in this section if the
 450 emergency still exists. An emergency ordinance may also be repealed by adoption of a
 451 repealing ordinance in the same manner specified in this section for adoption of emergency
 452 ordinances.

453 (b) Emergency meetings shall be open to the public to the extent required by law and notice
 454 to the public of such meetings shall be made as fully as is reasonably possible in accordance
 455 with O.C.G.A. Section 50-14-1 or such other applicable laws as are or may hereafter be
 456 enacted.

457

SECTION 2.24.

458

Codes of technical regulations.

459 (a) The city council may adopt any standard code of technical regulations by reference
 460 thereto in an adopting ordinance. The procedures and requirements governing such adopting
 461 ordinance shall be as prescribed for ordinances generally except that:

462 (1) The requirements of subsection (b) of Section 2.21 of this charter for distribution and
 463 filing of copies of the ordinance shall be construed to include copies of any code of
 464 technical regulations, as well as the adopting ordinance; and

465 (2) A copy of each adopted code of technical regulations, as well as the adopting
 466 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.25
 467 of this charter. Copies of any adopted code of technical regulations shall be made
 468 available by the city clerk for inspection by the public.

469

SECTION 2.25.

470

Signing; authenticating; recording; codification; printing.

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

473 (b) The city council shall provide for the preparation of a general codification of all the
 474 ordinances of the city having the force and effect of law. The general codification shall be
 475 adopted by the city council by ordinance and shall be published promptly, together with all
 476 amendments thereto and such codes of technical regulations and other rules and regulations
 477 as the city council may specify. This compilation shall be known and cited officially as "The
 478 Code of the City of Leslie, Georgia." Copies of the code shall be furnished to all officers,
 479 departments, and agencies of the city and made available for purchase by the public at a
 480 reasonable price as fixed by the city council.

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

490 **SECTION 2.26.**

491 Election of mayor; forfeiture; compensation.

492 The mayor shall be elected and serve for a term of two years and until a successor is elected
 493 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 494 resident of the city for 12 months preceding the election. The mayor shall continue to reside
 495 in this city during the period of service. The mayor shall forfeit the office on the same
 496 grounds and under the same procedure as for councilmembers. The compensation of the
 497 mayor shall be established in the same manner as for councilmembers.

498 **SECTION 2.27.**

499 Chief executive officer.

500 The mayor shall be the chief executive of this city. The mayor shall possess all of the
 501 executive and administrative powers granted to the city under the Constitution and laws of
 502 the State of Georgia and all of the executive and administrative powers contained in this
 503 charter. The mayor shall be the presiding officer at all meetings of the city council.

504 **SECTION 2.28.**

505 Powers and duties of mayor and mayor pro tem.

506 (a) As the chief executive of this city, the mayor shall:

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

508 (2) Appoint and remove all officers, department heads, and employees of the city, except
 509 as otherwise provided in this charter;

510 (3) Exercise supervision over all executive and administrative work of the city and
 511 provide for the coordination of administrative activities;

512 (4) Prepare and submit to the city council a recommended operating budget and capital
 513 budget;

514 (5) Submit to the city council at least once a year a statement covering the financial
 515 conditions of the city and, from time to time, such other information as the city council
 516 may request;

517 (6) Recommend to the city council such measures relative to the affairs of the city,
 518 improvement of the government, and promotion of the welfare of its inhabitants as the
 519 mayor may deem expedient;

520 (7) Call special meetings of the city council as provided for in subsection (b) of Section
 521 2.18 of this charter;

- 522 (8) Approve or disapprove ordinances as provided in Section 2.29 of this charter;
 523 (9) Provide for an annual audit of all accounts of the city;
 524 (10) Require any department or agency of the city to submit written reports whenever
 525 he or she deems it expedient; and
 526 (11) Perform such other duties as may be required by law, this charter, or ordinance.
- 527 (b) During the absence or physical or mental disability of the mayor for any cause, the
 528 mayor pro tem, or in the mayor pro tem's absence or disability for any reason, any one of the
 529 councilmembers chosen by a majority vote of the city council, shall be clothed with all the
 530 rights and privileges of the mayor and shall perform the duties of the office of the mayor so
 531 long as such absence or disability shall continue. Any such absence or disability shall be
 532 declared by majority vote of all councilmembers. The mayor pro tem or selected
 533 councilmember shall sign all contracts and ordinances in which the mayor has a disqualifying
 534 financial interest as provided in Section 2.13. When acting as mayor, the mayor pro tem
 535 shall continue to have only one vote as a member of the council.

536 **SECTION 2.29.**

537 Submission of ordinances to the mayor; veto power.

- 538 (a) Every ordinance adopted by the city council shall be presented promptly by the city clerk
 539 to the mayor.
- 540 (b) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the city
 541 clerk with or without approval or with disapproval. If the ordinance has been approved by
 542 the mayor, it shall become law upon its return to the city clerk; if the ordinance is neither
 543 approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after
 544 its adoption. If the ordinance is disapproved, the mayor shall submit to the city council
 545 through the city clerk a written statement of reasons for the veto. The city clerk shall record
 546 upon the ordinance the date of its delivery to and receipt from the mayor.
- 547 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
 548 at its next meeting. If the city council then or at its next meeting adopts the ordinance by an
 549 affirmative vote of a majority of members present, it shall become law.
- 550 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 551 ordinance. The approved part or parts of any ordinance making appropriations shall become
 552 law, and the part or parts disapproved shall not become law unless subsequently passed by
 553 the city council over the mayor's veto as provided herein. The reduced part or parts shall be
 554 presented to the city council as though disapproved and shall not become law unless
 555 overridden by the city council as provided in subsection (c) of this section.

556 ARTICLE III
 557 ADMINISTRATIVE AFFAIRS
 558 SECTION 3.10.

559 Administrative and service departments.

560 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
 561 prescribe the functions or duties of and establish, abolish, alter, consolidate, or leave vacant
 562 all nonelective offices, positions of employment, departments, and agencies of the city, as
 563 necessary for the proper administration of the affairs and government of this city.

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

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

569 (d) There shall be a director of each department or agency who shall be its principal officer.
 570 Each director shall, subject to the direction and supervision of the mayor, be responsible for
 571 the administration and direction of the affairs and operations of such director's department
 572 or agency.

573 (e) The city clerk and all appointed officers and directors under the supervision of the mayor
 574 shall be nominated by the mayor with confirmation of appointment by the city council. All
 575 appointed officers and directors shall be employees at will and subject to removal or
 576 suspension at any time by the mayor unless otherwise provided by law or ordinance.

577 SECTION 3.11.

578 Boards, commissions, and authorities.

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

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

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

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

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

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

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

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

607 **SECTION 3.12.**

608 City attorney.

609 The city council may appoint a city attorney from nominees made by the mayor, together
610 with such assistant city attorneys as may be authorized, and shall provide for the payment of
611 such attorney or attorneys for services rendered to the city. The city attorney shall be
612 responsible for providing for the representation and defense of the city in all litigation in
613 which the city is a party; may be the prosecuting officer in the municipal court; shall attend
614 meetings of the city council as directed; shall advise the city council, mayor, and other
615 officers and employees of the city concerning legal aspects of the city's affairs; and shall
616 perform such other duties as may be required by virtue of such person's position as city
617 attorney.

618 **SECTION 3.13.**

619 City clerk.

620 The city council may appoint a city clerk from among nominees made by the mayor who
 621 shall not be a councilmember. The city clerk shall be custodian of the official city seal and
 622 city records, maintain city council records required by this charter, and perform such other
 623 duties as may be required by the city council.

624 **SECTION 3.14.**

625 Position classification and pay plans.

626 The mayor shall be responsible for the preparation of a position classification and pay plan
 627 which shall be submitted to the city council for approval. Such plan shall apply to all
 628 employees of the city and any of its agencies, departments, boards, commissions, or
 629 authorities. When a pay plan has been adopted, the city council shall not increase or decrease
 630 the salary range applicable to any position except by amendment of such pay plan. For
 631 purposes of this section, all elected and appointed city officials are not city employees.

632 **SECTION 3.15.**

633 Personnel policies.

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

636 **ARTICLE IV**

637 **JUDICIAL BRANCH**

638 **SECTION 4.10.**

639 Creation; name.

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

641 **SECTION 4.11.**

642 Chief judge; associate judge.

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

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

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

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

652 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
 653 will honestly and faithfully discharge the duties of the office to the best of such person's
 654 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
 655 the city council journal as required in Section 2.19 of this charter.

656 **SECTION 4.12.**

657 Convening.

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

659 **SECTION 4.13.**

660 Jurisdiction; powers.

661 (a) The municipal court shall try and punish violations of this charter, all city ordinances,
 662 and such other violations as provided by law.

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

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

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

672 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 673 the presence of those charged with violations before such court and shall have discretionary
 674 authority to accept cash or personal or real property as surety for the appearance of persons
 675 charged with violations. Whenever any person shall give bail for such person's appearance
 676 and shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
 677 presiding at such time, and an execution issued thereon by serving the defendant and the

678 defendant's sureties with a rule nisi, at least two days before a hearing on the rule nisi. In the
679 event that cash or property is accepted in lieu of bond for security for the appearance of a
680 defendant at trial, and if such defendant fails to appear at the time and place fixed for trial,
681 the cash so deposited shall be on order of the judge declared forfeited to the city, or the
682 property so deposited shall have a lien against it for the value forfeited which lien shall be
683 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

694 (i) Unless a lesser penalty is provided by ordinance, the judge of the municipal court shall
695 have the power and authority to impose upon the violator of any law or ordinance, for each
696 violation thereof, the following punishments or any punishment provided for such offense
697 by state statute, whichever is greater:

698 (1) A fine not to exceed \$1000.00;

699 (2) Imprisonment in the city detention center for a period of not more than 90 days; or

700 (3) Both such punishments when the facts of the case justify such punishment; provided,
701 however, that each contempt of municipal court shall be punishable either by imposition
702 of a fine not exceeding \$200.00 or by imprisonment in the city detention center for a
703 period of time not exceeding 30 days or both.

704 **SECTION 4.14.**

705 **Certiorari.**

706 The right of certiorari from the decision and judgment of the municipal court shall exist in
707 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
708 the sanction of a judge of the Superior Court of Sumter County under the laws of the State
709 of Georgia regulating the granting and issuance of writs of certiorari.

710 **SECTION 4.15.**

711 Rules for court.

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

719 **ARTICLE V**720 **ELECTIONS AND REMOVAL**721 **SECTION 5.10.**

722 Applicability of general law.

723 All municipal general and special primaries and elections shall be held and conducted in
 724 accordance with the O.C.G.A. Chapter 2 of Title 21, the "Georgia Election Code."

725 **SECTION 5.11.**

726 Election of the city council and mayor.

727 (a) There shall be a municipal general election to be held biennially in odd-numbered years
 728 on the Tuesday next following the first Monday in November.

729 (b) There shall be elected the mayor and four councilmembers at each biennial election.
 730 Terms shall be for two years.

731 **SECTION 5.12.**

732 Special elections; vacancies.

733 In the event that the office of mayor or any councilmember shall become vacant for any
 734 cause whatsoever, the councilmembers or those remaining shall order a special election to
 735 fill the balance of the unexpired term of such office; provided, however, that if such vacancy
 736 occurs within 12 months of the expiration of the term of such office, the councilmembers or
 737 those remaining shall appoint a duly qualified successor for the remainder of the term. In all
 738 other respects, any special election shall be held and conducted in accordance with O.C.G.A.

739 Chapter 2 of Title 21, the "Georgia Election Code." Vacancies shall be filled in accordance
740 with the procedural requirements of subsection (b) of O.C.G.A. Section 45-5-1.

741 **SECTION 5.13.**

742 Other provisions.

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

746 **SECTION 5.14.**

747 Removal of officers.

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

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

753 (1) Following a hearing at which an impartial panel shall render a decision. In the event
754 an elected officer is sought to be removed by the action of the city council, such officer
755 shall be entitled to a written notice specifying the ground or grounds for removal and to
756 a public hearing which shall be held not less than ten days after the service of such
757 written notice. The city council shall provide by ordinance for the manner in which such
758 hearings shall be held. Any elected officer sought to be removed from office as herein
759 provided shall have the right of appeal from the decision of the city council to the
760 Superior Court of Sumter County. Such appeal shall be governed by the same rules as
761 govern appeals to the superior court from the probate court.

762 (2) By an order of the Superior Court of Sumter County following a hearing on a
763 complaint seeking such removal brought by any resident of the City of Leslie.

793

SECTION 6.14.

794

Franchises.

795 (a) The city council shall have the power to grant franchises for the use of this city's streets
 796 and alleys for the purposes of railroads, street railways, telephone companies, electric
 797 companies, electric membership corporations, cable television and other telecommunications
 798 companies, gas companies, transportation companies, and other similar organizations. The
 799 city council shall determine the duration, terms, whether the same shall be exclusive or
 800 nonexclusive, and the consideration for such franchises; provided, however, no franchise
 801 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
 802 the city receives just and adequate compensation therefor. The city council shall provide for
 803 the registration of all franchises with the city clerk in a registration book kept by the clerk.
 804 The city council may provide by ordinance for the registration within a reasonable time of
 805 all franchises previously granted.

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

811

SECTION 6.15.

812

Service charges.

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

817

SECTION 6.16.

818

Special assessments.

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

823 **SECTION 6.17.**

824 Construction; other taxes and fees.

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

828 **SECTION 6.18.**

829 Collection of delinquent taxes and fees.

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

837 **SECTION 6.19.**

838 General obligation bonds.

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

843 **SECTION 6.20.**

844 Revenue bonds.

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

848 **SECTION 6.21.**

849 Short-term loans.

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

852 **SECTION 6.22.**

853 Lease-purchase contracts.

854 The city may enter into multiyear lease, purchase, or lease-purchase contracts for the
855 acquisition of goods, materials, real and personal property, services, and supplies, provided
856 that the contract terminates without further obligation on the part of the city at the close of
857 the calendar year in which it was executed and at the close of each succeeding calendar year
858 for which it may be renewed. Contracts must be executed in accordance with the
859 requirements of O.C.G.A. Section 36-60-13 or such other applicable laws as are or may
860 hereafter be enacted.

861 **SECTION 6.23.**

862 Fiscal year.

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

867 **SECTION 6.24.**

868 Preparation of budgets.

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

873

SECTION 6.25.

874

Submission of operating budget to city council.

875 On or before a date fixed by the city council, the mayor shall submit to the city council a

876 proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by

877 a message from the mayor containing a statement of the general fiscal policies of the city,

878 important features of the budget, explanations of major changes recommended for the next

879 fiscal year, a general summary of the budget, and such other pertinent comments and

880 information. The operating budget and the capital budget hereinafter provided for, the

881 budget message, and all supporting documents shall be filed in the office of the city clerk and

882 shall be open to public inspection.

883

SECTION 6.26.

884

Action by city council on budget.

885 (a) The city council may amend the operating budget proposed by the mayor, except that the

886 budget as finally amended and adopted must provide for all expenditures required by state

887 law or by other provisions of this charter and for all debt service requirements for the ensuing

888 fiscal year. The total appropriations from any fund shall not exceed the estimated fund

889 balance, reserves, and revenues.

890 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal

891 year. If the city council fails to adopt the budget, the amounts appropriated for operation for

892 the current fiscal year shall be deemed adopted for the ensuing fiscal year on a

893 month-to-month basis, with all items prorated accordingly until such time as the city council

894 adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an

895 appropriations ordinance setting out the estimated revenues in detail by sources and making

896 appropriations according to fund and by organizational unit, purpose, or activity as set out

897 in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

898 (c) The amount set out in the adopted operating budget for each organizational unit shall

899 constitute the annual appropriation for such, and no expenditure shall be made or

900 encumbrance created in excess of the otherwise unencumbered balance of the appropriations

901 or allotment thereof, to which it is chargeable.

902 **SECTION 6.27.**

903 Tax levies.

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

910 **SECTION 6.28.**

911 Changes in appropriations.

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

916 **SECTION 6.29.**

917 Capital budget.

918 (a) On or before the date fixed by the city council but no later than the beginning of each
 919 fiscal year, the mayor shall submit to the city council a proposed capital improvements plan
 920 with a recommended capital budget containing the means of financing the improvements
 921 proposed for the ensuing fiscal year. The city council shall have power to accept, with or
 922 without amendments, or reject the proposed plan and proposed budget. The city council shall
 923 not authorize an expenditure for the construction of any building, structure, work, or
 924 improvement, unless the appropriations for such project are included in the capital budget,
 925 except to meet a public emergency as provided in Section 2.23 of this charter.

926 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 927 year. No appropriation provided for in a prior capital budget shall lapse until the purpose for
 928 which the appropriation was made shall have been accomplished or abandoned; provided,
 929 however, that the mayor may submit amendments to the capital budget at any time during
 930 the fiscal year, accompanied by recommendations. Any such amendments to the capital
 931 budget shall become effective only upon adoption by ordinance.

932 **SECTION 6.30.**

933 Independent audit.

934 The mayor and city council shall provide by resolution for an independent annual audit of
 935 all city accounts and may similarly provide for more frequent or continuing audits as deemed
 936 necessary. Audits shall be made by a certified public accountant or firm who has no personal
 937 interest, directly or indirectly, in the fiscal affairs of the city government or any of its
 938 officers. The mayor and city council may, without requiring competitive bids, designate by
 939 resolution the accountant or firm annually or for a period not exceeding three years, provided
 940 that the designation for any particular fiscal year shall be made no later than 90 days after the
 941 beginning of the fiscal year. The mayor and city council may also provide by resolution for
 942 special independent audits of any office, department, board, commission, or other agency of
 943 the city.

944 **SECTION 6.31.**

945 Contracting procedures.

946 No contract with the city shall be binding on the city unless it is:

- 947 (1) In writing;
- 948 (2) Drawn by or submitted to and reviewed by the city attorney and, as a matter of
 949 course, is signed by the city attorney to indicate such drafting or review; and
- 950 (3) Made or authorized by the city council and such approval is entered in the city
 951 council journal of proceedings pursuant to Section 2.19 of this charter.

952 **SECTION 6.32.**

953 Centralized purchasing.

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

956 **SECTION 6.33.**

957 Sale and lease of city property.

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

960 (b) The city council may quitclaim any rights it may have in property not needed for public
 961 purposes upon report by the mayor and adoption of a resolution, both finding that the

962 property is not needed for public or other purposes and that the interest of the city has no
 963 readily ascertainable monetary value.

964 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 965 of the city, a small parcel or tract of land is cut off or separated by such work from a larger
 966 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
 967 and convey such cutoff or separated parcel or tract of land to an abutting or adjoining
 968 property owner or owners where such sale and conveyance facilitates the enjoyment of the
 969 highest and best use of the abutting owner's property. Included in the sales contract shall be
 970 a provision for the rights of way of such street, avenue, alley, or public place. Each abutting
 971 property owner shall be notified of the availability of the property and given the opportunity
 972 to purchase such property under such terms and conditions as set out by ordinance. All deeds
 973 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 974 interest the city has in such property, notwithstanding the fact that no public sale after
 975 advertisement was or is hereafter made.

976 **ARTICLE VII**

977 **GENERAL PROVISIONS**

978 **SECTION 7.10.**

979 Existing ordinances, resolutions, rules, and regulations.

980 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this
 981 charter shall continue in force, unless repealed or amended, for two years from the effective
 982 date of this charter. During such two-year period, the city council shall review all such
 983 provisions and shall readopt, repeal, or amend each, so that a codification as provided by
 984 subsection (b) of Section 2.25 of this charter is accomplished.

985 **SECTION 7.11.**

986 Pending matters.

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

991 **SECTION 7.12.**

992 Construction.

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

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

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

998 **SECTION 7.13.**

999 Specific repealer.

1000 An Act to provide a new charter for the City of Leslie in the County of Sumter, approved
1001 March 23, 1977 (Ga. L. 1977, p. 3614), is hereby repealed in its entirety and all amendatory
1002 acts thereto are likewise repealed in their entirety.

1003 **SECTION 7.14.**

1004 General repealer.

1005 All laws and parts of laws in conflict with this Act are repealed.