

Senate Bill 226

By: Senator Lucas of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating a new charter for the City of Gordon, approved March 24, 1988
2 (Ga. L. 1988, p. 4375), as amended, so as to comprehensively revise the charter of the City
3 of Gordon; to provide for incorporation, boundaries, and powers of the city; to provide for
4 a governing authority of such city and the powers, duties, authority, election, terms, method
5 of filling vacancies, compensation, qualifications, prohibitions, and removal from office
6 relative to members of such governing authority; to provide for inquiries and investigations;
7 to provide for organization and procedures; to provide for ordinances and codes; to provide
8 for the office of mayor and certain duties and powers relative to the office of mayor; to
9 provide for administrative responsibilities; to provide for boards, commissions, and
10 authorities; to provide for a city attorney, a city clerk, a city treasurer, and other personnel;
11 to provide for rules and regulations; to provide for a municipal court and the judge or judges
12 thereof; to provide for practices and procedures; to provide for taxation and fees; to provide
13 for franchises, service charges, and assessments; to provide for bonded and other
14 indebtedness; to provide for accounting and budgeting; to provide for audits; to provide for
15 purchases; to provide for the sale of property; to provide for bonds for officials; to provide
16 for eminent domain; to provide for penalties; to provide for definitions and construction; to
17 provide for other matters relative to the foregoing; to provide for severability; to repeal
18 conflicting laws; and for other purposes.

19 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

20 **SECTION 1.**

21 An Act creating a new charter for the City of Gordon, approved March 24, 1988
22 (Ga. L. 1988, p. 4375), as amended, is amended by striking all provisions from Article I
23 through Article VII and inserting in lieu thereof the following:

24 "ARTICLE I
 25 INCORPORATION AND POWERS
 26 SECTION 1.10.
 27 Incorporation.

28 The City of Gordon in Wilkinson County is reincorporated by the enactment of this charter
 29 and is constituted and declared a body politic and corporate under the name of the 'City of
 30 Gordon.' References in this charter to 'the city' or 'this city' refer to the City of Gordon.
 31 The city shall have perpetual existence.

32 SECTION 1.11.
 33 Corporate boundaries.

34 The boundaries of this city shall be those existing on the effective date of the adoption of
 35 this charter with such alterations as may be made from time to time by local law or in the
 36 manner provided by general state law. The boundaries of this city at all times shall be
 37 shown on a map, a written description, or any combination thereof, to be retained
 38 permanently in the office of the city clerk of the city and to be designated, as the case may
 39 be: 'Official Map or Description of the Corporate Limits of the City of Gordon, Georgia.'
 40 Photographic, typed, or other copies of such map or description certified by the mayor shall
 41 be admitted as evidence in all courts and shall have the same force and effect as with the
 42 original map or description.

43 SECTION 1.12.
 44 Municipal powers.

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

49 (b) The powers of this city shall be construed liberally in favor of the city. The specific
 50 mention of or failure to mention particular powers shall not be construed as limiting in any
 51 way the powers of this city. These powers shall include, but are not limited to, the
 52 following:

53 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
 54 large of animals and fowl and to provide for their impoundment if in violation of any
 55 ordinance or lawful order; to provide for the disposition by sale, gift, or humane

- 56 destruction of animals and fowl when not redeemed as provided by ordinance; and to
57 provide punishment for violation of ordinances enacted under this charter;
- 58 (2) Appropriations and expenditures. To make appropriations for the support of the
59 government of the city; to authorize the expenditure of money for any purpose authorized
60 by this charter and for any purpose for which a municipality is authorized by the laws of
61 the State of Georgia; and to provide for the payment of expenses of the city;
- 62 (3) Building regulation. To regulate and to license the erection and construction of
63 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
64 and heating and air-conditioning codes; and to regulate all housing and building trades;
- 65 (4) Business regulation and taxation. To levy and to provide for collection of license
66 fees and taxes on privileges, occupations, trades, and professions as authorized by Title
67 48 of the O.C.G.A. or such other laws as are now or may hereafter be enacted; to license
68 and regulate the same; to provide for the manner and method of payment of such licenses
69 and taxes; and to revoke such licenses after due process for failure to pay any city taxes
70 or fees;
- 71 (5) 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 Title 22 of the O.C.G.A. or such
74 other laws as are now or may hereafter be enacted;
- 75 (6) Contracts. To enter into contracts and agreements with other governments and
76 entities and with private persons, firms, and corporations;
- 77 (7) 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 (8) Fire regulations. To fix and establish fire limits and from time to time to 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 (9) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
86 and disposal and other sanitary service charge, tax, or fee for such services as may be
87 necessary in the operation of the city from all individuals, firms, and corporations
88 residing in or doing business within the city and benefitting from such services; to
89 enforce the payment of such charges, taxes, or fees; and to provide for the manner and
90 method of collecting such service charges;
- 91 (10) General health, safety, and welfare. To define, regulate, and prohibit any act,
92 practice, conduct, or use of property which is detrimental to health, sanitation,

93 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
94 enforcement of such standards;

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

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

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

105 (14) Motor vehicles. To regulate the operation of motor vehicles and exercise control
106 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
107 of the city;

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

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

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

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

121 (19) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
122 of public utilities, including, but not limited to, a system of waterworks, sewers and
123 drains, sewage disposal, gas works, electric plants, transportation facilities, public
124 airports, and any other public utility; to fix the taxes, charges, rates, fares, fees,
125 assessments, regulations, and penalties therefor; to provide for the withdrawal of service
126 for refusal or failure to pay the same; to authorize the extension of water, sewerage, and
127 electrical distribution systems, and all necessary appurtenances by which such utilities
128 are distributed, inside and outside the corporate limits of the city; and to provide utility

129 services to persons, firms, and corporations inside and outside the corporate limits of the
130 city as provided by ordinance;

131 (20) Nuisances. To define a nuisance and provide for its abatement whether on public
132 or private property;

133 (21) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
134 the authority of this charter and the laws of the State of Georgia;

135 (22) Planning and zoning. To provide comprehensive city planning for development by
136 zoning; and to provide subdivision regulation and the like as the city council deems
137 necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

138 (23) Police and fire protection. To exercise the power of arrest through duly appointed
139 police officers and to establish, operate, or contract for a police and a fire-fighting
140 agency;

141 (24) Public hazards; removal. To provide for the destruction and removal of any
142 building or other structure which is or may become dangerous or detrimental to the
143 public;

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

154 (26) Public peace. To provide for the prevention and punishment of public drunkenness,
155 riots, and public disturbances;

156 (27) Public transportation. To organize and operate or contract for such public
157 transportation systems as are deemed beneficial;

158 (28) Public utilities and services. To grant franchises or make contracts for public
159 utilities and public service companies and to prescribe the rates, fares, regulations, and
160 the standards and conditions of service applicable to the service to be provided by the
161 franchise grantee or contractor, insofar as not in conflict with valid regulations of the
162 Georgia Public Service Commission;

163 (29) Regulation of roadside areas. To prohibit or regulate and control the erection,
164 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
165 and all other structures or obstructions upon or adjacent to the rights of way of streets and

166 roads or within view thereof, inside or abutting the corporate limits of the city; and to
167 prescribe penalties and punishments for violation of such ordinances;

168 (30) Retirement. To provide and maintain a retirement plan for officers and employees
169 of the city;

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

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

190 (33) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish,
191 and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by
192 others; and to provide for the separate collection of glass, tin, aluminum, cardboard,
193 paper, and other recyclable materials and to provide for the sale of such items;

194 (34) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
195 the manufacture, sale, or transportation of any intoxicating liquors, and the use and sale
196 of firearms; to regulate the transportation, storage, and use of combustible, explosive, and
197 inflammable materials, the use of lighting and heating equipment, and any other business
198 or situation which may be dangerous to persons or property; to regulate and control the
199 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
200 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit
201 professional fortunetelling, palmistry, adult bookstores, and massage parlors;

202 (35) Special assessments. To levy and provide for the collection of special assessments
 203 to cover the costs of any public improvement;

204 (36) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
 205 and collection of taxes on all property subject to taxation;

206 (37) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
 207 future by law;

208 (38) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 209 number of such vehicles; to require the operators thereof to be licensed; to require public
 210 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 211 regulate the parking of such vehicles;

212 (39) Urban redevelopment. To organize and operate an urban redevelopment program;
 213 and

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

225 SECTION 1.13.

226 Exercise of powers.

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

261 (b) A vacancy in the office of councilmember shall be filled for the remainder of the
 262 unexpired term, if any, by appointment by the remaining councilmembers if less
 263 than 12 months remain in the unexpired term. If such vacancy occurs 12 months or more
 264 prior to the expired term of that office, it shall be filled for the remainder of the unexpired
 265 term by a special election as provided for in Section 5.03 of this charter and Titles 21 and
 266 45 of the O.C.G.A. or such other laws as are now or may hereafter be enacted. Persons
 267 appointed to fill a vacancy on the city council shall be otherwise qualified to serve as
 268 outlined in this charter.

269 (c) A vacancy in the office of mayor shall be filled for the remainder of the unexpired
 270 term, if any, by the mayor pro tempore if less than 12 months remain in the unexpired term.
 271 If such vacancy occurs 12 months or more prior to the expired term of that office, it shall
 272 be filled for the remainder of the unexpired term by a special election as provided for in
 273 Section 5.03 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are
 274 now or may hereafter be enacted.

275 (d) These provisions shall also apply to a temporary vacancy created by the suspension
 276 from office of the mayor or any councilmember.

277 SECTION 2.13.

278 Nonpartisan elections.

279 Political parties shall not conduct primaries for city offices. All elections for mayor and
 280 city council shall be nonpartisan.

281 SECTION 2.14.

282 Election by plurality.

283 The candidate receiving a plurality of the votes cast for any city office shall be elected.

284 SECTION 2.15.

285 Compensation and expenses.

286 The mayor and councilmembers shall receive compensation and expenses for their services
 287 as provided by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

288 SECTION 2.16.

289 Prohibitions: conflicts of interest; holding other offices.

290 (a) Elected and appointed officers of the city are trustees and servants of the residents of
291 the city and shall act in a fiduciary capacity for the benefit of such residents.292 (b) No elected official, appointed officer, or employee of the city or any agency or political
293 entity to which this charter applies shall knowingly:294 (1) Engage in any business or transaction or have a financial or other personal interest,
295 direct or indirect, which is incompatible with the proper discharge of his or her official
296 duties or which would tend to impair the independence of his or her judgment or action
297 in the performance of his or her official duties;298 (2) Engage in or accept private employment or render services for private interests when
299 such employment or service is incompatible with the proper discharge of his or her
300 official duties or would tend to impair the independence of his or her judgment or action
301 in the performance of his or her official duties;302 (3) Disclose confidential information concerning the property, government, or affairs of
303 the governmental body by which he or she is engaged without proper legal authorization
304 or use such information to advance the financial or other private interest of himself or
305 herself or others;306 (4) Accept any valuable gift, whether in the form of service, loan, object, or promise,
307 from any person, firm, or corporation which to his or her knowledge is interested, directly
308 or indirectly, in any manner whatsoever, in business dealings with the governmental body
309 by which he or she is engaged; provided, however, that an elected official who is a
310 candidate for public office may accept campaign contributions and services in connection
311 with any such campaign;312 (5) Represent other private interests in any action or proceeding against this city or any
313 portion of its government; or314 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
315 any business or entity in which he or she has a financial interest.316 (c) Any elected official, appointed officer, or employee who has any private financial
317 interest, directly or indirectly, in any contract or matter pending before or within any
318 department of the city shall disclose such interest to the city council. The mayor or any
319 councilmember who has a private financial interest in any matter pending before the city
320 council shall disclose such private interest and such disclosure shall be entered on the
321 records of the city council, and such person shall disqualify himself or herself from
322 participating in any decision or vote relating thereto. Any elected official, appointed
323 officer, or employee of any agency or political entity to which this charter applies who

324 shall have any private financial interest, directly or indirectly, in any contract or matter
325 pending before or within such entity shall disclose such private interest to the governing
326 body of such agency or entity.

327 (d) No elected official, appointed officer, or employee of the city or any agency or entity
328 to which this charter applies shall use property owned by such governmental entity for
329 personal benefit, convenience, or profit except in accordance with policies promulgated by
330 the city council or the governing body of such agency or entity.

331 (e) Any violation of this section which occurs with the knowledge, express or implied, of
332 a party to a contract or sale shall render such contract or sale voidable at the option of the
333 city council.

334 (f) Except as authorized by law, neither the mayor nor any councilmember shall hold any
335 other elected city office or other city employment during the term for which he or she was
336 elected. The provisions of this subsection shall not apply to any person holding
337 employment on the effective date of this Act.

338 (g) No appointed officer of the city shall continue in such employment upon qualifying as
339 a candidate for nomination or election to any public office. No employee of the city shall
340 continue in such employment upon qualifying for or election to any public office in this
341 city or any other public office which is inconsistent, incompatible, or in conflict with the
342 duties of the city employee. Such determination shall be made by the mayor and city
343 council either immediately upon election or at any time such conflict may arise.

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

348 (2) Any officer or employee of the city who shall forfeit his or her office or position as
349 described in paragraph (1) of this subsection shall be ineligible for appointment or
350 election to or employment in a position in the city government for a period of three years
351 thereafter.

352 SECTION 2.17.

353 Inquiries and investigations.

354 Following the adoption of an authorizing resolution, the city council may make inquiries
355 and investigations into the affairs of the city and the conduct of any department, office, or
356 agency thereof and for this purpose may subpoena witnesses, administer oaths, take
357 testimony, and require the production of evidence. Any person who fails or refuses to obey

358 a lawful order issued in the exercise of these powers by the city council shall be punished
 359 as may be provided by ordinance.

360 SECTION 2.18.

361 General power and authority.

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

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

371 SECTION 2.19.

372 Eminent domain.

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

381 SECTION 2.20.

382 Organizational meetings.

383 The city council shall hold an organizational meeting at the first regular meeting in January
 384 following an election. The meeting shall be called to order by the city clerk and the oath
 385 of office shall be administered to the newly elected members as follows:

386 I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor)
 387 (councilmember) of this city and that I will support and defend the charter thereof as well
 388 as the Constitution and laws of the State of Georgia and the United States of America.

389 I am not the holder of any unaccounted for public money due this state or any political
 390 subdivision or authority thereof. I am not the holder of any office of trust under the
 391 government of the United States, any other state, or any foreign state which I, by the laws
 392 of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold
 393 such office according to the Constitution and laws of the State of Georgia. I have been
 394 a resident of the City of Gordon for the time required by the Constitution and laws of this
 395 state and by the municipal charter. I will at all times act ethically and professionally
 396 when in the conduct of city business, and I will not become delinquent in any financial
 397 or personal obligations to the City of Gordon. I will perform the duties of my office in
 398 the best interest of the City of Gordon and to the best of my ability without fear, favor,
 399 affection, reward, or the expectation thereof.'

400 SECTION 2.21.

401 Regular and special meetings.

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

404 (b) Special meetings of the city council may be held on call of the mayor or four members
 405 of the city council. Notice of such special meeting shall be served on all other members
 406 personally or by telephone at least 24 hours in advance of the meeting. Such notice to
 407 councilmembers shall not be required if the mayor and all councilmembers are present
 408 when the special meeting is called. Such notice of any special meeting may be waived by
 409 a councilmember in writing before or after such meeting, and attendance at the meeting
 410 shall also constitute a waiver of notice on any business transacted in such councilmember's
 411 presence. Only the business stated in the call may be transacted at the special meeting.

412 (c) All meetings of the city council and committees shall be public to the extent required
 413 by law. Notice to the public of special meetings shall be made as fully as is reasonably
 414 possible as provided by Code Section 50-14-1 of the O.C.G.A. or such other applicable
 415 laws as are now or may hereafter be enacted.

416 SECTION 2.22.

417 Rules of procedure.

418 The city council shall adopt its rules of procedure and order of business consistent with the
 419 provisions of this charter and shall provide for the keeping of a journal of its proceedings,
 420 which shall be a public record. If the adopted rules of procedure are silent on a question,
 421 then Robert's Rules of Order shall govern.

422 SECTION 2.23.

423 Committees.

424 (a) All committees of the city council shall be appointed by the mayor. The mayor shall
425 have the power to appoint new members to any committee at any time.

426 (b) The mayor shall designate a member of the city council to serve as the chairperson of
427 each committee.

428 (c) All committees shall consist of at least three councilmembers, including the
429 chairperson. The mayor or other persons who are not members of the city council may be
430 appointed to serve on committees in an advisory capacity. However, advisory members
431 shall not have voting rights on any committee recommendations.

432 (d) Notice of all committee meetings shall be in accordance with the provisions of
433 Section 2.21 of this charter.

434 SECTION 2.24.

435 Voting.

436 (a) Except as otherwise provided in subsection (c) of this section, four councilmembers
437 shall constitute a quorum and shall be authorized to transact the business of the city
438 council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be
439 recorded in the journal, but any member of the city council shall have the right to request
440 a roll-call vote and such vote shall be recorded in the journal. Except as otherwise
441 provided in this charter, the affirmative vote of four councilmembers shall be required for
442 the adoption of any ordinance, resolution, or motion.

443 (b) The mayor shall vote only in the event of a tie.

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

445 (d) In the event that vacancies in office result in four or fewer councilmembers holding
446 office, the remaining councilmembers in office shall constitute a quorum and shall be
447 authorized to conduct the business of the city council. A vote of a majority of the
448 remaining councilmembers shall be required for the adoption of any ordinance, resolution,
449 or motion.

450 SECTION 2.25.

451 Ordinance form; procedures.

452 (a) Every proposed ordinance shall be introduced in writing and in the form required for
453 final adoption. No ordinance shall contain a subject which is not expressed in its title. The

454 enacting clause shall be 'The city council of the City of Gordon hereby ordains...' and every
455 ordinance shall so begin.

456 (b) An ordinance may be introduced by any councilmember and be read at a regular or
457 special meeting of the city council. Ordinances shall be considered and adopted or rejected
458 by the city council in accordance with the rules which it shall establish; provided, however,
459 that an ordinance shall not be adopted the same day it is introduced, except for emergency
460 ordinances as provided in Section 2.27 of this charter. Upon introduction of any ordinance,
461 the city clerk shall, as soon as possible, distribute a copy to the mayor and to each
462 councilmember and shall file a reasonable number of copies in the office of the city clerk
463 and at such other public places as the city council may designate.

464 SECTION 2.26.

465 Action requiring an ordinance.

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

468 SECTION 2.27.

469 Emergencies.

470 (a) To meet a public emergency affecting life, health, property, or public peace, the city
471 council may convene on call of the mayor or four councilmembers and may promptly adopt
472 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend
473 a franchise; regulate the rate charged by any public utility for its services; or authorize the
474 borrowing of money except for loans to be repaid within 30 days. An emergency
475 ordinance shall be introduced in the form prescribed for ordinances generally, except that
476 it shall be plainly designated as an emergency ordinance and shall contain, after the
477 enacting clause, a declaration stating that an emergency exists and describing the
478 emergency in clear and specific terms. An emergency ordinance may be adopted, with or
479 without amendment, or rejected at the meeting at which it is introduced, but the affirmative
480 vote of at least four councilmembers shall be required for adoption. It shall become
481 effective upon adoption or at such later time as it may specify. Every emergency ordinance
482 shall automatically stand repealed 30 days following the date upon which it was adopted,
483 but this shall not prevent reenactment of the ordinance in the manner specified in this
484 section if the emergency continues to exist. An emergency ordinance shall also be repealed
485 by adoption of a repealing ordinance in the same manner specified in this section for
486 adoption of emergency ordinances.

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

491 SECTION 2.28.

492 Codes of technical regulations.

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

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

499 (2) A copy of each adopted code of technical regulations, as well as the adopting
 500 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.29
 501 of this charter.

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

504 SECTION 2.29.

505 Codification of ordinances.

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

508 (b) The city council shall provide for the preparation of a general codification of all the
 509 ordinances of the city having the force and effect of law. The general codification shall be
 510 adopted by the city council by ordinance and shall be published promptly, together with
 511 all amendments thereto and such codes of technical regulations and other rules and
 512 regulations as the city council may specify. This compilation shall be known and cited
 513 officially as 'The Code of the City of Gordon, Georgia.' Copies of the code shall be
 514 furnished to all officers, departments, and agencies of the city and made available for
 515 purchase by the public at a reasonable price as fixed by the city council.

516 (c) The city council shall cause each ordinance and each amendment to this charter to be
 517 printed promptly following its adoption, and the printed ordinances and charter
 518 amendments shall be made available for purchase by the public at reasonable prices to be
 519 fixed by the city council. Following publication of the first code under this charter and at

520 all times thereafter, the ordinances and charter amendments shall be printed in substantially
 521 the same style as the code then in effect and shall be suitable in form for incorporation
 522 within the code. The city council shall make such further arrangements as deemed
 523 desirable with reproduction and distribution of any changes in or additions to codes of
 524 technical regulations and other rules and regulations included in the code.

525 SECTION 2.30.

526 Chief executive officer; delegation of powers.

527 The mayor shall be the chief executive officer of this city. The mayor shall possess all of
 528 the executive and administrative powers granted to the city under the Constitution and laws
 529 of the State of Georgia and all of the executive and administrative powers contained in this
 530 charter, except as otherwise specifically provided in this charter. The mayor shall have the
 531 authority to delegate any one or more executive or administrative powers to a person or
 532 persons employed by the city and qualified in management and administration.

533 SECTION 2.31.

534 Powers and duties of mayor.

535 As chief executive officer of this city, the mayor shall:

- 536 (1) See that all laws and ordinances of the city are faithfully executed;
- 537 (2) Appoint and remove for cause, with confirmation of appointment or removal by the
 538 city council, all officers, department heads, and employees of the city except as otherwise
 539 provided in this charter;
- 540 (3) Exercise supervision over all executive and administrative work of the city and
 541 provide for the coordination of administrative activities;
- 542 (4) Prepare and submit to the city council a recommended annual operating budget for
 543 all city funds and a recommended capital budget;
- 544 (5) Submit to the city council, at least once a year, a statement covering the financial
 545 conditions of the city and from time to time such other information as the city council
 546 may request;
- 547 (6) Preside over all meetings of the city council;
- 548 (7) Call special meetings of the city council as provided for in subsection (b) of
 549 Section 2.21 of this charter;
- 550 (8) Participate in the discussion of all matters brought before the city council and vote
 551 on such matters only in the case of a tie;

- 552 (9) Recommend to the city council such measures relative to the affairs of the city,
 553 improvement of the government, and promotion of the welfare of its inhabitants as he or
 554 she may deem expedient;
- 555 (10) Approve or disapprove ordinances as provided in Section 2.32 of this charter;
- 556 (11) Sign as a matter of course all written contracts, ordinances, and other instruments
 557 executed by the city which by law are required to be in writing, except deeds made for
 558 property sold under execution at public sale which shall be signed by the chief of police
 559 of the city; and
- 560 (12) Perform such other duties as may be required by general state law, this charter, or
 561 ordinance.

562 SECTION 2.32.

563 Submission of ordinances to the mayor; veto power.

- 564 (a) Every ordinance adopted by the city council shall be presented by the city clerk to the
 565 mayor within three calendar days after its adoption.
- 566 (b) The mayor shall, within three calendar days of receipt of an ordinance, return it to the
 567 city clerk with or without the mayor's approval or with the mayor's disapproval. If the
 568 ordinance has been approved by the mayor, it shall become law upon its return to the city
 569 clerk; if the ordinance is neither approved nor disapproved, it shall become law at
 570 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved,
 571 the mayor shall submit to the city council through the city clerk a written statement of the
 572 reasons for the veto. The city clerk shall record upon the ordinance the date of its delivery
 573 to and receipt from the mayor.
- 574 (c) Ordinances vetoed by the mayor shall be presented by the city clerk to the city council
 575 at its next meeting; should the city council then or at its next general meeting adopt the
 576 ordinance by an affirmative vote of the entire city council, it shall become law.
- 577 (d) The mayor may disapprove or reduce any item or items of appropriation in any
 578 ordinance. The approved part or parts of any ordinance making appropriations shall
 579 become law, and the part or parts disapproved shall not become law unless subsequently
 580 passed by the city council over the mayor's veto as provided in this section. The reduced
 581 part or parts shall be presented to the city council as though disapproved and shall not
 582 become law unless overridden by the city council as provided in subsection (c) of this
 583 section.

584 SECTION 2.33.

585 Mayor pro tempore.

586 At the organizational meeting of the city council, by a majority vote, the city council shall
 587 elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall
 588 preside at all meetings of the city council and shall assume the duties and powers of the
 589 mayor upon the mayor's physical or mental disability, suspension from office, or absence.
 590 When serving as mayor, the mayor pro tempore shall also not vote as a member of the
 591 council.

592 ARTICLE III

593 ADMINISTRATIVE AFFAIRS

594 SECTION 3.01.

595 Department heads.

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

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

603 (c) All appointed officers and directors of departments shall receive such compensation
 604 as prescribed by the city council.

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

609 (e) All officers under the supervision of the mayor, including the city clerk and city
 610 treasurer, shall be nominated by the mayor with confirmation of appointment by the city
 611 council. The mayor may suspend or remove directors under his or her supervision, but
 612 such suspension or removal shall not be effective for ten calendar days following the
 613 mayor's written notice of such action and the reason therefor to the director involved and
 614 to the city council; provided, however, that, in the event the mayor determines that the
 615 director presents an imminent danger to other city personnel or the general public, the
 616 mayor may suspend such director immediately, with or without compensation at the
 617 discretion of the mayor, pending an investigation. Such director may appeal to the city

618 council which, after a hearing, may override the mayor's action by a vote of four
619 councilmembers.

620 SECTION 3.02.

621 Boards; commissions; authorities.

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

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

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

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

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

637 (f) No member of a board, commission, or authority shall assume office until such person
638 has executed and filed with the city clerk an oath obligating himself or herself to perform
639 faithfully and impartially the duties of his or her office. Such oath shall be prescribed by
640 ordinance and administered by the mayor.

641 (g) Any member of a board, commission, or authority may be removed from office for
642 cause by a vote of four members of the city council.

643 (h) Except as otherwise provided by this charter or by law, each board, commission, and
644 authority of the city shall elect one of its members as chairperson and one member as vice
645 chairperson and may elect as its secretary one of its members or may appoint as secretary
646 an employee of the city. Each board, commission, and authority of the city government
647 may establish such bylaws, rules, and regulations, not inconsistent with this charter,
648 ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of
649 its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall
650 be filed with the city clerk.

651 SECTION 3.03.

652 City attorney.

653 The city council shall appoint a city attorney who shall be a member of the State Bar of
654 Georgia and shall have actively practiced law for at least one year. The city attorney shall
655 serve at the pleasure of the city council. The city attorney shall be responsible for
656 representing and defending the city in all litigation in which the city is a party; may be the
657 prosecuting officer in the municipal court; shall attend the meetings of the city council as
658 directed; shall advise the city council, mayor, and other officers and employees of the city
659 concerning legal aspects of the city's affairs; and shall perform such other duties as may be
660 required by virtue of such person's position as city attorney. The city attorney is not a
661 public official of the city and shall not take an oath of office. The city attorney shall at all
662 times be an independent contractor. A law firm, rather than an individual, may be
663 designated as the city attorney. The city council shall provide by ordinance for the
664 compensation of the city attorney.

665 SECTION 3.04.

666 City clerk.

667 The city clerk shall be nominated by the mayor with confirmation of appointment by the
668 city council. The city clerk shall not be a member of the city council. The city clerk shall
669 serve at the pleasure of the city council and until a successor is appointed and qualified,
670 provided that the clerk shall not be prohibited from succeeding himself or herself. The city
671 clerk shall be subject to the terms and conditions of Section 3.09 of this charter with respect
672 to supervision, suspension, and removal from office. The city clerk shall be custodian of
673 the official city seal, maintain city council records required by this charter, and perform
674 such other duties as may be required by the city council. The city council shall provide by
675 ordinance for the compensation of the city clerk.

676 SECTION 3.05.

677 Treasurer.

678 The city treasurer shall be nominated by the mayor with confirmation of appointment by
679 the city council. The city treasurer shall serve at the pleasure of the city council. The city
680 treasurer shall collect all taxes, licenses, fees, and other moneys belonging to the city
681 subject to the provisions of this charter and the ordinances of the city and shall enforce all
682 laws of Georgia relating to the collection of delinquent taxes and the sale or foreclosure for

683 nonpayment of taxes to the city. The city treasurer shall be subject to the terms and
684 conditions of Section 3.09 of this charter with respect to supervision, suspension, and
685 removal from office. The city treasurer shall be responsible for the general duties of a
686 treasurer and fiscal officer. The city council shall provide by ordinance for the
687 compensation of the city treasurer.

688 SECTION 3.06.

689 Consolidation of the offices of city clerk and city treasurer.

690 The city council shall have the power to combine the offices of city clerk and city treasurer
691 or may, in its discretion, appoint one person to fill both offices.

692 SECTION 3.07.

693 Rules and regulations.

694 The city council shall adopt rules and regulations consistent with this charter concerning:

- 695 (1) The method of employee selection and probationary periods of employment;
696 (2) The administration of a position classification and pay plan, methods of promotion
697 and applications of service ratings thereto, and transfer of employees within the
698 classification plan;
699 (3) Hours of work, vacation, sick leave and other leaves of absence, overtime pay, and
700 the order and manner in which layoffs shall be effectuated;
701 (4) Such dismissal hearings as due process may require; and
702 (5) Such other personnel notices as may be necessary to provide for adequate and
703 systematic handling of personnel affairs.

704 SECTION 3.08.

705 Current city officials.

706 All appointed officers, directors, and other officials in office on the effective date of this
707 charter shall continue to serve for the remainder of their terms and until their respective
708 successors are appointed and qualified.

709 SECTION 3.09.

710 Removal of officers.

711 The mayor, a councilmember, or other appointed officers provided for in this charter shall
 712 be removed from office for any one or more of the causes provided in Title 45 of the
 713 O.C.G.A., or such other applicable laws as are now or may hereafter be enacted, or for any
 714 one or more of the following causes:

- 715 (1) Incompetence, misfeasance, or malfeasance in office;
 716 (2) Conviction of a crime involving moral turpitude;
 717 (3) Failure at any time to possess any qualifications of office as provided by this charter
 718 or by law;
 719 (4) Knowingly violating Section 2.16 or any other express prohibition of this charter;
 720 (5) Abandonment of office or neglecting to perform the duties thereof; or
 721 (6) Failure for any other cause to perform the duties of office as required by this charter
 722 or state law.

723 ARTICLE IV

724 JUDICIAL BRANCH

725 SECTION 4.01.

726 Municipal court.

727 There shall be a court to be known as the Municipal Court of the City of Gordon.

728 SECTION 4.02.

729 Judges.

730 (a) The municipal court shall be presided over by a chief judge and such part-time,
 731 full-time, or standby judges as shall be provided by ordinance. The method of selection
 732 and terms of office of such judges shall be provided by ordinance.

733 (b) No person shall be qualified or eligible to serve as a judge on the municipal court
 734 unless such person shall have attained the age of 21 years and shall be a member of the
 735 State Bar of Georgia. All judges shall be appointed by the city council.

736 (c) Compensation of the judge or judges shall be fixed by ordinance.

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

739 (e) Before assuming office, each judge shall take an oath, given by the mayor, that such
 740 judge will honestly and faithfully discharge the duties of the judge's office to the best of

741 the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the
742 minutes of the city council journal required in Section 2.22 of this charter.

743 SECTION 4.03.

744 Convening of court.

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

746 SECTION 4.04.

747 Powers.

748 (a) The municipal court shall have jurisdiction to try and punish violations of this charter,
749 violations of city ordinances, and such other violations as provided by law, including all
750 misdemeanor state offenses committed within the city limits when the defendant waives
751 a jury trial and consents to the trial of such case in the municipal court; provided, however,
752 that any defendant charged with a state offense shall be entitled, upon request and prior to
753 the entry of any plea, to have the case transferred to the court having general misdemeanor
754 jurisdiction in the county. The defendant's appearance and entry of a plea, waiver of trial
755 by jury, and consent to trial in the municipal court shall constitute a waiver of the right to
756 a transfer of such state offense. The jurisdiction of the municipal court shall include
757 misdemeanor violations of Code Sections 16-11-126, 16-11-127, 16-11-127.1,
758 16-11-127.2, 16-11-129, and 16-11-132 of the O.C.G.A. when the defendant waives a jury
759 trial and consents to the trial of such case in the municipal court.

760 (b) The provisions of Article 3 of Chapter 5 of Title 17 of the O.C.G.A., relating to
761 disposition of property seized in crimes, shall be applicable to property seized in criminal
762 cases over which the municipal court exercises jurisdiction in accordance with
763 subsection (a) of this section.

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

766 (d) The municipal court may fix punishment for offenses within its jurisdiction not
767 exceeding a fine of \$1,000.00 or imprisonment for 90 days, or both such fine and
768 imprisonment, or may fix punishment by fines, imprisonment, or alternative sentencing as
769 now or hereafter provided by law.

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

- 773 (f) The municipal court shall have authority to establish bail and recognizances to ensure
774 the presence of those charged with violations before such court and shall have discretionary
775 authority to accept cash or personal or real property as surety for the appearance of persons
776 charged with violations. Whenever any person shall give bail for his or her appearance and
777 shall fail to appear at the time fixed for trial, the bond shall be forfeited by the judge
778 presiding at such time and an execution issued thereon by serving the defendant and the
779 defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In
780 the event that cash or property is accepted in lieu of bond for security for the appearance
781 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
782 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or
783 the property so deposited shall have a lien against it for the value forfeited which lien shall
784 be enforceable in the same manner and to the same extent as a lien for city property taxes.
- 785 (g) The municipal court shall have the same authority as superior courts to compel the
786 production of evidence in the possession of any party; to enforce obedience to its orders,
787 judgments, and sentences; and to administer such oaths as are necessary.
- 788 (h) The municipal court shall have the authority to bind prisoners over to the appropriate
789 court when it appears by probable cause that state law has been violated.
- 790 (i) Each judge of the municipal court may compel the presence of all parties necessary to
791 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants
792 which may be served as executed by any officer as authorized by this charter or by law.
- 793 (j) Each judge of the municipal court shall be authorized to issue warrants for the arrest
794 of persons charged with offenses against any ordinance of the city, and each judge of the
795 municipal court shall have the same authority as a magistrate of the state to issue warrants
796 for offenses against state laws committed within the city.
- 797 (k) The municipal court is specifically vested with all the jurisdiction and powers
798 throughout the geographic area of this city granted to municipal courts, and particularly by
799 such laws as authorize the abatement of nuisances and prosecution of traffic violations.
- 800 (l) The violation of any provision of this charter for which a penalty is not specifically
801 provided is punishable by a fine of not more than \$1,000.00 or imprisonment not to
802 exceed 90 days, or both.

803 SECTION 4.05.

804 Certiorari.

805 The right of certiorari from the decision and judgment of the municipal court shall exist in
806 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under

807 the sanction of a judge of the Superior Court of Wilkinson County under the laws of the
808 State of Georgia regulating the granting and issuance of writs of certiorari.

809 SECTION 4.06.

810 Rules.

811 With the approval of the city council, the judge shall have full power and authority to make
812 reasonable rules and regulations necessary and proper to secure the efficient and successful
813 administration of the municipal court; provided, however, that the city council may adopt
814 in part or in total the rules and regulations applicable to municipal courts. The rules and
815 regulations made or adopted shall be filed with the city clerk, shall be available for public
816 inspection, and, upon request, shall be furnished to all defendants in municipal court
817 proceedings at least 48 hours prior to such proceedings.

818 ARTICLE V

819 ELECTIONS AND REMOVAL

820 SECTION 5.01.

821 Applicability of general law.

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

824 SECTION 5.02.

825 Election of the city council and mayor.

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

828 (b) All candidates for the office of mayor or councilmember shall be elected by the voters
829 of the city at large. The candidate for mayor receiving the largest number of votes shall be
830 elected and serve as mayor until a successor is elected and qualified. The three candidates
831 for councilmembers receiving the largest number of votes at each election shall be elected
832 and serve as councilmembers until their successors are elected and qualified.

833 (c) The mayor shall be elected and serve a term of office of four years and until a
834 successor is elected and qualified. The mayor shall be a qualified elector of this city and
835 shall have been a resident of the city for 12 months preceding the election. The mayor
836 shall continue to reside in this city during the period of service. The mayor shall forfeit the

837 office on the same grounds and under the same procedures as for councilmembers. The
838 compensation of the mayor shall be established in the same manner as for councilmembers.

839 SECTION 5.03.

840 Special elections; vacancies.

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

849 SECTION 5.04.

850 Other provisions.

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

854 SECTION 5.05.

855 Removal of officers.

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

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

861 (1) Following a hearing at which an impartial panel shall render a decision. In the event
862 an elected officer is sought to be removed by the action of the city council, such officer
863 shall be entitled to a written notice specifying the ground or grounds for removal and to
864 a public hearing which shall be held not less than ten days after the service of such
865 written notice. The city council shall provide by ordinance for the manner in which such
866 hearings shall be held. Any elected officer sought to be removed from office as provided
867 in this paragraph shall have the right of appeal from the decision of the city council to the

868 Superior Court of Wilkinson County. Such appeal shall be governed by the same rules
 869 as govern appeals to the superior court from the probate court; or
 870 (2) By an order of the Superior Court of Wilkinson County following a hearing on a
 871 complaint seeking such removal brought by any resident of the City of Gordon.

872 ARTICLE VI
 873 FINANCE
 874 SECTION 6.01.
 875 Property tax.

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

882 SECTION 6.02.
 883 Millage.

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

888 SECTION 6.03.
 889 Occupation taxes and business license fees.

890 The city council by ordinance shall have the power to levy such occupation or business
 891 taxes as are not denied by law. The city council may classify businesses, occupations,
 892 professions, or callings for the purpose of such taxation in any way which may be lawful
 893 and may compel the payment of such taxes as provided in Section 6.09 of this charter.

894 SECTION 6.04.

895 Licenses or permits.

896 The city council by ordinance shall have the power to require businesses or practitioners
897 doing business within this city to obtain a permit for such activity from the city and pay a
898 reasonable regulatory fee for such permit as provided by general law. Such fees shall
899 reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected
900 as provided in Section 6.09 of this charter.

901 SECTION 6.05.

902 Franchises.

903 (a) The city council shall have the power to grant franchises for the use of this city's streets
904 and alleys for the purposes of railroads, street railways, telephone companies, electric
905 companies, cable television companies, gas companies, transportation companies, and other
906 similar organizations. The city council shall determine the duration, terms, whether the
907 same shall be exclusive or nonexclusive, and the consideration for such franchises;
908 provided, however, that no franchise shall be granted for a period in excess of 35 years and
909 no franchise shall be granted unless the city receives just and adequate compensation
910 therefor. The city council shall provide for the registration of all franchises with the city
911 clerk in a registration book kept by the city clerk. The city council may provide by
912 ordinance for the registration within a reasonable time of all franchises previously granted.
913 (b) If no franchise agreement is in effect, the city council has the authority to impose a tax
914 on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
915 street railways, telephone companies, electric companies, electric membership
916 corporations, cable television and other telecommunications companies, gas companies,
917 transportation companies, and other similar organizations.

918 SECTION 6.06.

919 Sewer fees.

920 The city council by ordinance shall have the power to assess and collect fees, charges, and
921 tolls for sewers, sanitary and health services, or any other services provided or made
922 available inside or outside the corporate limits of the city for the total cost to the city of
923 providing or making available such services. If unpaid, such charges shall be collected as
924 provided in Section 6.09 of this charter.

925 SECTION 6.07.

926 Roads.

927 The city council by ordinance shall have the power to assess, charge, and collect the costs
928 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
929 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting
930 property owners under such terms and conditions as are reasonable. If unpaid, such
931 charges shall be collected as provided in Section 6.09 of this charter.

932 SECTION 6.08.

933 Other taxes.

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

937 SECTION 6.09.

938 Collection of delinquent taxes and fees.

939 The city council by ordinance may provide generally for the collection of delinquent taxes,
940 fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter by
941 whatever reasonable means as are not precluded by law. This shall include providing for
942 the dates when the taxes or fees are due, late penalties or interest, issuance and execution
943 of fi. fas., creation and priority of liens, making delinquent taxes and fees personal debts
944 of the persons required to pay the taxes or fees imposed, revoking city licenses or permits
945 for failure to pay any city taxes or fees, and providing for the assignment or transfer of tax
946 executions.

947 SECTION 6.10.

948 Borrowing.

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

953 SECTION 6.11.

954 Revenue bonds.

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

958 SECTION 6.12.

959 Loans.

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

962 SECTION 6.13.

963 Lease-purchase contracts.

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

971 SECTION 6.14.

972 Accounting and budgeting.

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

977 SECTION 6.15.

978 Budget ordinance.

979 The city council shall provide by ordinance for the procedures and requirements for the
980 preparation and execution of an annual operating budget, a capital improvement plan, and

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

983 SECTION 6.16.

984 Operating budget.

985 On or before a date fixed by the city council, but not later than 30 days prior to the
986 beginning of each fiscal year, the mayor shall submit to the city council a proposed
987 operating budget for the ensuing fiscal year. The budget shall be accompanied by a
988 message from the mayor containing a statement of the general fiscal policies of the city,
989 the important features of the budget, explanations of major changes recommended for the
990 next fiscal year, a general summary of the budget, and such other comments and
991 information as the mayor may deem pertinent. The operating budget, capital improvements
992 budget, budget message, and all supporting documents shall be filed in the office of the
993 city clerk and shall be open to public inspection.

994 SECTION 6.17.

995 Adoption.

996 (a) The city council may amend the operating budget proposed by the mayor, except that
997 the budget as finally amended and adopted must provide for all expenditures required by
998 state law or by other provisions of this charter and for all debt service requirements for the
999 ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated
1000 fund balance, reserves, and revenues.

1001 (b) The city council by ordinance shall adopt the final operating budget for the ensuing
1002 fiscal year not later than October 1 of each year. If the city council fails to adopt the
1003 budget by such date, the amounts appropriated for operation for the current fiscal year shall
1004 be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
1005 prorated accordingly, until such time as the city council adopts a budget for the ensuing
1006 fiscal year. Adoption of the budget shall take the form of an appropriations ordinance
1007 setting out the estimated revenues in detail by sources and making appropriations according
1008 to fund and by organizational unit, purpose, or activity as set out in the budget preparation
1009 ordinance adopted pursuant to Section 6.15 of this charter.

1010 (c) The amount set out in the adopted operating budget for each organizational unit shall
1011 constitute the annual appropriation for such, and no expenditure shall be made or
1012 encumbrance created in excess of the otherwise unencumbered balance of the
1013 appropriations or allotment thereof to which it is chargeable.

1014 SECTION 6.18.

1015 Levy of taxes.

1016 In conjunction with the adoption of the operating budget, the city council shall levy by
1017 ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall
1018 be such that reasonable estimates of revenues from such levy shall at least be sufficient,
1019 together with other anticipated revenues, fund balances, and applicable reserves, to equal
1020 the total amount appropriated for each of the several funds set forth in the annual operating
1021 budget for defraying the expenses of the general government of this city.

1022 SECTION 6.19.

1023 Changes in budget.

1024 The city council by majority vote may make changes in the appropriations contained in the
1025 current operating budget at any regular meeting or special or emergency meeting called for
1026 such purpose, but any additional appropriations may be made only from an existing
1027 unexpended surplus.

1028 SECTION 6.20.

1029 Capital improvements.

1030 (a) On or before a date fixed by the city council, but not later than 30 days prior to the
1031 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
1032 improvements plan with recommendations as to the means of financing the improvements
1033 proposed for the ensuing fiscal year. The city council shall have the power to accept, with
1034 or without amendments, or reject the proposed plan and proposed budget. The city council
1035 shall not authorize an expenditure for the construction of any building, structure, work, or
1036 improvement unless the appropriations for such project are included in the capital budget,
1037 except to meet a public emergency as provided in Section 2.27 of this charter.

1038 (b) The city council shall adopt by ordinance the final capital improvements budget for the
1039 ensuing fiscal year not later than October 1 of each year. No appropriation provided for
1040 in a prior capital improvements budget shall lapse until the purpose for which the
1041 appropriations were made shall have been accomplished or abandoned; provided, however,
1042 that the mayor may submit amendments to the capital improvements budget at any time
1043 during the fiscal year, accompanied by recommendations. Any such amendments to the
1044 capital improvements budget shall become effective only upon adoption by the city
1045 council.

1046 SECTION 6.21.

1047 Audits.

1048 There shall be an annual independent audit of all city accounts, funds, and financial
 1049 transactions by a certified public accountant selected by the city council. The audit shall
 1050 be conducted according to generally accepted auditing principles. Any audit of any funds
 1051 by the state or federal government may be accepted as satisfying the requirements of this
 1052 charter. Copies of all audit reports shall be available at printing costs to the public.

1053 SECTION 6.22.

1054 Procurement and property management.

1055 No contract with the city, except contracts with the State Department of Transportation and
 1056 road improvement project contracts, shall be binding on the city unless:

1057 (1) It is in writing;

1058 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of
 1059 course, is signed by the city attorney to indicate such drafting or review; and

1060 (3) It is made or authorized by the city council and such approval is entered in the city
 1061 council journal of proceedings pursuant to Section 2.22 of this charter.

1062 SECTION 6.23.

1063 Purchasing.

1064 The city council shall by ordinance prescribe procedures for a system of centralized
 1065 purchasing for the city.

1066 SECTION 6.24.

1067 Sale of property.

1068 (a) The city council may sell and convey any real or personal property owned or held by
 1069 the city for governmental or other purposes as now or hereafter provided by law.

1070 (b) The city council may quitclaim any rights it may have in property not needed for public
 1071 purposes upon request by the mayor and adoption of a resolution, both finding that the
 1072 property is not needed for public or other purposes and that the interest of the city has no
 1073 readily ascertainable monetary value.

1074 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
 1075 of the city a small parcel or tract of land is cut off or separated by such work from a larger

1076 tract or boundary of land owned by the city, the city council may authorize the mayor to
 1077 sell and convey such cut-off or separated parcel or tract of land to an abutting or adjoining
 1078 property owner or owners where such sale and conveyance facilitates the highest and best
 1079 use of the abutting owner's property. Included in the sales contract shall be a provision for
 1080 the rights of way of such street, avenue, alley, or public place. Each abutting property
 1081 owner shall be notified of the availability of the property and given the opportunity to
 1082 purchase such property under such terms and conditions as set out by ordinance. All deeds
 1083 and conveyances heretofore and hereafter so executed and delivered shall convey all title
 1084 and interest the city has in such property, notwithstanding the fact that no public sale after
 1085 advertisement was or is hereafter made.

1086 ARTICLE VII

1087 GENERAL PROVISIONS

1088 SECTION 7.01.

1089 Bonds for officials.

1090 The officers and employees of this city, both elected and appointed, shall execute such
 1091 surety or fidelity bonds in such amounts and upon such terms and conditions as the city
 1092 council shall from time to time require by ordinance or as may be provided by law.

1093 SECTION 7.02.

1094 Rules and regulations.

1095 Existing ordinances, resolutions, rules, and regulations of this city not in conflict with this
 1096 charter shall continue in force, unless repealed or amended, for two years from the effective
 1097 date of this charter. During such two-year period, the city council shall review all such
 1098 provisions and shall readopt, repeal, or amend each, so that a codification as provided by
 1099 subsection (b) of Section 2.29 of this charter is accomplished.

1100 SECTION 7.03.

1101 Existing personnel and officers.

1102 Except as specifically provided otherwise by this charter, all personnel and officers of the
 1103 city and their rights, privileges, and powers shall continue beyond the time this charter
 1104 takes effect.

1105 SECTION 7.04.

1106 Charter language on other general matters.

1107 Except as specifically provided otherwise by this charter, all rights, claims, actions, orders,
 1108 contracts, and legal or administrative proceedings shall continue and any such ongoing
 1109 work or cases shall be completed by such city agencies, personnel, or offices as may be
 1110 provided by the city council.

1111 SECTION 7.05.

1112 Definitions and construction.

- 1113 (a) Section captions in this charter are informative only and are not to be considered as a
 1114 part thereof.
- 1115 (b) The word 'shall' is mandatory and the word 'may' is permissive.
- 1116 (c) The singular shall include the plural, the masculine shall include the feminine, and vice
 1117 versa.

1118 SECTION 7.06.

1119 Severability.

1120 If any article, section, subsection, paragraph, sentence, or part thereof of this charter shall
 1121 be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not
 1122 affect or impair other parts of this charter unless it clearly appears that such other parts are
 1123 wholly and necessarily dependent upon the part held to be invalid or unconstitutional, it
 1124 being the legislative intent in enacting this charter that each article, section, subsection,
 1125 paragraph, sentence, or part thereof be enacted separately and independent of each other.

1126 SECTION 7.07.

1127 General repealer.

1128 All laws and parts of laws in conflict with this Act are repealed."

1129 SECTION 2.

1130 All laws and parts of laws in conflict with this Act are repealed.