

House Bill 660

By: Representative Dudgeon of the 25th

A BILL TO BE ENTITLED
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

23 ARTICLE I

24 INCORPORATION AND POWERS

25 SECTION 1.10.

26 Name.

27 This Act shall constitute the charter of the City of Sharon Springs. The city and the
 28 inhabitants thereof are constituted and declared a body politic and corporate under the name
 29 and style "City of Sharon Springs, Georgia," and by that name shall have perpetual
 30 succession.

31 SECTION 1.11.

32 Corporate boundaries.

33 (a) The boundaries of this city shall be those set forth and described in Appendix A of this
 34 charter, and said Appendix A is incorporated into and made a part of this charter. The
 35 boundaries of this city at all times shall be shown on a map, a written description, or any
 36 combination thereof, to be retained permanently in the office of the city clerk and to be
 37 designated, as the case may be: "Official Map (or Description) of the corporate limits of the
 38 City of Sharon Springs, Georgia." Photographic, typed, or other copies of such map or
 39 description certified by the city clerk shall be admitted as evidence in all courts and shall
 40 have the same force and effect as with the original map or description.

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

44 SECTION 1.12.

45 Powers and construction.

46 (a) Except as provided in subsection (b) of this section, this city shall have the following
 47 powers:

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

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

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

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

60 (4) Contracts. To enter into contracts and agreements with other governmental entities
61 and with private persons, firms, and corporations;

62 (5) Emergencies. To establish procedures for determining and proclaiming that an
63 emergency situation exists within or outside the city and to make and carry out all
64 reasonable provisions deemed necessary to deal with or meet such an emergency for the
65 protection, safety, health, or well-being of the citizens of the city;

66 (6) Environmental protection. To protect and preserve the natural resources,
67 environment, and vital areas of the state through the preservation and improvement of air
68 quality, the restoration and maintenance of water resources, the control of erosion and
69 sedimentation, the management of solid and hazardous waste, and other necessary actions
70 for the protection of the environment;

71 (7) Fire regulations. To fix and establish fire limits and from time to time to extend,
72 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
73 general law, relating to both fire prevention and detection and to fire fighting; and to
74 prescribe penalties and punishment for violations thereof;

75 (8) General health, safety, and welfare. To define, regulate, and prohibit any act,
76 practice, conduct, or use of property which is detrimental to health, sanitation,
77 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
78 enforcement of such standards;

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

82 (10) Health and sanitation. To prescribe standards of health and sanitation and to
83 provide for the enforcement of such standards;

84 (11) Jail sentences. To provide that persons given jail sentences in the municipal court
85 may work out such sentences in any public works or on the streets, roads, drains, and
86 other public property in the city; to provide for commitment of such persons to any jail;
87 or to provide for commitment of such persons to any county work camp or county jail by
88 agreement with the appropriate county officials;

89 (12) Municipal agencies and delegation of power. To create, alter, or abolish
90 departments, boards, offices, commissions, and agencies of the city and to confer upon

91 such agencies the necessary and appropriate authority for carrying out all the powers
92 conferred upon or delegated to the same;

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

96 (14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
97 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
98 outside the property limits of the city;

99 (15) Municipal property protection. To provide for the preservation and protection of
100 property and equipment of the city and the administration and use of same by the public;
101 and to prescribe penalties and punishment for violations thereof;

102 (16) Nuisance. To define a nuisance and provide for its abatement whether on public or
103 private property;

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

106 (18) Planning and zoning. To provide comprehensive city planning for development by
107 zoning; and to provide subdivision regulation and the like as the city council deems
108 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;

109 (19) Public hazards; removal. To provide for the destruction and removal of any
110 building or other structure which is or may become dangerous or detrimental to the
111 public;

112 (20) Public improvements. To provide for the acquisition, construction, building,
113 operation, and maintenance of parks and playgrounds, public grounds, recreational
114 facilities, public buildings, and charitable, cultural, educational, recreational,
115 conservation, and sport institutions, agencies, and facilities; and to regulate the use of
116 public improvements;

117 (21) Public utilities and services. To grant franchises or make contracts for or impose
118 taxes on public utilities and public service companies and to prescribe the rates, fares,
119 regulations, and standards and conditions of service applicable to the service to be
120 provided by the franchise grantee or contractor, insofar as not in conflict with valid
121 regulations of the Georgia Public Service Commission;

122 (22) Regulation of roadside areas. To prohibit or regulate and control the erection,
123 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
124 and all other structures or obstructions upon or adjacent to the rights of way of streets and
125 roads or within view thereof, within or abutting the corporate limits of the city; and to
126 prescribe penalties and punishment for violation of such ordinances;

- 127 (23) Retirement. To provide and maintain a retirement plan for officers and employees
128 of the city;
- 129 (24) Roadways. To grant franchises and rights of way throughout the streets and roads
130 and over the bridges and viaducts for the use of public utilities; and to require real estate
131 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or
132 lands and to impose penalties for failure to do so;
- 133 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
134 the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages,
135 and the use of firearms; to regulate the transportation, storage, and use of combustible,
136 explosive, and inflammable materials, the use of lighting and heating equipment, and any
137 other business or situation which may be dangerous to persons or property; to regulate
138 and control the conduct of peddlers and itinerant traders, theatrical performances,
139 exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate,
140 or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 141 (26) Special assessments. To levy and provide for the collection of special assessments
142 to cover the costs for any public improvements;
- 143 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,
144 and collection of taxes on all property subject to taxation subject to a maximum of
145 0.5 mill;
- 146 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the
147 future by law; and
- 148 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
149 number of such vehicles; to require the operators thereof to be licensed; to require public
150 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
151 regulate the parking of such vehicles.
- 152 (b) Except as provided in subsection (c) of this section, the city shall exercise the powers
153 enumerated in subsection (a) of this section only for the purposes of planning and zoning,
154 code adoption and enforcement, and solid waste management services and those items
155 directly related to the provision of such services and for the general administration of the city
156 in providing such services.
- 157 (c) In the event that the city desires to provide services in addition to those services
158 enumerated in subsection (b) of this section, the city council shall pass a resolution
159 specifically stating the services sought to be offered by the city and shall submit the approval
160 of such resolution for ratification by the electors of the city in a referendum. If the electors
161 of the city vote in favor of ratifying such resolution, then the city shall be authorized to
162 exercise the powers enumerated in subsection (a) of this section for the purpose of providing
163 such services stated in such resolution and those items directly related to the provision of

164 such services and for the general administration of the city in providing such services. If the
 165 electors of the city disapprove such resolution, it shall immediately be null and void and of
 166 no force and effect.

167 **SECTION 1.13.**

168 Exercise of powers.

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

173 **ARTICLE II**

174 **GOVERNMENT STRUCTURE**

175 **SECTION 2.10.**

176 City council creation; number; election.

177 The legislative authority of the government of this city, except as otherwise specifically
 178 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 179 councilmembers. The mayor and councilmembers shall be elected in the manner provided
 180 by this charter.

181 **SECTION 2.11.**

182 City councilmembers;
 183 terms and qualifications for office.

184 (a) Except as otherwise provided in Article VIII of this charter for the initial terms of office,
 185 the members of the city council shall serve for terms of four years and until their respective
 186 successors are elected and qualified. The term of office of each member of the city council
 187 shall begin on the first day of January immediately following the election of such member
 188 unless general law authorizes or requires the term to begin at the first organizational meeting
 189 in January or upon some other date. No person shall be eligible to serve as mayor or
 190 councilmember unless that person shall have been a resident of the city for 12 months prior
 191 to the date of the election of mayor or members of the city council; each shall continue to
 192 reside therein during that person's period of service and to be registered and qualified to vote
 193 in municipal elections of this city.

194 (b) The city council seats shall be designated Post 1, Post 2, Post 3, Post 4, Post 5, and
195 Post 6. Candidates shall designate the post for which they are offering for election when
196 qualifying for election.

197 (c)(1) The members of the city council from Post 4, Post 5, and Post 6 shall be elected
198 by the electors of the city at large by majority vote.

199 (2) For the purposes of electing members of the city council from Post 1, Post 2, and
200 Post 3, the city is divided into three districts. One member of the board shall be elected
201 from each such district by only the electors of such district by majority vote. Post 1,
202 Post 2, and Post 3 shall be and correspond to those three numbered districts as described
203 in the districting plan attached to and made a part of this Act as Appendix B.

204 (d)(1) The mayor shall be limited to serving two full, consecutive four-year terms of office
205 as mayor.

206 (2) Councilmembers shall be limited to serving two full, consecutive terms of office as a
207 councilmember.

208 (3) Persons who serve terms of less than four years as a result of being elected to an initial
209 term of office under the provisions of this charter or who fill an unexpired term shall not
210 be considered to have served a full term of office for the purposes of this subsection.

211 **SECTION 2.12.**

212 Vacancy; filling of vacancies; suspensions.

213 (a) Vacancies. The office of mayor or councilmember shall become vacant upon such
214 person's failing or ceasing to reside in the city or upon the occurrence of any event specified
215 by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
216 hereafter be enacted.

217 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled
218 for the remainder of the unexpired term, if any, by appointment by the city council if less
219 than 12 months remain in the unexpired term, otherwise by an election as provided for in
220 Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are
221 or may hereafter be enacted.

222 (c) Suspension. Upon the suspension from office of mayor or councilmember in any manner
223 authorized by the general laws of the State of Georgia, the city council or those remaining
224 shall appoint a successor for the duration of the suspension. If the suspension becomes
225 permanent, then the office shall become vacant and shall be filled for the remainder of the
226 unexpired term, if any, as provided for in this charter.

227

SECTION 2.13.

228

Compensation and expenses.

229 (a) The mayor shall receive an initial salary of \$10,000.00 per year, paid in equal monthly
 230 installments from the funds of the municipality. Each councilmember shall receive an initial
 231 salary of \$8,000.00 per year, paid in equal monthly installments from the funds of the
 232 municipality.

233 (b) The mayor and councilmembers may alter such compensation for their services as
 234 provided by law.

235

SECTION 2.14.

236

Conflicts of interest; holding other offices.

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

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

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

245 (2) Engage in or accept private employment or render services for private interests when
 246 such employment or service is incompatible with the proper discharge of that person's
 247 official duties or would tend to impair the independence of that person's judgment or
 248 action in the performance of that person's official duties;

249 (3) Disclose confidential information, including information obtained at meetings which
 250 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
 251 government, or affairs of the governmental body by which that person is engaged without
 252 proper legal authorization or use such information to advance the financial or other
 253 private interest of that person or others;

254 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,
 255 from any person, firm, or corporation which to that person's knowledge is interested,
 256 directly or indirectly, in any manner whatsoever, in business dealings with the
 257 governmental body by which that person is engaged; provided, however, that an elected
 258 official who is a candidate for public office may accept campaign contributions and
 259 services in connection with any such campaign;

- 260 (5) Represent other private interests in any action or proceeding against this city or any
261 portion of its government; or
- 262 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
263 any business or entity in which that person has a financial interest.
- 264 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
265 financial interest, directly or indirectly, in any contract or matter pending before or within
266 any department of the city shall disclose such interest to the city council. The mayor or any
267 councilmember who has a financial interest in any matter pending before the city council
268 shall disclose such interest and such disclosure shall be entered on the records of the city
269 council, and that person shall disqualify himself or herself from participating in any decision
270 or vote relating thereto. Any elected official, appointed officer, or employee of any agency
271 or political entity to which this charter applies who shall have any financial interest, directly
272 or indirectly, in any contract or matter pending before or within such entity shall disclose
273 such interest to the governing body of such agency or entity.
- 274 (d) Use of public property. No elected official, appointed officer, or employee of the city
275 or any agency or entity to which this charter applies shall use property owned by such
276 governmental entity for personal benefit, convenience, or profit except in accordance with
277 policies promulgated by the city council or the governing body of such agency or entity.
- 278 (e) Contracts voidable and rescindable. Any violation of this section which occurs with the
279 knowledge, express or implied, of a party to a contract or sale shall render such contract or
280 sale voidable at the option of the city council.
- 281 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
282 any councilmember shall hold any other elective or compensated appointive city, county, or
283 state office or otherwise be employed by the city or any agency thereof during the term for
284 which that person was elected. No former councilmember and no former mayor shall hold
285 any compensated appointive office in the city until one year after the expiration of the term
286 for which that person was elected.
- 287 (g) Political activities of certain officers and employees. No appointed officer and no
288 employee of the city shall continue in such employment upon qualifying as a candidate for
289 nomination or election to any public office. No employee of the city shall continue in such
290 employment upon election to any public office in this city or any other public office which
291 is inconsistent, incompatible, or in conflict with the duties of the city employee. Such
292 determination shall be made by the mayor and councilmembers either immediately upon
293 election or at any time such conflict may arise.

294 (h) Penalties for violation.

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

298 (2) Any officer or employee of the city who shall forfeit that person's office or position
 299 as described in paragraph (1) of this subsection shall be ineligible for appointment or
 300 election to or employment in a position in the city government for a period of three years
 301 thereafter.

302 **SECTION 2.15.**

303 Inquiries and investigations.

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

310 **SECTION 2.16.**

311 General power and authority of the city council.

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

314 **SECTION 2.17.**

315 Organizational meetings.

316 Unless otherwise provided by ordinance, the city council shall hold an organizational
 317 meeting on the first Tuesday in January of each even-numbered year. The meeting shall be
 318 called to order by the city clerk and the oath of office shall be administered to the newly
 319 elected members as follows:

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

323 **SECTION 2.18.**

324 Meetings.

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

327 (b) Special meetings of the city council may be held on call of the mayor or three members
328 of the city council. Notice of such special meeting shall be served on all other members
329 personally, or by telephone personally, at least 48 hours in advance of the meeting. Such
330 notice to councilmembers shall not be required if the mayor and all councilmembers are
331 present when the special meeting is called. Such notice of any special meeting may be
332 waived by a councilmember in writing before or after such a meeting and attendance at the
333 meeting shall also constitute a waiver of notice on any business transacted in such
334 councilmember's presence. Only the business stated in the call may be transacted at the
335 special meeting.

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

340 (d) The city council shall cause all of its meetings to be streamed live on the Internet.

341 **SECTION 2.19.**

342 Rules of procedure.

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

346 (b) All committees and committee chairpersons and officers of the city council shall be
347 appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have
348 the power to appoint new members to any committee at any time.

349 **SECTION 2.20.**

350 Quorum; voting.

351 Four councilmembers shall constitute a quorum and shall be authorized to transact business
352 of the city council. Voting on the adoption of ordinances shall be by roll-call vote or show
353 of hands vote and the vote of each member shall be recorded in the journal. Except as
354 otherwise provided in this charter, the affirmative vote of four councilmembers shall be

355 required for the adoption of any ordinance, resolution, or motion. An abstention shall be
356 counted as an affirmative vote.

357 **SECTION 2.21.**

358 Ordinance form; procedures.

359 (a) Every proposed ordinance should be introduced in writing and in the form required for
360 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
361 enacting clause shall be "It is hereby ordained by the governing authority of the City of
362 Sharon Springs..." and every ordinance shall so begin.

363 (b) An ordinance may be introduced by any councilmember and be read at a regular or
364 special meeting of the city council. Ordinances shall be considered and adopted or rejected
365 by the city council in accordance with the rules which it shall establish; provided, however,
366 an ordinance shall not be adopted the same day it is introduced, except for emergency
367 ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance,
368 the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember
369 and shall file a reasonable number of copies in the office of the clerk and at such other public
370 places as the city council may designate.

371 **SECTION 2.22.**

372 Action requiring an ordinance.

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

374 **SECTION 2.23.**

375 Emergencies.

376 (a) To meet a public emergency affecting life, health, property, or public peace, the city
377 council may convene on call of the mayor or three councilmembers and may promptly adopt
378 an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
379 franchise; regulate the rate charged by any public utility for its services; or authorize the
380 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
381 shall be introduced in the form prescribed for ordinances generally, except that it shall be
382 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
383 a declaration stating that an emergency exists and describing the emergency in clear and
384 specific terms. An emergency ordinance may be adopted, with or without amendment, or
385 rejected at the meeting at which it is introduced, but the affirmative vote of at least three

386 councilmembers shall be required for adoption. It shall become effective upon adoption or
 387 at such later time as it may specify. Every emergency ordinance shall automatically stand
 388 repealed 30 days following the date upon which it was adopted, but this shall not prevent
 389 reenactment of the ordinance in the manner specified in this section if the emergency still
 390 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
 391 in the same manner specified in this section for adoption of emergency ordinances.

392 (b) Such meetings shall be open to the public to the extent required by law and notice to the
 393 public of emergency meetings shall be made as fully as is reasonably possible in accordance
 394 with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may
 395 hereafter be enacted.

396 **SECTION 2.24.**

397 Codes of technical regulations.

398 (a) The city council may adopt any standard code of technical regulations by reference
 399 thereto in an adopting ordinance. The procedure and requirements governing such adopting
 400 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
 401 of subsection (b) of Section 2.21 of this charter for distribution and filing of copies of the
 402 ordinance shall be construed to include copies of any code of technical regulations, as well
 403 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
 404 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
 405 Section 2.25 of this charter.

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

408 **SECTION 2.25.**

409 Signing; authenticating;
 410 recording; codification; printing.

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

413 (b) The city council shall provide for the preparation of a general codification of all the
 414 ordinances of the city having the force and effect of law. The general codification shall be
 415 adopted by the city council by ordinance and shall be published promptly, together with all
 416 amendments thereto and such codes of technical regulations and other rules and regulations
 417 as the city council may specify. This compilation shall be known and cited officially as "The
 418 Code of the City of Sharon Springs, Georgia." Copies of the code shall be furnished to all

419 officers, departments, and agencies of the city and made available for purchase by the public
420 at a reasonable price as fixed by the city council.

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

430 **SECTION 2.26.**

431 Election of mayor; forfeiture; compensation.

432 Except as provided in Article VIII of this charter, the mayor shall be elected and shall serve
433 for a term of four years and until the mayor's successor is elected and qualified. The mayor
434 shall be elected at-large by majority vote. The mayor shall be a qualified elector of this city
435 and shall have been a resident of the city for 12 months prior to the election. The mayor shall
436 continue to reside in this city during the period of the mayor's service. The mayor shall forfeit
437 the office of mayor on the same grounds and under the same procedure as for
438 councilmembers. The compensation of the mayor shall be established in the same manner
439 as for councilmembers.

440 **SECTION 2.27.**

441 Mayor pro tempore.

442 By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro
443 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
444 the mayor's physical or mental disability or absence. Any such disability or absence shall
445 be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all
446 contracts and ordinances in which the mayor has a disqualifying financial interest as
447 provided in Section 2.14 of this charter.

448

SECTION 2.28.

449

Powers and duties of mayor.

450 The mayor shall:

451

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

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

453

454

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

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

457

458

(5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;

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460

(6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and

461

462

(7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

463

464

ARTICLE III

465

ADMINISTRATIVE AFFAIRS

466

SECTION 3.10.

467

Administrative and service departments.

468

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

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

473

474

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

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

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481 (e) All appointed officers and directors under the supervision of the mayor shall be
 482 nominated by the mayor with confirmation of appointment by the city council. All appointed
 483 officers and directors shall be employees at will and subject to removal or suspension at any
 484 time by the mayor unless otherwise provided by law or ordinance.

485 **SECTION 3.11.**

486 Boards, commissions, and authorities.

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

491 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 492 the mayor and councilmembers for such terms of office and in such manner as shall be
 493 provided by ordinance, except where other appointing authority, terms of office, or manner
 494 of appointment is prescribed by this charter or by law.

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

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

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

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

506 (g) All members of boards, commissions, or authorities of the city serve at will and may be
 507 removed at any time by the mayor and councilmembers unless otherwise provided by law.

508 (h) Except as otherwise provided by this charter or by law, each board, commission, or
 509 authority of the city shall elect one of its members as chairperson and one member as vice
 510 chairperson and may elect as its secretary one of its own members or may appoint as
 511 secretary an employee of the city. Each board, commission, or authority of the city
 512 government may establish such bylaws, rules, and regulations, not inconsistent with this
 513 charter, ordinances of the city, or law, as it deems appropriate and necessary for the
 514 fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and
 515 regulations shall be filed with the clerk of the city.

516 **SECTION 3.12.**

517 City attorney.

518 The mayor and councilmembers shall appoint a city attorney, together with such assistant
519 city attorneys as may be authorized, and shall provide for the payment of such attorney or
520 attorneys for services rendered to the city. The city attorney shall be responsible for
521 providing for the representation and defense of the city in all litigation in which the city is
522 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
523 the city council as directed; shall advise the mayor and councilmembers and other officers
524 and employees of the city concerning legal aspects of the city's affairs; and shall perform
525 such other duties as may be required by virtue of such person's position as city attorney.

526 **SECTION 3.13.**

527 City clerk.

528 The mayor and councilmembers shall appoint a city clerk who shall not be a councilmember.
529 The city clerk shall be custodian of the official city seal and city records; maintain city
530 council records required by this charter; and perform such other duties as may be required
531 by the city council.

532 **SECTION 3.14.**

533 Position classification and pay plans.

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

540 **SECTION 3.15.**

541 Personnel policies.

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

544 ARTICLE IV
 545 JUDICIAL BRANCH
 546 **SECTION 4.10.**
 547 Creation; name.

548 There shall be a court to be known as the Municipal Court of the City of Sharon Springs.

549 **SECTION 4.11.**
 550 Chief judge; associate judge.

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

553 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
 554 that person shall have attained the age of 25 years and shall be a member of the State Bar of
 555 Georgia and shall possess all qualifications required by law. All judges shall be appointed
 556 by the city council and shall serve until a successor is appointed and qualified.

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

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

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

564 **SECTION 4.12.**
 565 Convening.

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

567 **SECTION 4.13.**
 568 Jurisdiction; powers.

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

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

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

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

580 (e) The municipal court shall have authority to establish bail and recognizances to ensure
 581 the presence of those charged with violations before such court and shall have discretionary
 582 authority to accept cash or personal or real property as surety for the appearance of persons
 583 charged with violations. Whenever any person shall give bail for that person's appearance
 584 and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the
 585 judge presiding at such time and an execution issued thereon by serving the defendant and
 586 the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi.
 587 In the event that cash or property is accepted in lieu of bond for security for the appearance
 588 of a defendant at trial, and if such defendant fails to appear at the time and place fixed for
 589 trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the
 590 property so deposited shall have a lien against it for the value forfeited which lien shall be
 591 enforceable in the same manner and to the same extent as a lien for city property taxes.

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

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

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

602 **SECTION 4.14.**

603 **Certiorari.**

604 The right of certiorari from the decision and judgment of the municipal court shall exist in
 605 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 606 the sanction of a judge of the Superior Court of Forsyth County under the laws of the State
 607 of Georgia regulating the granting and issuance of writs of certiorari.

608 **SECTION 4.15.**

609 Rules for court.

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

617 **ARTICLE V**

618 **ELECTIONS AND REMOVAL**

619 **SECTION 5.10.**

620 Applicability of general law.

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

623 **SECTION 5.11.**

624 Regular elections; time for holding.

625 Except as otherwise provided in Article VIII of this charter for the initial elections, there
626 shall be a municipal general election biennially in odd-numbered years on the Tuesday next
627 following the first Monday in November. There shall be elected the mayor and three
628 councilmembers at one election and at every other election thereafter. The remaining
629 councilmember seats shall be filled at the election alternating with the first election so that
630 a continuing body is created.

631 **SECTION 5.12.**

632 Nonpartisan elections.

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

635 **SECTION 5.13.**

636 Election by majority vote.

637 The councilmembers from Post 1, Post 2, and Post 3 shall be elected by a majority vote of
 638 the electors of their respective districts. The mayor and councilmembers from Post 4, Post 5,
 639 and Post 6 shall be elected by a majority vote of the votes cast for each position by the
 640 electors of the city at large.

641 **SECTION 5.14.**

642 Special elections; vacancies.

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

650 **SECTION 5.15.**

651 Other provisions.

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

655 **SECTION 5.16.**

656 Removal of officers.

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

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

662 (1) Following a hearing at which an impartial panel shall render a decision. In the event
 663 an elected officer is sought to be removed by the action of the city council, such officer
 664 shall be entitled to a written notice specifying the ground or grounds for removal and to

665 a public hearing which shall be held not less than ten days after the service of such
 666 written notice. The city council shall provide by ordinance for the manner in which such
 667 hearings shall be held. Any elected officer sought to be removed from office as provided
 668 in this section shall have the right of appeal from the decision of the city council to the
 669 Superior Court of Forsyth County. Such appeal shall be governed by the same rules as
 670 govern appeals to the superior court from the probate court; or
 671 (2) By an order of the Superior Court of Forsyth County following a hearing on a
 672 complaint seeking such removal brought by any resident of the City of Sharon Springs.

673 **ARTICLE VI**
 674 **FINANCE**
 675 **SECTION 6.10.**
 676 **Property tax.**

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

683 **SECTION 6.11.**
 684 **Millage rate; due dates; payment methods.**

685 The city council by ordinance shall establish a millage rate for the city property tax which
 686 shall not exceed 0.5 mill, a due date, and the time period within which these taxes must be
 687 paid. The city council by ordinance may provide for the payment of these taxes by
 688 installments or in one lump sum, as well as authorize the voluntary payment of taxes prior
 689 to the time when due.

690 **SECTION 6.12.**
 691 **Occupation and business taxes.**

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

696

SECTION 6.13.

697

Licenses; permits; fees.

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

703

SECTION 6.14.

704

Franchises.

705 (a) The city council shall have the power to grant franchises for the use of this city's streets
706 and alleys for the purposes of railroads, street railways, telephone companies, electric
707 companies, electric membership corporations, cable television and other telecommunications
708 companies, gas companies, transportation companies, and other similar organizations. The
709 city council shall determine the duration, terms, whether the same shall be exclusive or
710 nonexclusive, and the consideration for such franchises; provided, however, that no franchise
711 shall be granted for a period in excess of 35 years and no franchise shall be granted unless
712 the city receives just and adequate compensation therefor. The city council shall provide for
713 the registration of all franchises with the city clerk in a registration book kept by the city
714 clerk. The city council may provide by ordinance for the registration within a reasonable
715 time of all franchises previously granted.

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

721

SECTION 6.15.

722

Service charges.

723 The city council by ordinance shall have the power to assess and collect fees, charges, and
724 tolls for services provided or made available within and outside the corporate limits of the
725 city for the total cost to the city of providing or making available such services. If unpaid,
726 such charges shall be collected as provided in Section 6.18 of this charter.

727 **SECTION 6.16.**

728 RESERVED.

729 **SECTION 6.17.**

730 Construction; other taxes.

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

734 **SECTION 6.18.**

735 Collection of delinquent taxes and fees.

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

743 **SECTION 6.19.**

744 RESERVED.

745 **SECTION 6.20.**

746 RESERVED.

747 **SECTION 6.21.**

748 Short-term loans.

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

751 **SECTION 6.22.**

752 Lease-purchase contracts.

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

760 **SECTION 6.23.**

761 Fiscal year.

762 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
 763 budget year and the year for financial accounting and reporting of each and every office,
 764 department, agency, and activity of the city government.

765 **SECTION 6.24.**

766 Budget ordinance.

767 The city council shall provide an ordinance on the procedures and requirements for the
 768 preparation and execution of an annual operating budget, a capital improvement plan, and
 769 a capital budget, including requirements as to the scope, content, and form of such budgets
 770 and plans. The city council shall also comply with the budgeting and auditing provisions of
 771 Chapter 81 of Title 36 of the O.C.G.A.

772 **SECTION 6.25.**

773 Operating budget.

774 On or before a date fixed by the city council but not later than 60 days prior to the beginning
 775 of each fiscal year, the mayor shall submit to the city council a proposed operating budget
 776 for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor
 777 containing a statement of the general fiscal policies of the city, the important features of the
 778 budget, explanations of major changes recommended for the next fiscal year, a general
 779 summary of the budget, and other pertinent comments and information. The operating
 780 budget and the capital budget provided for in Section 6.29 of this charter, the budget

781 message, and all supporting documents shall be filed in the office of the city clerk and shall
782 be open to public inspection.

783 **SECTION 6.26.**

784 Action by city council on budget.

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

790 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
791 year not later than December 15 of each year. If the city council fails to adopt the budget by
792 said date, the amounts appropriated for operation for the then current fiscal year shall be
793 deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items
794 prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal
795 year. Adoption of the budget shall take the form of an appropriations ordinance setting out
796 the estimated revenues in detail by sources and making appropriations according to fund and
797 by organizational unit, purpose, or activity as set out in the budget preparation ordinance
798 adopted pursuant to Section 6.24 of this charter.

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

803 **SECTION 6.27.**

804 Levy of taxes.

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

811 **SECTION 6.28.**

812 Changes in appropriations.

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

817 **SECTION 6.29.**

818 Capital improvements.

819 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
820 beginning of each fiscal year, the mayor shall submit to the city council a proposed capital
821 improvements plan with a recommended capital budget containing the means of financing
822 the improvements proposed for the ensuing fiscal year. The city council shall have power
823 to accept, with or without amendments, or reject the proposed plan and budget. The city
824 council shall not authorize an expenditure for the construction of any building, structure,
825 work, or improvement unless the appropriations for such project are included in the capital
826 budget, except to meet a public emergency as provided in Section 2.23 of this charter.

827 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
828 year not later than December 15 of each year. No appropriation provided for in a prior
829 capital budget shall lapse until the purpose for which the appropriation was made shall have
830 been accomplished or abandoned; provided, however, that the mayor may submit
831 amendments to the capital budget at any time during the fiscal year, accompanied by
832 recommendations. Any such amendments to the capital budget shall become effective only
833 upon adoption by ordinance.

834 **SECTION 6.30.**

835 Audits.

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

841 **SECTION 6.31.**

842 Procurement and property management.

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

844 (1) It is in writing;

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

847 (3) It is made or authorized by the city council and such approval is entered in the city
848 council journal of proceedings pursuant to Section 2.19 of this charter.

849 **SECTION 6.32.**

850 Purchasing.

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

853 **SECTION 6.33.**

854 Sale and lease of property.

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

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

861 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place
862 of the city a small parcel or tract of land is cut off or separated by such work from a larger
863 tract or boundary of land owned by the city, the city council may authorize the mayor to sell
864 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining
865 property owner or owners where such sale and conveyance facilitates the highest and best
866 use of the abutting owner's property. Included in the sales contract shall be a provision for
867 the rights of way of said street, avenue, alley, or public place. Each abutting property owner
868 shall be notified of the availability of the property and given the opportunity to purchase said
869 property under such terms and conditions as set out by ordinance. All deeds and
870 conveyances heretofore and hereafter so executed and delivered shall convey all title and
871 interest the city has in such property, notwithstanding the fact that no public sale after
872 advertisement was or is hereafter made.

873

SECTION 6.34.

874

Apportionment of revenue.

875 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is
 876 authorized to pay all revenues collected by Forsyth County on behalf of the city to the county
 877 in exchange for continuation of services during the transition period provided in Section 8.11
 878 of this charter and beyond, with the exception of the following revenues, which shall stay
 879 with the city:

880 (1) New revenues from utility franchise fees;

881 (2) Fines collected in municipal court; and

882 (3) Revenues generated from any additional millage of up to 1 mill above the millage
 883 rate imposed in the county special service district.

884

ARTICLE VII

885

GENERAL PROVISIONS

886

SECTION 7.10.

887

Bonds for officials.

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

891

SECTION 7.11.

892

Construction and definitions.

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

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

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

934 superintendent of the City of Sharon Springs and the powers and duties of the governing
935 authority of the City of Sharon Springs.

936 **SECTION 8.11.**

937 Effective dates and transition.

938 (a) The provisions of this Act necessary for the referendum election provided for in
939 Section 8.10 of this charter shall become effective immediately upon this Act's approval by
940 the Governor or upon its becoming law without such approval.

941 (b) The provisions of this Act necessary for the special election provided for in Section 8.13
942 of this charter shall be effective upon the certification of the results of the referendum
943 election provided for by Section 8.10 of this charter if this Act is approved at such
944 referendum election.

945 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act
946 shall become of full force and effect for all purposes at 12:00 Midnight on December 31,
947 2016, except that the initial mayor and councilmembers shall take office immediately
948 following their election and by action of a quorum may prior to 12:00 Midnight on
949 December 31, 2016, meet and take actions binding on the city.

950 (d) A period of time will be needed for an orderly transition of various government functions
951 from Forsyth County to the City of Sharon Springs. Accordingly there shall be a transition
952 period beginning on the date the initial mayor and councilmembers take office under this
953 charter and ending at 12:00 Midnight on December 31, 2019. During such transition period,
954 all provisions of this charter shall be effective as law, but not all provisions of this charter
955 shall be implemented.

956 (e) During such transition period, Forsyth County shall continue to provide within the
957 territorial limits of the city all government services and functions which Forsyth County
958 provided in that area during the years 2015 and 2016 and at the same actual cost, except to
959 the extent otherwise provided in this section; provided, however, that upon at least 60 days'
960 prior written notice to Forsyth County by the City of Sharon Springs, responsibility for any
961 such service or function shall be transferred to the City of Sharon Springs. During the
962 transition period, the city shall remain within the Forsyth County special services district but
963 shall be removed from such district at the conclusion of such period. Beginning January 1,
964 2017, the City of Sharon Springs shall collect taxes, fees, assessments, fines and forfeitures,
965 and other moneys within the territorial limits of the city in the same manner as authorized
966 immediately prior to the effective date of this section; provided, however, that upon at least
967 60 days' prior written notice to Forsyth County by the City of Sharon Springs, the authority
968 to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall remain with

969 Forsyth County after January 1, 2017, until such time as Forsyth County receives subsequent
970 notice from the City of Sharon Springs that such authority shall be transferred to the City of
971 Sharon Springs.

972 (f) During the transition period, the governing authority of the City of Sharon Springs:

973 (1) Shall hold regular meetings and may hold special meetings as provided in this
974 charter;

975 (2) May enact ordinances and resolutions as provided in this charter;

976 (3) May amend this charter by home rule action as provided by general law;

977 (4) May accept gifts and grants;

978 (5) May borrow money and incur indebtedness to the extent authorized by this charter
979 and general law;

980 (6) May levy and collect an ad valorem tax for calendar years 2017 and 2018;

981 (7) May establish a fiscal year and budget;

982 (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies
983 of the city; appoint and remove officers and employees; and exercise all necessary or
984 appropriate personnel and management functions; and

985 (9) May generally exercise any power granted by this charter or general law, except to
986 the extent that a power is specifically and integrally related to the provision of a
987 governmental service, function, or responsibility not yet provided or carried out by the
988 city.

989 (g) Except as otherwise provided in this section, during the transition period, the Municipal
990 Court of the City of Sharon Springs shall not exercise its jurisdiction. During the transition
991 period, all ordinances of Forsyth County shall remain applicable within the territorial limits
992 of the city, and the appropriate court or courts of Forsyth County shall retain jurisdiction to
993 enforce such ordinances. However, by mutual agreement and concurrent resolutions and
994 ordinances if needed, Forsyth County and the City of Sharon Springs may during the
995 transition period transfer all or part of such regulatory authority and the appropriate court
996 jurisdiction to the City of Sharon Springs. Any transfer of jurisdiction to the City of Sharon
997 Springs during or at the end of the transition period shall not in and of itself abate any
998 judicial proceeding pending in Forsyth County or the pending prosecution of any violation
999 of any ordinance of Forsyth County.

1000 (h) During the transition period, the governing authority of the City of Sharon Springs may
1001 at any time, without the necessity of any agreement by Forsyth County, commence to
1002 exercise its planning and zoning powers; provided, however, that the city shall give the
1003 county notice of the date on which the city will assume the exercise of such powers. Upon
1004 the governing authority of the City of Sharon Springs commencing to exercise its planning
1005 and zoning powers, the Municipal Court of the City of Sharon Springs shall immediately

1006 have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions
 1007 of this subsection shall control over any conflicting provisions of any other subsection of this
 1008 section.

1009 (i) Effective upon the termination of the transition period, subsections (b) through (h) of this
 1010 section shall cease to apply except for the last sentence of subsection (g) which shall remain
 1011 effective. Effective upon the termination of the transition period, the City of Sharon Springs
 1012 shall be a full functioning municipal corporation and subject to all general laws of this state.

1013 **SECTION 8.12.**

1014 Directory nature of dates.

1015 It is the intention of the General Assembly that this Act be construed as directory rather than
 1016 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any
 1017 action called for in this Act for providential cause or any other reason, it is the intention of
 1018 the General Assembly that the action be delayed rather than abandoned. Any delay in
 1019 performing any action under this Act, whether for cause or otherwise, shall not operate to
 1020 frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is
 1021 specifically provided that:

1022 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of
 1023 this charter on the date specified in that section, then such referendum shall be held as
 1024 soon thereafter as is reasonably practicable; and

1025 (2) If it is not possible to hold the first election provided for in Section 8.13 of this
 1026 charter on the date specified in that section, then there shall be a special election for the
 1027 initial members of the governing authority to be held as soon thereafter as is reasonably
 1028 practicable, and the commencement of the initial terms of office shall be delayed
 1029 accordingly.

1030 **SECTION 8.13.**

1031 Special election.

1032 (a) The first election for mayor and councilmembers shall be a special election held on the
 1033 date of the 2016 November general election. At such election, the first mayor and
 1034 councilmembers shall be elected to serve for the initial terms of office specified in
 1035 subsections (b), (c), and (d) of this section. Thereafter, the time for holding regular
 1036 municipal elections shall be on the Tuesday next following the first Monday in November
 1037 of each odd-numbered year beginning in 2017. The successors to the first mayor and initial
 1038 councilmembers and future successors shall take office at the first organizational meeting in

1039 January immediately following their election and shall serve for terms of four years and until
1040 their respective successors are elected and qualified.

1041 (b) The members of the city council from Post 1, Post 2, and Post 3 shall be elected by
1042 majority vote of the electors of their respective districts. The members of the city council
1043 from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority
1044 vote. The initial members elected from Post 2, Post 4, and Post 6 shall serve until January 1,
1045 2018, and until their respective successors are elected and qualified. The initial members
1046 elected from Post 1, Post 3, and Post 5 shall serve until January 1, 2020, and until their
1047 respective successors are elected and qualified. Thereafter, successors to such initial
1048 members shall serve four-year terms of office and until their respective successors are elected
1049 and qualified.

1050 (c) The mayor of the City of Sharon Springs shall be elected by a majority vote of the
1051 qualified electors of the city at large. The initial mayor shall serve until January 1, 2020, and
1052 until his or her successor is elected and qualified and successors to the mayor shall serve
1053 four-year terms of office and until their successors are elected and qualified.

1054 **ARTICLE IX**

1055 **GENERAL REPEALER**

1056 **SECTION 9.10.**

1057 General repealer.

1058 All laws and parts of laws in conflict with this Act are repealed.

1059 **APPENDIX A**

1060 The corporate limits of the City of Sharon Springs, Georgia, shall be as follows:

1061 Plan: SharonSprings-city-p2

1062 Plan Type: Local

1063 Administrator: HD25

1064 User: Gina

1065 District SHSPRINGS

1066 Forsyth County

1067 VTD: 11701 - 01 Big Creek

1068 130603:

1069 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1070 1012 1013 1014
 1071 130604:
 1072 3000 3001 3002 3003 3004
 1073 130605:
 1074 1001 1002 1003 1004 1005 1006 2003 2004 2005 2006 2007 2008
 1075 2009 2010 2011 2012 2013
 1076 130612:
 1077 2000
 1078 130613:
 1079 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1080 1012 1013 1014 2000 2001 2002 2003 2004 2005 2006 2007 2008
 1081 2009 2010 2011 2012 2013 2014
 1082 VTD: 11714 - 14 LAKELAND
 1083 130510:
 1084 3005 3007 3008 3009 3014 3016 3018 3021 3022 3023 3026 3027
 1085 3028
 1086 VTD: 11717 - 17 JOHNS CREEK
 1087 VTD: 11718 - 18 DAVES CREEK
 1088 VTD: 11719 - 19 OLD ATLANTA
 1089 VTD: 11721 - 21 SOUTH FORSYTH
 1090 VTD: 11724 - 24 SHARON FORKS
 1091 VTD: 11725 - 25 WINDERMERE
 1092 VTD: 11731 - 31 SAINT MARLO

1093 APPENDIX B
 1094 LEGAL DESCRIPTION
 1095 COUNCIL DISTRICTS
 1096 CITY OF SHARON SPRINGS

1097 Plan: SharonSprings-dist-p3-2015
 1098 Plan Type: Local
 1099 Administrator: HD25
 1100 User: Gina

1101 District 001
 1102 Forsyth County
 1103 VTD: 11701 - 01 Big Creek

1104 130603:
 1105 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1106 1012 1013 1014
 1107 130605:
 1108 1001 1002 1003 1004 1005 1006 2003 2004 2005 2006 2007 2008
 1109 2009 2010 2011 2012 2013
 1110 130613:
 1111 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1112 1012 1013 1014 2000 2001 2002 2003 2004 2005 2006 2007 2008
 1113 2009 2010 2011 2012 2013 2014
 1114 VTD: 11714 - 14 LAKELAND
 1115 130510:
 1116 3005 3007 3008 3009 3014 3016 3018 3021 3022 3023 3026 3027
 1117 3028
 1118 VTD: 11718 - 18 DAVES CREEK
 1119 130605:
 1120 1000 2000 2001 2002
 1121 130607:
 1122 1001 1002 1003 1004 1005 1007 3000 3001 3002 3003 3004
 1123 VTD: 11724 - 24 SHARON FORKS
 1124 130607:
 1125 3010
 1126 VTD: 11725 - 25 WINDERMERE
 1127 130510:
 1128 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1129 2001 3012 3013 3015 3024 3025 3029
 1130 130607:
 1131 1000 1006 1008 2000 2001 2002 2003 2004 2005 2006 2007 2008
 1132 2011

 1133 District 002
 1134 Forsyth County
 1135 VTD: 11701 - 01 Big Creek
 1136 130612:
 1137 2000
 1138 VTD: 11717 - 17 JOHNS CREEK
 1139 130604:

1140 2000 2001
 1141 VTD: 11718 - 18 DAVES CREEK
 1142 130607:
 1143 2012 3005 3006 3007 3008
 1144 VTD: 11719 - 19 OLD ATLANTA
 1145 130611:
 1146 1004 1005
 1147 VTD: 11721 - 21 SOUTH FORSYTH
 1148 130612:
 1149 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1150 2001 2002 2003 3000 3001 3002 3003 3004 3005 3006 3007 3008
 1151 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020
 1152 VTD: 11724 - 24 SHARON FORKS
 1153 130607:
 1154 3009
 1155 130609:
 1156 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1157 1012 1013 2000 2001 2002 2003 2004 3001 3002 3003 3004
 1158 130611:
 1159 1000 1001 1002 1003 1006 2000 2001 2002 2003 2004 2005 2006
 1160 2007 2008 2009 2010 2011 2012 2013 2014 2015
 1161 VTD: 11725 - 25 WINDERMERE
 1162 130510:
 1163 2002 2003 2004 2005 2006 2007
 1164 130607:
 1165 2009 2010
 1166 130609:
 1167 3000 3005

 1168 District 003
 1169 Forsyth County
 1170 VTD: 11701 - 01 Big Creek
 1171 130604:
 1172 3000 3001 3002 3003 3004
 1173 VTD: 11717 - 17 JOHNS CREEK
 1174 130604:
 1175 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1176 130606:
 1177 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 1178 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 1179 2013 2014 2015 2016
 1180 130608:
 1181 1003 1011 1013 1016 1017 2008 2009 2010 2011 2012 3004 3007
 1182 3010 3013 3014 3015
 1183 VTD: 11719 - 19 OLD ATLANTA
 1184 130608:
 1185 1004 1005 1006 1007 1008 1009 1010 1018 1019
 1186 130610:
 1187 1000 1001 1004 3000 3001 3002 3003
 1188 VTD: 11721 - 21 SOUTH FORSYTH
 1189 130608:
 1190 2000 2002 2003 2006
 1191 130610:
 1192 2000 2001 2002 2006
 1193 VTD: 11731 - 31 SAINT MARLO

1194 For the purposes of this plan, the term 'VTD' (voting tabulation district) shall mean and
 1195 describe the same geographical boundaries as provided in the report of the Bureau of the
 1196 Census for the United States decennial census of 2010 for the State of Georgia. The separate
 1197 numeric designations in a district description which are underneath a VTD heading shall
 1198 mean and describe individual blocks within a VTD as provided in the report of the Bureau
 1199 of the Census for the United States decennial census of 2010 for the State of Georgia. Any
 1200 part of the city which is not included in Post 1, Post 2, or Post 3 as described in that
 1201 attachment describing Post 1, Post 2, and Post 3 shall be included within that district
 1202 contiguous to such part which contains the least population according to the United States
 1203 decennial census of 2010 for the State of Georgia. Any part of the city which is described
 1204 in that attachment describing Post 1, Post 2, and Post 3 as being in Post 1, Post 2, or Post 3
 1205 shall nevertheless not be included within such district if such part is not contiguous to such
 1206 district. Such noncontiguous part shall instead be included within the post that is contiguous
 1207 to such part which contains the least population according to the United States decennial
 1208 census of 2010 for the State of Georgia. Except as otherwise provided in the description of
 1209 any commissioner district, whenever the description of such district refers to a named city,
 1210 it shall mean the geographical boundaries of that city as shown on the census map for the
 1211 United States decennial census of 2010 for the State of Georgia. If any area included within

1212 the descriptions of Post 1, Post 2, or Post 3 is on the effective date of this Act within the
 1213 municipal boundaries of another municipality or within a county other than Forsyth County,
 1214 such area shall not be included within the district descriptions of such posts.

1215 APPENDIX C

1216 CERTIFICATE AS TO MINIMUM STANDARDS

1217 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1218 I, Mike Dudgeon, and the author of this bill introduced at the 2015 session of the General
 1219 Assembly of Georgia, which grants an original municipal charter to the City of Sharon
 1220 Springs, do hereby certify that this bill is in compliance with the minimum standards required
 1221 by Chapter 31 of Title 36 of the O.C.G.A. in that the area embraced within the original
 1222 incorporation in this bill is in all respects in compliance with the minimum standards required
 1223 by Chapter 31 of Title 36 of the O.C.G.A. This certificate is executed to conform to the
 1224 requirements of Code Section 36-31-5 of the O.C.G.A.

1225 So certified this _____ day of _____, 2015.

1226 _____
 1227 Honorable Mike Dudgeon
 1228 Representative, District 25
 1229 Georgia House of Representatives