

House Bill 1125

By: Representative Morris of the 156th and Nimmer of the 178th

A BILL TO BE ENTITLED
AN ACT

To provide a new charter for the City of Surrency, formerly the Town of Surrency; to provide for reincorporation, corporate boundaries, and powers and the exercise of same; to provide for a governing authority, its number, election, qualifications, vacancies, compensation, conflicts of interest, inquiries and investigations, general power and authority, eminent domain, meetings, procedures, ordinances and resolutions, emergencies, technical codes, administration of records, election of the mayor, a mayor pro tempore, and powers and duties of the mayor; to provide for departments and agencies, boards, commissions and authorities, a city attorney, a city clerk and deputy clerk, a tax collector, a city accountant, a city manager, consolidation of functions, council interference with administration, and rules and regulations; to provide for a municipal court, judges, convening, jurisdiction and powers, certiorari, and court rules; to provide for elections, vacancies, removal of officers, suspension of officers and employees, and hearings on suspension, removal, and termination; to provide for taxes, fees and permits, franchises, service charges, assessments, bonds, loans, lease-purchase contracts, a fiscal year, budgets, changes in appropriations, audits, contracting procedures, purchasing, and city property; to provide a specific repealer; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.01.

Incorporation and powers.

The Town of Surrency in Appling County, Georgia, heretofore made a body politic and corporate by Acts of the General Assembly of the State of Georgia, under the name of the "Town of Surrency," shall continue as a body politic and corporate, known by the corporate name of the "City of Surrency," and, by that name, the City of Surrency shall continue to

have perpetual succession, the power to sue and be sued, to plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal. References in this charter to "the city" refer to the City of Surrency.

SECTION 1.02.

Corporate boundaries.

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

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

SECTION 1.03.

Powers and construction.

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

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

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

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

59 authorized by this charter or for municipalities by the laws of the State of Georgia; and
60 to provide for the payment of expenses of the city;

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

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

70 (5) Condemnation. To condemn property inside or outside the corporate limits of the
71 city for present or future use and for any corporate purpose deemed necessary by the city
72 council, utilizing procedures enumerated in Title 22 of the Official Code of Georgia
73 Annotated, Title 32 of the Official Code of Georgia Annotated, or such other applicable
74 laws as are or may hereafter be enacted;

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

77 (7) Emergencies. To establish procedures for determining and proclaiming that an
78 emergency situation exists within or without 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) Environmental protection. To protect and preserve the natural resources,
82 environment, and vital areas of the city through the preservation and improvement of air
83 quality, the restoration and maintenance of water resources, the control of erosion and
84 sedimentation, the management of solid and hazardous waste, and other necessary actions
85 for the protection of the environment;

86 (9) Ethics. To adopt ethics ordinances and regulations governing the conduct of
87 municipal elected officials, appointed officials, and employees, establishing procedures
88 for ethics complaints and setting forth penalties for violations of such rules and
89 procedures;

90 (10) Fire regulations. To fix and establish fire limits and from time to time extend,
91 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with
92 general law relating to fire prevention and detection and fire-fighting; and to prescribe
93 penalties and punishment for violations thereof;

94 (11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
95 and disposal fee and other sanitary service charge as may be necessary in the operation

of the city from all individuals, firms, and corporations residing in or doing business therein benefiting from such services or to whom such services are available; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;

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

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

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

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

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

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

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

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

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

(21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, cable television, and other

telecommunications, transportation facilities, public airports, and any other public utility;
and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
and to provide for the withdrawal of service for refusal or failure to pay the same;

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

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

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

(25) Police and fire protection. To exercise the power of arrest through duly appointed police officers; and to establish, operate, or contract for police and firefighting agencies;

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

(27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, markets and market houses, public buildings, libraries, public housing, airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, curative, corrective, detention, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city; to regulate the use of public improvements; and for such purposes property may be acquired by condemnation under Title 22 of the Official Code of Georgia Annotated, Title 32 of the Official Code of Georgia Annotated, or such other applicable laws as are or may hereafter be enacted;

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

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

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

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

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

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

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

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

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

(36) Special areas of public regulation. To regulate or prohibit junk dealers, the manufacture, sale, or transportation of intoxicating liquors; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which the city may deem to be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders and theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, or regulate professional fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain areas;

(37) Special assessments. To levy and provide for the collection of special assessments to cover the costs of any public improvements;

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

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

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

(41) Urban redevelopment. To organize and operate an urban redevelopment program;

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

SECTION 1.04.

Exercise of powers.

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

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.01.

City council creation; number; election.

The legislative authority of the government of the City of Surrency, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. For the purpose of electing the members of the Council, the City of Surrency shall consist of one election district. The candidates for councilmembers need not designate a post on such council but shall be eligible for any one of the open seats on the council. The candidates for councilmembers receiving the highest number of votes cast for councilmembers shall be elected for the open councilmember seats.

239 The mayor, who shall be a member of the city council, shall be elected by a majority vote of
240 the qualified electors of the city at large voting at the elections of the city. Elections shall
241 be nonpartisan as authorized by Code Section 21-2-157 of the Official Code of Georgia
242 Annotated.

243 **SECTION 2.02.**

244 City council terms and qualifications for office.

245 The mayor and members of the city council shall serve for terms of four years and until their
246 respective successors are elected and qualified. No person shall be eligible to serve as mayor
247 or councilmember unless that person shall have been a resident of the area comprising the
248 corporate limits of the City of Surrency for a continuous period of at least 12 months
249 immediately prior to the date of the election for mayor or councilmember, shall continue to
250 reside therein during that person's period of service, and shall continue to be registered and
251 qualified to vote in municipal elections of the City of Surrency.

252 **SECTION 2.03.**

253 Vacancy; filling of vacancies; suspensions.

254 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
255 resignation, forfeiture of office, or occurrence of any event specified by the Constitution,
256 Title 45 of the Official Code of Georgia Annotated, or such other applicable laws as are or
257 may hereafter be enacted.

258 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
259 the unexpired term by a special election if such vacancy occurs 12 months or more prior to
260 the expiration of the term of that office as provided for in Section 5.04 of this charter and in
261 accordance with Title 21 and Title 45 of the Official Code of Georgia Annotated, or such
262 other laws as are or may hereafter be enacted. If such vacancy occurs within less than 12
263 months of the expiration of the term of that office, the city council or those members
264 remaining may appoint a successor for the remainder of the term.

265 **SECTION 2.04.**

266 Compensation and expenses.

267 The salaries of the mayor and members of the city council shall be as established by
268 ordinance. Such salaries shall be paid from municipal funds in monthly installments. The
269 city council may provide by ordinance for the provision of insurance, retirement, workers'

270 compensation, and other employee benefits to the mayor and members of the city council and
271 may provide by ordinance for the reimbursement of expenses actually and necessarily
272 incurred by the mayor and members of the city council in carrying out their official duties.

273 **SECTION 2.05.**

274 Holding other office; voting when financially interested.

275 (a) Elected and appointed officers of the City of Surrency are trustees and servants of the
276 residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

277 (b) No elected officer, appointed officer, employee, or member of a board, commission, or
278 authority, or employee of the city or any agency or political entity to which this charter
279 applies shall knowingly:

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

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

288 (3) Disclose confidential information obtained at meeting which are closed pursuant to
289 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, concerning the
290 property, governance, or affairs of the governmental body by which the official is
291 engaged without proper legal authorization; or use such information to advance the
292 financial or other private interest of the official or others;

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

299 (5) Represent other private interests in any action or proceeding against this city or any
300 portion of its government; or

301 (6) Vote or otherwise participate in the negotiations or in the making of any contract with
302 any business or entity in which the official has a financial interest.

303 (c) Any elected officer, appointed officer, or employee who shall have any private financial
304 interest, directly or indirectly, in any contract or matter pending before or within any

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

(d) No elected officer, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit or profit but shall use such property only in their capacity as an officer or employee of the city.

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

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

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

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

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

SECTION 2.06.

Inquiries and investigations.

The city council may by majority vote of all members request an official inquiry or investigation into the affairs of the city and of any department, office, or agency of the city by any state or federal governmental agency authorized to make such inquiries or investigations and direct all employees and appointed officers to cooperate with any such investigative agency upon penalty of termination of employment or removal from office for refusal to do so.

SECTION 2.07.

General power and authority of the city council.

(a) Except as otherwise provided by law or by this charter, the council shall be vested with all the powers of government of the City of Surrency as provided by Article I of this charter.

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

SECTION 2.08.

Eminent domain.

The city council is hereby empowered to acquire, construct, operate, and maintain public ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries, sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports, hospitals, and charitable, educational, recreational, sport, curative, corrective, detention facilities, penal and medical institutions, agencies, and facilities, and any other property may be condemned under procedures established under general law applicable now or as provided for in the future.

SECTION 2.09.**Organizational meeting.**

The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and councilmembers by a judicial officer or other person authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

"I do solemnly swear or affirm that I will faithfully execute the office of [councilmember or mayor as the case may be] of the City of Surrency, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Surrency. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I, by the laws of the State of Georgia, am prohibited from holding. I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of [my district and] the City of Surrency for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Surrency to the best of my ability without fear, favor, affection, reward, or expectation thereof."

SECTION 2.10.**Regular and special meetings.**

(a) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(b) Special meetings of the city council may be held on the call of the mayor or on the written call of any two members of the city council with the consent of a third member. For any called meeting initiated by two councilmembers, such written call shall be delivered to the city clerk, who shall then contact the other councilmembers to determine whether a third member consents to such call, and in the event that a third member does consent to the call, then notice as hereinafter provided shall issue. Notice of such special meetings shall be delivered to all members of the council and the mayor personally, by registered mail, or by electronic means, at least 24 hours in advance of the meeting. Such notice to

400 councilmembers shall not be required if the mayor and all councilmembers are present when
401 the special meeting is called. Such notice of any special meeting may be waived by the
402 mayor or a councilmember in writing before or after such a meeting and attendance at the
403 meeting shall also constitute a waiver of notice. The notice of such special meeting shall
404 state what business is to be transacted at the special meeting. Only the business stated in the
405 call may be transacted at the special meeting.

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

410 **SECTION 2.11.**

411 Rules of procedure.

412 The city council shall adopt its rules of procedure and order of business consistent with the
413 provisions of this charter and shall provide for keeping of a journal of its proceedings, which
414 shall be a public record. If there be no adoption of rules of procedure and order, then
415 *Robert's Rules of Order* shall govern.

416 **SECTION 2.12.**

417 Quorum; voting; abstentions.

418 (a) The mayor is considered a councilmember for purposes of determining a quorum and
419 voting. All references to the number of councilmember votes under this charter shall include
420 the consideration of the mayor's vote.

421 (b) Three councilmembers shall constitute a quorum and shall be authorized to transact
422 business for the council.

423 (c) Voting on the adoption of ordinances shall be taken by voice or show of hands vote and
424 the yeas and nays shall be recorded in the minutes, but on the request of any member of the
425 governing authority there shall be a roll call vote and such vote shall be recorded in the
426 minutes. Except as otherwise provided in this charter, the affirmative vote of three
427 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

428 (d) No member of the city council shall abstain from voting on any matter properly brought
429 before the council for official action except when such councilmember has a conflict of
430 interest that is disclosed prior to or at the meeting and made a part of the minutes. Any
431 member of the city council present and eligible to vote on a matter and refusing to do so for
432 any reason other than a properly disclosed and recorded conflict of interest shall be deemed

433 to have acquiesced or concurred with the members of the majority who did vote on the
434 question involved.

435 (e) In addition to adopting rules of procedure as authorized by Section 2.11 of this charter,
436 the city council may, by ordinance or resolution, adopt penalties for compelling attendance
437 of absent members.

438 **SECTION 2.13.**

439 Ordinance form; resolutions; procedures.

440 (a) Every proposed ordinance shall be introduced in writing, and the city council shall have
441 the authority to approve, disapprove, or amend the same in accordance with this section. No
442 ordinance shall contain a subject that is not expressed in its title. The ordinance shall be
443 considered "read" by a reading of its title, presenting a written copy to each councilmember,
444 and making a printed copy available to any member of the public upon request.

445 (b) Except for emergency ordinances as provided in Section 2.15 of this charter, an ordinance
446 may be introduced by a motion made by any councilmember at a regularly scheduled
447 monthly meeting of the city council and shall be read as defined in subsection (a) of this
448 section. The effect of such motion shall be to require that said ordinance be considered and
449 voted upon by motion and second reading at the next successive regularly scheduled monthly
450 city council meeting. The reading or discussion of any proposed ordinance at an open work
451 session or special meeting of the city council shall not count toward the requirement of a
452 reading at two successive regularly scheduled monthly meetings of the city council.
453 Ordinances shall be considered and adopted or rejected by a majority vote of a quorum of the
454 city council upon motion and after a reading at the second successive regularly scheduled
455 monthly meeting after its introduction and reading at the immediately preceding regularly
456 scheduled monthly meeting of the city council.

457 (c) Upon introduction of any ordinance, the city clerk shall as soon as possible distribute a
458 copy to the mayor and to each councilmember and shall file a reasonable number of copies
459 in the office of the clerk and at such other public places as the city council may designate.
460 The clerk may, with the approval of the city council, make arrangements for reproduction
461 and distribution of proposed ordinances by electronic or other means.

462 (d) After the title and preamble of any proposed ordinance is read at the second successive
463 regularly scheduled monthly meeting of the city council, it may be approved and passed at
464 such time by a majority vote of a quorum of the city council. The enacting clause shall be
465 "Now Therefore, Be It Ordained by the Mayor and City Council of the City of Surrency" and
466 every ordinance shall so begin.

467 (e) The catchlines of sections of this charter or any ordinance printed in boldface type,
468 italics, or otherwise are intended as mere catchwords to indicate the contents of the section
469 and:

470 (1) Shall not be deemed or taken to be titles of such sections or as any part of the section;
471 and

472 (2) Shall not be so deemed when any of such sections, including the catchlines, are
473 amended or reenacted unless expressly provided to the contrary.

474 Furthermore, the chapter, article, and section headings contained in this Act shall not be
475 deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of
476 the provisions of any chapter, article, or section hereof.

477 (f) A resolution shall be limited to expressions of the city's will, intent, recognition, or
478 declarations concerning the city, its citizens or anything affecting either, or when required
479 by law. No resolution shall have any penal aspect. A resolution may be made and voted
480 upon in oral form but shall thereafter be reduced to writing. A resolution may be passed by
481 the city council at any public meeting; however, any resolution which approves the
482 expenditure of public funds shall be discussed in an open meeting not less than seven days
483 prior to its approval in an open meeting.

484 **SECTION 2.14.**

485 Action requiring an ordinance.

486 Any and all acts of the city council which have the force and effect of law shall be enacted
487 by ordinance.

488 **SECTION 2.15.**

489 Emergencies.

490 (a) To meet a public emergency affecting life, health, property, or public peace, the city
491 council may convene on call of a public meeting as provided in Section 2.10 of this charter
492 and promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant,
493 renew, or extend a franchise; regulate the rate charged by any public utility for its services;
494 or authorize the borrowing of money except for loans to be repaid within 30 days. An
495 emergency ordinance shall be introduced in the form prescribed for ordinances generally,
496 except that it shall be plainly designated as an emergency ordinance and shall contain, after
497 the enacting clause, a declaration stating that an emergency exists, and describing the
498 emergency in clear and specific terms.

499 (b) An emergency ordinance may be adopted, with or without amendment, or rejected at the
500 meeting at which it is introduced, but the affirmative vote of the majority of the
501 councilmembers present shall be required for adoption. It shall become effective upon
502 adoption or at such later time as it may specify. A quorum of councilmembers shall be
503 required to adopt any and all emergency ordinances.

504 (c) Every emergency ordinance shall automatically stand repealed 90 days following the
505 date upon which it was adopted, but this shall not prevent reenactment of the ordinance in
506 the manner specified in this section if the emergency still exists. An emergency ordinance
507 may also be repealed by adoption of a repealing ordinance in the same manner specified in
508 this section for adoption of emergency ordinances.

509 (d) Such meetings shall be open to the public to the extent required by law and notice to the
510 public of emergency meetings shall be made as fully as is reasonably possible in accordance
511 with Code Section 50-14-1 of the Official Code of Georgia Annotated, or such other
512 applicable laws as are or may hereafter be enacted.

513 **SECTION 2.16.**

514 Codes of technical regulations.

515 The city council may adopt any standard code of technical regulations by reference thereto
516 in an adopting ordinance. The procedure and requirements governing such adopting
517 ordinance shall be the same as prescribed for ordinances as shown in Section 2.13 of this
518 charter.

519 **SECTION 2.17.**

520 Signing; authenticating; recording codification; printing.

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

523 (b) The city council shall provide for the preparation of a general codification of all the
524 ordinances of the city having the force and effect of law. The general codification shall be
525 adopted by the city council by ordinance and shall be published promptly, together with all
526 amendments thereto and such codes of technical regulations and other rules and regulations
527 as the city council may specify.

528 (c) This compilation shall be known and cited officially as "The Code of Ordinances of the
529 City of Surrency, Georgia." Copies of the code shall be furnished to all officers,
530 departments, and agencies of the city and made available for purchase by the public at a
531 reasonable price fixed by the city council.

532 (d) The city council shall cause each ordinance and each amendment to this charter to be
533 printed promptly following its adoption, and the printed ordinances and charter amendments
534 shall be made available for purchase by the public at reasonable prices to be fixed by the city
535 council. Following publication of the first code under this charter and at all times thereafter,
536 the ordinances and charter amendments shall be printed in substantially the same style as the
537 code currently in effect and shall be suitable in form for incorporation therein. The city
538 council shall make such further arrangements as deemed desirable with reproduction and
539 distribution of any current changes in or additions to codes of technical regulations and other
540 rules and regulations included in the code.

541 **SECTION 2.18.**

542 Election of mayor; forfeiture; compensation.

543 The mayor shall be elected and serve for a term of four years and until a successor is elected
544 and qualified. The mayor shall be a qualified elector of this city and shall have been a
545 resident of the city for 12 months prior to the election. The mayor shall continue to reside
546 in this city during the period of service. The mayor shall forfeit the office on the same
547 grounds and under the same procedure as for councilmembers. The compensation of the
548 mayor shall be established in the same manner as for councilmembers.

549 **SECTION 2.19.**

550 Mayor pro tempore.

551 (a) By a majority vote, the city council shall elect a councilmember to serve as mayor pro
552 tempore. The mayor pro tempore shall assume the duties and powers of the mayor during
553 his or her absence. The mayor pro tempore shall sign all contracts and ordinances in which
554 the mayor has a disqualifying financial interest as provided in Section 2.05 of this charter.
555 When acting as mayor, the mayor pro tempore shall continue to have only one vote as a
556 member of the council.

557 (b) The mayor pro tempore shall be elected at the organizational meeting held on the first
558 working day in January immediately following each regular municipal election and shall
559 serve for a period of one year.

560

SECTION 2.20.

561

Powers and duties of mayor.

562 The mayor shall:

563

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

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(b) 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;

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

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(d) 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;

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

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(f) Cause to be prepared and submitted to the city council a recommended annual operating budget and recommended capital budget; and

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

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576

ARTICLE III

577

ADMINISTRATIVE AFFAIRS

578

SECTION 3.01.

579

Administrative and service departments.

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(a) Except as otherwise provided in this charter, the city council, by ordinance or resolution, shall prescribe the functions or duties, 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 the City of Surrency.

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

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

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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 city council, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

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594 (e) All appointed officers and directors under the supervision of the city council shall be
595 appointed by the city council. All appointed officers and directors shall be employed at-will
596 and subject to removal or suspension at any time by the city council unless otherwise
597 provided by law or ordinance.

598 (f) For all purposes of this charter appointed officers shall mean any person holding any
599 office enumerated under this article and such other persons as designated by any ordinance
600 or resolution. Directors shall mean those individuals employed to be the head of the
601 departments and agencies designated by the city, e.g., Water and Sewer, Streets, Police,
602 Administrative, etc.

603 **SECTION 3.02.**

604 **Boards; commissions; and authorities.**

605 (a) The city council shall create by ordinance or resolution such boards, commissions, and
606 authorities to fulfill any investigative, quasi-judicial or quasi-legislative function the city
607 council deems necessary, and shall by ordinance establish the compensation, period of
608 existence, duties, and powers thereof.

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

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

616 (d) Except as otherwise provided by charter or by law, no member of any board,
617 commission, or authority shall hold any elective office in this city unless approved by a
618 majority vote of the city council.

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

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

626 (g) All members of any board, commission, or authority serve at-will and may be removed
627 at any time by a majority vote of the city council unless otherwise provided by law.

628 (h) Except as otherwise provided by this charter or by applicable state law, each board,
629 commission, or authority of the city government shall elect one of its members as
630 chairperson and one member as vice chairperson for terms of one year and may elect as its
631 secretary one of its own members or may appoint as secretary an employee of the city. Each
632 board, commission, or authority of the city government may establish such bylaws, rules, and
633 regulations not inconsistent with this charter, ordinances of the city, or applicable state law
634 as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be
635 filed with the clerk of the city.

636 **SECTION 3.03.**

637 City attorney.

638 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
639 as may be authorized, and shall provide for the payment of such attorney or attorneys for
640 services rendered to the city. The city attorney shall be responsible for providing for the
641 representation and defense of the city in all litigation in which the city is a party; may be the
642 prosecuting officer in the municipal court or may serve as judge of the municipal court if
643 appointed by the city council as provided for in Section 4.2 of this charter; shall attend the
644 meetings of the city council as directed; shall advise the city council, mayor, and other
645 officers and employees of the city concerning legal aspects of the city's affairs; shall perform
646 such other duties as may be required by virtue of the person's position as city attorney; and
647 shall be a member in good standing with the State Bar of Georgia.

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

651 (c) The city attorney shall be considered an appointed officer for purposes of this charter.

652 **SECTION 3.04.**

653 City clerk.

654 The city council shall appoint a city clerk who shall not be a councilmember. The city clerk
655 shall be custodian of the official city seal and city records; maintain city council records
656 required by this charter; and perform such other duties as may be required by the city
657 council.

658 **SECTION 3.05.**

659 Deputy city clerk.

660 The city council may designate a qualified city administrative officer to exercise the powers
661 and perform the duties of city clerk during the city clerk's absence and shall perform such
662 other duties as may be required by the city council.

663 **SECTION 3.06.**

664 Tax collector.

665 The city council may appoint a tax collector to collect all taxes, licenses, fees, and other
666 moneys belonging to the city subject to the provisions of this charter and the ordinances of
667 the city; and the tax collector shall diligently comply with and enforce all general laws of
668 Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

669 **SECTION 3.07.**

670 City accountant.

671 The city council may appoint a city accountant, subject to confirmation by majority vote of
672 the council, to perform the duties of an accountant.

673 **SECTION 3.08.**

674 City manager.

675 The city council may select and appoint a city manager whose salary shall be fixed by the
676 city council and whose term of office shall be established by the city council and whose
677 duties, powers, and qualifications shall be prescribed by the policies and procedures adopted
678 by the city council from time to time. The mayor and any other councilmember shall be
679 ineligible for the office of city manager for a period of at least 12 months from the date of
680 the expiration of his or her term of office or his or her resignation from office.

681 **SECTION 3.09.**

682 Consolidation of functions.

683 The city council may consolidate any two or more of the positions of city clerk, city tax
684 collector, and city accountant, or any other positions or may assign the functions of any one
685 or more of such positions to the holder or holders of any other positions.

SECTION 3.10.

Council interference with administration.

The city council or its members shall deal with city officers and employees who are subject to the direction or supervision of a department or an agency director solely through the respective director, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately, except that this shall not apply to any councilmember who is appointed to be an administrative director.

SECTION 3.11.

Rules and regulations.

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

(b) The city council shall adopt rules and regulations consistent with this charter concerning:

(1) The method of employee selection and periods of employment;

(2) The administration of a position classification, methods of promotion and applications of service ratings thereto, and transfer of employees within the classification plan;

(3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and the order and manner in which layoffs shall be effected;

(4) Such dismissal hearings as due process may require; and

(5) Such other personnel rules as may be necessary to provide for adequate and systematic handling of personnel affairs.

ARTICLE IV**JUDICIAL BRANCH****SECTION 4.01.**

Creation of municipal court; name.

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

SECTION 4.02.

Judge of municipal court; judge pro hac vice.

(a) The municipal court shall be presided over by a judge of the municipal court and such part-time, full-time, or stand-by judges as may be provided by ordinance. However, should

716 the city council not appoint a stand-by judge, the appointed judge of the municipal court shall
717 have the authority to appoint a judge pro hac vice to serve in the judge of the municipal
718 court's absence whose compensation, if any, shall be paid by the judge of the municipal
719 court. A judge pro hac vice shall be subject to the same requirements as subsection (b) of
720 this section and may be removed from his or her appointment as provided for in
721 subsection (e) of this section.

722 (b) No person shall be qualified or eligible to serve as a judge of the municipal court unless
723 that person shall have attained the age of 21 years, shall be a member in good standing with
724 the State Bar of Georgia, and shall possess all qualifications required by law. The judge of
725 the municipal court shall be appointed by the city council and shall serve until a successor
726 is appointed and qualified.

727 (c) The city council, in its discretion, may appoint the city attorney to serve as judge of the
728 municipal court as authorized in subsection (d) of Section 15-1-8 of the Official Code of
729 Georgia Annotated.

730 (d) Compensation of the judges shall be fixed by city council annually and may not be
731 reduced during the year once set.

732 (e) Judges serve until a successor is appointed but may be removed from office for good
733 cause at any time by a majority vote of a quorum of the city council in a public meeting
734 giving the judge written notice at least ten days' notice of such meeting.

735 (f) Before assuming office, each judge shall take the following oath:

736 "I do solemnly swear or affirm that I will faithfully execute the office of Judge of the
737 Municipal Court of the City of Surrency, and will to the best of my ability support and
738 defend the Constitution of the United States, the Constitution of Georgia, and the charter,
739 ordinances, and regulations of the City of Surrency. I am not the holder of any
740 unaccounted for public money due this state or any political subdivision or authority
741 thereof. I am not the holder of any office of trust under the government of the United
742 States, any other state, or any foreign state which I, by the laws of the State of Georgia, am
743 prohibited from holding. I am otherwise qualified to hold said office according to the
744 Constitution and laws of Georgia. I will perform the duties of my office in the best interest
745 of the City of Surrency to the best of my ability without partiality, fear, favor, affection,
746 reward, or expectation thereof."

747 The oath shall be entered upon the minutes of the city council journal required in Section
748 2.17 of this charter.

SECTION 4.03.

Convening.

The municipal court shall be convened at regular intervals as determined by the judge but in no event less than once every 60 days.

SECTION 4.04.

Jurisdiction; powers.

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

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

(c) For each offense committed within its jurisdiction, the municipal court may impose a punishment consisting of a fine not exceeding \$1,000.00 or imprisonment for 90 days or both, or it may impose punishment by fine, imprisonment, or alternative sentencing, all as now or hereafter provided by general law for each offense.

(d) The municipal court shall have authority to establish a schedule of reasonable fees to defray the cost of operation, including but not limited to administrative court costs, probation supervisory fees and the cost of meals, transportation, and caretaking of prisoners as the city might be charged and shall be entitled to impose such costs upon any person convicted of any offense in the municipal court for which such costs are attributable.

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

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

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

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

790 **SECTION 4.05.**

791 Certiorari.

792 The right of certiorari from the decision and judgment of the municipal court shall exist in
793 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
794 the sanction of a judge of the Superior Court of Appling County under the laws of the State
795 of Georgia regulating the granting and issuance of writs of certiorari.

796 **SECTION 4.06.**

797 Rules for court.

798 The judge shall have full power and authority to make reasonable rules and regulations
799 necessary and proper to secure the efficient and successful administration of the municipal
800 court.

801 **ARTICLE V**

802 **ELECTIONS AND REMOVAL**

803 **SECTION 5.01.**

804 Applicability of general law.

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

808 **SECTION 5.02.**

809 Election districts.

810 (a) The corporate limits of the City of Surrency shall be one election district and consist of
811 the territory contained in the charter and described as the "Corporate Boundaries" as it exists

on the effective date of the adoption of this charter with such alterations as may be made from time to time in the manner provided by law. The election district of this city at all times shall be shown on a map, a written description, or any combination thereof, to be retained permanently in the office of the Board of Elections of Appling County and to be designated, as the case may be: "City of Surrency Election Districts." Photographic, typed, or other copies of such map or description certified by the chairperson of the Board of Elections shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

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

SECTION 5.03.

Election of the city council and mayor.

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

(b) There shall be elected the mayor and two councilmembers for the councilmember seats currently held by Michael Luke and James Hester at the 2017 election and at every other regular four-year election cycle thereafter. Mayor Pat Webster and councilmembers Michael Luke and James Hester shall continue in office until their current term expires on December 31, 2017, and until their successors are elected and qualified. There shall be elected three councilmembers for the other three councilmembers seats currently held by Clifton Cochran, Patia Gibbs, and Larramie Boatright at the 2019 election and at every other four-year election cycle thereafter. Councilmembers Clifton Cochran, Patia Gibbs, and Larramie Boatright shall continue to serve in office until their current term expires on December 31, 2019, and until their successors are elected and qualified. Terms shall be for four years.

SECTION 5.04.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.03 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those remaining may appoint a successor for the remainder of the term. In all other respects, the

845 special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the
846 Official Code of Georgia Annotated, the "Georgia Election Code," as now or hereafter
847 amended.

848 **SECTION 5.05.**

849 Other provisions.

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

854 **SECTION 5.06.**

855 Removal of officers.

856 The mayor, councilmembers, or other appointed officers provided for in this charter may be
857 removed from office for any one or more of the causes provided in Title 45 of the Official
858 Code of Georgia Annotated or such other applicable laws as are or may hereafter be enacted.

859 **SECTION 5.07.**

860 Suspension of officers and employees.

861 The mayor with the concurrence in writing of at least one councilmember may suspend any
862 appointed officer or employee of the city for good cause, with or without pay, pending a
863 public hearing before a quorum of the city council held pursuant to subsection (b) of
864 Section 5.08 of this charter which shall decide by a majority vote whether such employee or
865 officer shall be terminated from employment or removed from office for good cause or be
866 reinstated with or without pay during such period of suspension. The concurrence of a
867 councilmember must be as to all of the terms of the mayor's suspension in order to be
868 effective.

869 **SECTION 5.08.**

870 Hearings required upon suspension, for removal, and termination.

871 (a) The city council may remove an appointed officer pursuant to Section 5.06 of this charter
872 or terminate any city employee by majority vote of a quorum following a hearing before the
873 city council after written notice being given to such officer or employee specifying the

874 ground or grounds for removal or termination. Such written notice must be given not less
875 than three days after the employee's last work day.

876 (b) Any appointed officer or employee who has been suspended under Section 5.07 of this
877 charter shall have the right to appeal such suspension for a determination at a public hearing
878 by a quorum of the city council at a public meeting by requesting a hearing in writing to the
879 city clerk not later than five days after the suspension. Such hearing shall be held not more
880 ten days if the suspension was without pay and no later than 30 days after such suspension
881 if it was with pay. If no such hearing is requested, then the suspension shall stand as
882 originally decreed.

883 (c) Any city employee who has been terminated by a director or other superior shall have
884 the right to appeal such termination for a determination by a quorum of the city council at
885 a public meeting by requesting a hearing in writing to the city clerk not later than five days
886 after the termination. Such hearing shall be held not more than 30 days after such
887 termination. If no such hearing is requested, then the termination shall stand as originally
888 decreed.

889 (d) The city council may provide by ordinance or resolution for any additional procedures
890 under which such hearings shall be held.

891 **ARTICLE VI**
892 **FINANCE**
893 **SECTION 6.01.**
894 **Property tax.**

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

901 **SECTION 6.02.**
902 **Millage rate; due dates; payment methods.**

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

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SECTION 6.03.

908

Occupation and business taxes.

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

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SECTION 6.04.

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Regulatory fees; permits.

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

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SECTION 6.05.

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Franchises.

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

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

938 **SECTION 6.06.**

939 Service charges.

940 The city council by ordinance shall have the power to assess and collect fees, charges,
941 assessments, and tolls for sewers, sanitary and health services, or any other services provided
942 or made available within and without the corporate limits of the city. If unpaid, such charges
943 shall be collected as provided in Section 6.09 of this charter.

944 **SECTION 6.07.**

945 Special assessments.

946 The city council by ordinance shall have the power to assess and collect the cost of
947 constructing, reconstructing, widening, or improving any public way, street, sidewalk,
948 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
949 owners. If unpaid, such charges shall be collected as provided in Section 6.09 of this charter.

950 **SECTION 6.08.**

951 Construction; other taxes and fees.

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

955 **SECTION 6.09.**

956 Collection of delinquent taxes and fees.

957 The city council, by ordinance, may provide generally for the collection of delinquent taxes,
958 fees, or other revenue due the city under Sections 6.01 through 6.08 of this charter by
959 whatever reasonable means as are not precluded by law. This shall include providing for the
960 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
961 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
962 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
963 city taxes or fees; and providing for the assignment or transfer of tax executions.

964 **SECTION 6.10.**
965 General obligation bonds.

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

970 **SECTION 6.11.**
971 Revenue bonds; sinking fund.

972 Revenue bonds may be issued by the city council as state law now or hereafter provides.
973 Such bonds are to be paid out of any revenue produced by the project, program, or venture
974 for which they were issued. Whenever any bonds are issued by the City of Surrency, it shall
975 be the duty of the city council to provide a sinking fund to pay off the principal and interest
976 of such bonds or series of bonds at their maturity.

977 **SECTION 6.12.**
978 Short-term loans.

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

981 **SECTION 6.13.**
982 Lease-purchase contracts.

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

990 **SECTION 6.14.**

991 Fiscal year.

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

996 **SECTION 6.15.**

997 Preparation of budgets.

998 The city council shall provide an ordinance or resolution on the procedures and requirements
999 for the preparation and execution of an annual operating budget, a capital improvement plan,
1000 and a capital budget, including requirements as to the scope, content, and form of such
1001 budgets and plans.

1002 **SECTION 6.16.**

1003 Submission of operating budget to city council.

1004 On or before a date fixed by the city council but not later than April 30 of each year, the
1005 mayor shall cause to be submitted to the city council a proposed operating budget for the
1006 ensuing fiscal year. The budget shall be accompanied by a message that contains a statement
1007 of the general fiscal policies of the city, the important features of the budget, explanations
1008 of major changes recommended for the next fiscal year, a general summary of the budget,
1009 and such other pertinent comments and information. The operating budget and the capital
1010 budget hereinafter provided for, the budget message, and all supporting documents shall be
1011 filed in the office of the city clerk and shall be open to public inspection.

1012 **SECTION 6.17.**

1013 Action by city council on budget.

1014 (a) The city council may amend the proposed operating budget, except that the budget as
1015 finally amended and adopted must provide for all expenditures required by state law or by
1016 other provisions of this charter and for all debt service requirements for the ensuing fiscal
1017 year, and the total appropriations from any fund shall not exceed the estimated fund balance,
1018 reserves, and revenues.

1019 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
1020 year not later than June 30 of each year. If the city council fails to adopt the budget by this
1021 date, the amounts appropriated for operation for the current fiscal year shall be deemed
1022 adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated
1023 accordingly until such time as the city council adopts a budget for the ensuing fiscal year.
1024 Adoption of the budget shall take the form of an appropriations ordinance setting out the
1025 estimated revenues in detail by sources and making appropriations according to fund and by
1026 organizational unit, purpose, or activity as set out in the budget preparation ordinance
1027 adopted pursuant to Section 6.15 of this charter.

1028 (c) The amount set out in the adopted operating budget for each organizational unit shall
1029 constitute the annual appropriation for such, and no expenditure shall be made or
1030 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1031 or allotment thereof, to which it is chargeable.

1032 **SECTION 6.18.**

1033 Tax levies.

1034 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1035 set by such ordinances shall be such that reasonable estimates of revenues from such levy
1036 shall at least be sufficient, together with other anticipated revenues, fund balances, and
1037 applicable reserves, to equal the total amount appropriated for each of the several funds set
1038 forth in the annual operating budget for defraying the expenses of the general government
1039 of this city.

1040 **SECTION 6.19.**

1041 Changes in appropriations.

1042 The city council by ordinance may make changes in the appropriations contained in the
1043 current operating budget, at any regular meeting, special or emergency meeting called for
1044 such purpose, but any additional appropriations may be made only from an existing
1045 unexpended surplus.

1046 **SECTION 6.20.**

1047 Capital budget.

1048 (a) On or before the date fixed by the city council but no later than March 31, the mayor
1049 shall cause to be submitted to the city council a proposed capital improvements plan with a

1050 recommended capital budget containing the means of financing the improvements proposed
1051 for the ensuing fiscal year. The city council shall have power to accept, with or without
1052 amendments, or reject the proposed plan and proposed budget. The city council shall not
1053 authorize an expenditure for the construction of any building, structure, work, or
1054 improvement, unless the appropriations for such project are included in the capital budget,
1055 except to meet a public emergency as provided in Section 2.15 of this charter.

1056 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
1057 year not later than June 30 of each year. No appropriation provided for in a prior capital
1058 budget shall lapse until the purpose for which the appropriation was made shall have been
1059 accomplished or abandoned; provided, however, the mayor may submit amendments to the
1060 capital budget at any time during the fiscal year, accompanied by recommendations. Any
1061 such amendments to the capital budget shall become effective only upon adoption by
1062 ordinance.

1063 **SECTION 6.21.**

1064 Independent audit.

1065 There shall be an annual independent audit of all city accounts, funds, and financial
1066 transactions by a certified public accountant selected by the city council. The audit shall be
1067 conducted according to generally accepted auditing principles. Any audit of any funds by the
1068 state or federal governments may be accepted as satisfying the requirements of this charter.
1069 Copies of annual audit reports shall be available at printing costs to the public and shall be
1070 posted or published as required by state law.

1071 **SECTION 6.22.**

1072 Contracting procedures.

1073 No contract with the city shall be binding on the city unless:

- 1074 (a) It is in writing;
- 1075 (b) It is drawn by or submitted to and reviewed by the city attorney, and as a matter of
1076 course, is signed by the city attorney to indicate such drafting or review; and
- 1077 (c) It is made or authorized by the city council and such approval is entered in the city
1078 council minutes of proceedings pursuant to Section 2.17 of this charter.

SECTION 6.23.

Centralized purchasing.

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

SECTION 6.24.

Sale and lease of city property.

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

(b) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia Annotated or Chapter 37 of Title 36 of the Official Code of Georgia Annotated, the city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.

(c) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia Annotated or Chapter 37 of Title 36 of the Official Code of Georgia Annotated, whenever in opening, extending, or widening any street, avenue, alley, or public place of the city, a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the enjoyment of the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights-of-way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

ARTICLE VII

GENERAL PROVISIONS

SECTION 7.01.

Bonds for officials.

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

SECTION 7.02.

Specific repealer.

An Act to create a new charter for the Town of Surrency, in Appling County, on the Southern Railway, approved August 21, 1911 (Ga. L. 1911, p. 1577), as amended, is hereby repealed.

SECTION 7.03.

General repealer.

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