

House Bill 1126

By: Representative Morris of the 156th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Graham; to provide for incorporation, boundaries,
2 powers, and construction; to provide for a governing authority, its number, elections, terms,
3 qualifications, filling of vacancies, compensation and expenses, conflicts of interest, inquiries
4 and investigations, power and authority, eminent domain, meetings, procedural rules, quorum
5 and voting, ordinances, emergencies, technical codes, a chief executive officer, powers and
6 duties of the mayor, and a mayor pro tempore; to provide for city departments, city boards,
7 commissions, authorities, a city attorney, a city clerk, a deputy city clerk, a tax collector, a
8 city accountant, a city manager, and personnel policies; to provide for a municipal court,
9 municipal judges, convening, jurisdiction and powers, certiorari, and rules; to provide for
10 elections, special elections, removal of officers, and suspensions; to provide for taxes,
11 regulatory fees and permits, franchises, service charges, special assessments, collection of
12 delinquent taxes and fees, bonds, short-term loans, lease-purchase contracts, a fiscal year,
13 budgets, changes in appropriations, audits, contracting procedures and purchasing, and sale
14 and lease of property; to provide for bonds for officials, and prior ordinances; to provide for
15 severability; to provide for other matters relative to the foregoing; to provide a specific
16 repealer; to provide an effective date; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 ARTICLE I
19 INCORPORATION AND POWERS
20 SECTION 1.10.
21 Incorporation.

22 This city and the inhabitants thereof are reincorporated by the enactment of this charter and
23 are hereby constituted and declared a body politic and corporate under the name and style
24 of City of Graham, Georgia, and by that name shall have perpetual existence, the power to
25 sue and be sued, to plead and be impleaded, in all courts of law and equity, and in all actions

26 whatsoever, and may have and use a common seal. This act shall constitute the whole
27 charter of the City of Graham, Georgia, repealing and replacing all prior charters.

28 **SECTION 1.11.**

29 Corporate boundaries.

30 (a) The boundaries of the City of Graham shall be those existing on the effective date of the
31 adoption of this charter plus a strip eastward along and with the right of way boundaries of
32 U. S. Highway 341 (Georgia State Route 27) to mile marker 4, with such alterations as may
33 be made from time to time in the manner provided by law. The boundaries of this city at all
34 times shall be shown on a map, a written description, or any combination thereof, to be
35 retained permanently in the office of the city clerk and to be designated, as the case may be:
36 "Official Map (or Description) of the Corporate Limits of the City of Graham, Georgia."
37 Photographic, typed, or other copies of such map or description certified by the city clerk
38 shall be admitted as evidence in all courts and shall have the same force and effect as with
39 the original map or description.

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

43 **SECTION 1.12.**

44 Powers and construction.

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

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

52 **SECTION 1.13.**

53 Specific powers.

54 The city shall have the following powers:

55 (1) Animal regulations. To regulate and license or to prohibit the keeping or running at
56 large of animals and fowl and to provide for the impoundment of the same if in violation

57 of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane
58 destruction of animals and fowl when not redeemed as provided by ordinance; and to
59 provide punishment for violation of ordinances enacted hereunder;

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

64 (3) Building regulation. To regulate and to license the erection and construction of
65 buildings and all other structures; to adopt building, housing, plumbing, electrical, gas,
66 and heating and air conditioning codes; and to regulate all housing and building trades
67 to the extent permitted by general law;

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

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

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

80 (7) Emergencies. To establish procedures for determining and proclaiming that an
81 emergency situation exists within or without the city and to make and carry out all
82 reasonable provisions deemed necessary to deal with or meet such an emergency for the
83 protection, safety, health, or well-being of the citizens of the city;

84 (8) Environmental protection. To protect and preserve the natural resources,
85 environment, and vital areas of the city through the preservation and improvement of air
86 quality, the restoration and maintenance of water resources, the control of erosion and
87 sedimentation, the management of storm water and establishment of a storm water utility,
88 the management of solid and hazardous waste, and other necessary actions for the
89 protection of the environment;

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

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

- 129 (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or
130 otherwise accept or transfer an interest in any real, personal, or mixed property, in fee
131 simple or lesser interest, inside or outside the property limits of the city;
- 132 (20) Municipal property protection. To provide for the preservation and protection of
133 property and equipment of the city and the administration and use of the same by the
134 public, and to prescribe penalties and punishment for violations thereof;
- 135 (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
136 of public utilities, including, but not limited to, a system of waterworks, sewers and
137 drains, sewage disposal, gas works, electric light plants, cable television, and other
138 telecommunications, transportation facilities, public airports, and any other public utility;
139 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties and
140 to provide for the withdrawal of service for refusal or failure to pay the same;
- 141 (22) Nuisance. To define a nuisance and provide for its abatement whether on public or
142 private property;
- 143 (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to
144 the authority of this charter and the laws of the State of Georgia;
- 145 (24) Planning and zoning. To provide comprehensive city planning for development by
146 zoning; and to provide subdivision regulation and the like as the city council deems
147 necessary and reasonable to ensure a safe, healthy, and aesthetically pleasing community;
- 148 (25) Police and fire protection. To exercise the power of arrest through duly appointed
149 police officers and to establish, operate, or contract for police and fire-fighting agencies;
- 150 (26) Public hazards removal. To provide for the destruction and removal of any building
151 or other structure that is or may become dangerous or detrimental to the public;
- 152 (27) Public improvements. To provide for the acquisition, construction, building,
153 operation, and maintenance of public ways, parks and playgrounds, recreational facilities,
154 cemeteries, markets and market houses, public buildings, libraries, public housing,
155 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
156 recreational, conservation, sport, curative, corrective, detentional, penal, and medical
157 institutions, agencies, and facilities; to provide any other public improvements, inside or
158 outside the corporate limits of the city; to regulate the use of public improvements; and
159 for such purposes, property may be acquired by condemnation under Title 22 or Title 32
160 of the Official Code of Georgia Annotated, or such other applicable laws as are or may
161 hereafter be enacted;
- 162 (28) Public peace. To provide for the prevention and punishment of loitering, disorderly
163 conduct, drunkenness, riots, and public disturbances;
- 164 (29) Public transportation. To organize and operate such public transportation systems
165 as are deemed beneficial;

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

171 (31) Regulation of roadside areas. To prohibit or regulate and control the erection,
172 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any
173 and all other structures or obstructions upon or adjacent to the rights-of-way of streets and
174 roads, or within view thereof, within or abutting the corporate limits of the city; and to
175 prescribe penalties and punishment for violation of such ordinances;

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

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

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

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

197 (36) Special areas of public regulation. To the extent allowed by general law, to regulate
198 or prohibit junk dealers, the manufacture, sale, or transportation of intoxicating liquors;
199 to regulate the transportation, storage, and use of combustible, explosive, and flammable
200 materials, the use of lighting and heating equipment, and any other business or situation
201 which the city may deem to be dangerous to persons or property; to regulate and control
202 the conduct of peddlers and itinerant traders and theatrical performances, exhibitions,

203 and shows of any kind, by taxation or otherwise; to regulate and control professional
 204 fortunetelling, palmistry, and massage parlors; and to restrict adult bookstores to certain
 205 areas;

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

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

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

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

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

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

229 **SECTION 1.14.**

230 Exercise of powers.

231 All powers, functions, rights, privileges, and immunities of the city and its officers, agencies,
 232 or employees shall be carried into execution as provided by this charter. Regarding any
 233 matter for which this charter makes no provisions, such shall be carried into execution as
 234 provided by ordinance or as provided by pertinent laws of the State of Georgia.

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ARTICLE II
GOVERNMENT STRUCTURE
SECTION 2.10.
City council creation; number; election.

239 The legislative authority of the government of the City of Graham, except as otherwise
240 specifically provided in this charter, shall be vested in a city council to be composed of a
241 mayor and four councilmembers. For the purpose of electing the members of the city
242 council, the City of Graham shall consist of one election district. The candidates for
243 councilmembers need not designate a post and shall be eligible for any one of the open seats
244 on the city council. The candidates for councilmembers receiving the highest number of
245 votes cast for councilmembers shall be elected for the open councilmember seats. The
246 mayor, who shall be a member of the city council, shall be elected by a majority vote of the
247 qualified electors of the city at large voting at the elections of the city. Elections shall be
248 nonpartisan as authorized by Code Section 21-2-157 of the Official Code of Georgia
249 Annotated.

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SECTION 2.11.
City council terms and qualifications for office.

252 The mayor and other members of the city council shall serve for terms of four years and until
253 their respective successors are elected and qualified. No person shall be eligible to serve as
254 mayor or councilmember unless that person shall have been a resident of the area comprising
255 the corporate limits of the City of Graham for a continuous period of at least 12 months
256 immediately prior to the date of the election for mayor or councilmember, shall continue to
257 reside therein during that person's period of service, and shall continue to be registered and
258 qualified to vote in municipal elections of the City of Graham.

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SECTION 2.12.
Vacancy; filling of vacancies.

261 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
262 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
263 the State of Georgia, Title 45 of the Official Code of Georgia Annotated, or such other
264 applicable laws as are or may hereafter be enacted.
265 (b) A vacancy in the office of mayor or councilmember shall be filled for the remainder of
266 the unexpired term by a special election if such vacancy occurs 12 months or more prior to

267 the expiration of the term of that office as provided for in Section 5.13 of this charter and in
 268 accordance with Title 21 and Title 45 of the Official Code of Georgia Annotated, or such
 269 other laws as are or may hereafter be enacted. If such vacancy occurs less than 12 months
 270 prior to the expiration of the term of that office, the city council or those members remaining
 271 may appoint a successor for the remainder of the term.

272 **SECTION 2.13.**

273 Compensation and expenses.

274 The salary of the mayor shall be \$600.00 per meeting and the salary for each councilmember
 275 shall be \$200.00 per meeting. The salaries shall be paid from municipal funds in monthly
 276 installments. The city council may provide by ordinance for the provision of insurance,
 277 retirement, workers' compensation, and other employee benefits to the mayor and members
 278 of the city council and may provide by ordinance for the reimbursement of expenses actually
 279 and necessarily incurred by the mayor and members of the city council in carrying out their
 280 official duties. The salary of the mayor and for each councilmember may be increased or
 281 decreased by ordinance duly enacted but no such change shall become effective until the
 282 beginning of the next term for said mayor or councilmember.

283 **SECTION 2.14.**

284 Conflicts of interest.

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

287 (b) No person who is an elected officer, appointed officer, employee or member of any
 288 board, commission, or authority, or employee of the city or any agency or political entity to
 289 which this charter applies shall knowingly:

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

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

298 (3) Disclose confidential information obtained at meetings which are closed pursuant to
 299 Chapter 14 of Title 50 of the Official Code of Georgia Annotated, concerning the

300 property, governance, or affairs of the governmental body by which the person is engaged
301 without proper legal authorization or use such information to advance the financial or
302 other private interest of the person or others;

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

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

311 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
312 any business or entity in which the person has a financial interest.

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

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

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

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

335 (g) No appointed officer of the city shall continue in such employment upon qualifying as
336 a candidate for nomination or election to any public office. No employee of the city shall

337 continue in such employment upon qualifying for or election to any public office in this city
 338 or any other public office which is inconsistent, incompatible, or in conflict with the duties
 339 of the city employee. Such determination shall be made by the city council either
 340 immediately upon election or at any time such conflict may arise.

341 (h) Any city officer or employee who knowingly conceals such financial interest or
 342 knowingly violates any of the requirements of this section shall be guilty of malfeasance in
 343 office or position and shall be deemed to have forfeited that person's office or position. Any
 344 officer or employee of the city who shall forfeit an office or position as described herein shall
 345 be ineligible for appointment or election to or employment in a position in the city
 346 government for a period of three years thereafter.

347 **SECTION 2.15.**

348 Inquiries and investigations.

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

355 **SECTION 2.16.**

356 General power and authority of the city council.

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

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

366 **SECTION 2.17.**

367 Eminent domain.

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

376 **SECTION 2.18.**

377 Organizational meetings.

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

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

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SECTION 2.19.

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Regular and special meetings.

397 (a) The city council shall hold regular meetings at such times and places as prescribed by
398 ordinance; provided, however, that the city council shall meet at least once a month. The
399 council may recess any regular meeting and continue such meeting on any weekday or hour
400 it may fix and may transact any business at such continued meeting as may be transacted at
401 any regular meeting.

402 (b) Special meetings of the city council may be held on the call of the mayor or on the
403 written call of any two members of the city council with the consent of a third member. For
404 any called meeting initiated by councilmembers, such written call shall be delivered to the
405 city clerk who shall then contact the other councilmembers to determine whether a third
406 member consents to such call. If such consent is given, then notice as hereafter provided
407 shall issue. Notice of such special meetings shall be delivered to all members of the council
408 and the mayor personally, by registered mail, or by electronic means, at least 24 hours in
409 advance of the meeting. Such notice to councilmembers shall not be required if the mayor
410 and all councilmembers are present when the special meeting is called. Such notice of any
411 special meeting may be waived by the mayor or a councilmember in writing before or after
412 such a meeting and attendance at the meeting shall also constitute a waiver of notice. The
413 notice of such special meeting shall state what business is to be transacted at the special
414 meeting. Only the business stated in the call may be transacted at the special meeting.

415 (c) All meetings of the city council shall be public to the extent required by law and notice
416 to the public of special meetings shall be made as fully as is reasonably possible as provided
417 by Chapter 14 of Title 50 of the Official Code of Georgia Annotated or other such applicable
418 laws as are or may be hereafter enacted.

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SECTION 2.20.

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Rules of procedure.

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

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SECTION 2.21.

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Quorum; voting; abstention.

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

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

432 (c) Voting on the adoption of ordinances shall be taken by voice or a show of hands and the
433 yeas and nays shall be recorded in the minutes, but on the request of any councilmember
434 there shall be a roll call vote and such vote shall be recorded in the minutes. Except as
435 otherwise provided in this charter, the affirmative vote of three councilmembers shall be
436 required for the adoption of any ordinance, resolution, or motion.

437 (d) No member of the city council shall abstain from voting on any matter properly brought
438 before the council for official action except when such councilmember has a conflict of
439 interest which is disclosed prior to or at the meeting and made a part of the minutes. Any
440 member of the city council present and eligible to vote on a matter and refusing to do so for
441 any reason other than a properly disclosed and recorded conflict of interest shall be deemed
442 to have acquiesced or concurred with the members of the majority who did vote on the
443 question involved.

444 (e) In addition to the adoption of rules pursuant to Section 2.20 of this charter, the city
445 council may, by ordinance or resolution, adopt penalties for compelling attendance of absent
446 members.

447

SECTION 2.22.

448

Ordinance form; procedures; resolutions.

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

454 (b) Except for emergency ordinances as provided in Section 2.24 of this charter, an
455 ordinance may be introduced by a motion made by any councilmember at a regularly
456 scheduled monthly meeting of the city council and shall be read as defined in subsection (a)
457 of this section. The effect of such motion shall be to require that such ordinance be
458 considered and voted upon by motion and second reading at the next successive regularly

459 scheduled monthly city council meeting. The reading or discussion of any proposed
460 ordinance at an open work session or special meeting of the city council shall not count
461 toward the requirement of a reading at two successive regularly scheduled monthly meetings
462 of the city council. Ordinances shall be considered and adopted or rejected by a majority
463 vote of the city council upon motion and after a reading at the second successive regularly
464 scheduled monthly meeting after its introduction and reading at the immediately preceding
465 regularly scheduled monthly meeting of the city council.

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

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

476 (e) The catch lines of sections of this charter or any ordinance printed in boldface type,
477 italics, or otherwise, are intended as mere catchwords to indicate the contents of the section,
478 and shall not be deemed to be titles of such sections or as any part of the section and shall not
479 be so deemed when any of such sections, including the catch lines, are amended or reenacted
480 unless expressly provided to the contrary. Furthermore, the article and section headings
481 contained in this charter shall not be deemed to govern, limit, or modify or in any manner
482 affect the scope, meaning, or intent of the provisions of any article or section hereof.

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

490 **SECTION 2.23.**

491 Action requiring an ordinance.

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

493

SECTION 2.24.

494

Emergencies.

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

504 (b) An emergency ordinance may be adopted, with or without amendment, or rejected at the
505 meeting at which it is introduced, but the affirmative vote of three councilmembers shall be
506 required for adoption. It shall become effective upon adoption or at such later time as it may
507 specify. A quorum of councilmembers shall be required to adopt any and all emergency
508 ordinances.

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

514 (d) Such meetings shall be open to the public to the extent required by law, and notice to the
515 public of emergency meetings shall be made as fully as is reasonably possible in accordance
516 with Chapter 14 of Title 50 of the Official Code of Georgia Annotated, or such other
517 applicable laws as are or may hereafter be enacted.

518

SECTION 2.25.

519

Codes of technical regulations.

520 The city council may adopt any standard code of technical regulations by reference thereto
521 in an adopting ordinance. The procedure and requirements governing such adopting
522 ordinance shall be the same as provided in Section 2.22 of this charter.

523

SECTION 2.26.

524

Signing; authenticating; recording; codification; printing.

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

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

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

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

545

SECTION 2.27.

546

Mayor.

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

552

SECTION 2.28.

553

Powers and duties of mayor.

554 The mayor shall:

555

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

556

(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;

557

558

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

559

(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

560

561

writing;

562

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

563

564

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

565

566

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

567

568

SECTION 2.29.

569

Mayor pro tempore; selection; duties.

570

(a) By a majority vote, the city council shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during his or her absence. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tempore shall continue to have only one vote as a member of the council.

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

577

578

579

ARTICLE III

580

ADMINISTRATIVE AFFAIRS

581

SECTION 3.10.

582

Administrative and service departments.

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

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

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

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

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

600 (f) For all purposes of this charter appointed officers shall mean any person holding any
 601 office enumerated under this article and such other persons as designated by any ordinance
 602 or resolution. Directors shall mean those individuals employed to be the head of the
 603 departments and agencies designated by the city.

604

SECTION 3.11.

605

Boards, commissions, and authorities.

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

610 (b) All members of boards, commissions, and authorities of the city shall be appointed by
 611 the city council for such terms of office and in such manner as shall be provided by

612 ordinance or resolution, except where other appointing authority, terms of office, or manner
613 of appointment is prescribed by this charter or by law.

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

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

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

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

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

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

637

SECTION 3.12.

638

City attorney.

639 (a) The city council shall appoint a city attorney, together with such assistant city attorneys
640 as may be authorized and shall provide for the payment of such attorney or attorneys for
641 services rendered to the city. The city attorney shall be responsible for providing for the
642 representation and defense of the city in all litigation in which the city is a party; may be the
643 prosecuting officer in the municipal court or may serve as judge of the municipal court if
644 appointed by the city council as provided for in Section 4.11 of this charter; shall attend the
645 meetings of the city council as directed; shall advise the city council, mayor, and other
646 officers and employees of the city concerning legal aspects of the city's affairs; shall perform

647 such other duties as may be required by virtue of the person's position as city attorney; and
648 shall be a member in good standing with the State Bar of Georgia.

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

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

653 **SECTION 3.13.**

654 City clerk.

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

658 **SECTION 3.14.**

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 3.15.**

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. The tax collector shall diligently comply with and enforce all general laws of the
668 state relating to the collection, sale, or foreclosure of taxes by municipalities.

669 **SECTION 3.16.**

670 City accountant.

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

673 **SECTION 3.17.**

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 3.18.**

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.

686 **SECTION 3.19.**

687 City council interference with administration.

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

693 **SECTION 3.20.**

694 Rules and regulations.

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

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

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

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

- 702 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and
 703 the order and manner in which layoffs shall be effected;
- 704 (4) Such dismissal hearings as due process may require; and
- 705 (5) Such other personnel rules as may be necessary to provide for adequate and
 706 systematic handling of personnel affairs.

707 **ARTICLE IV**

708 **JUDICIAL BRANCH**

709 **SECTION 4.10.**

710 **Municipal court creation.**

711 There shall be a court to be known as the Municipal Court of the City of Graham.

712 **SECTION 4.11.**

713 **Chief judge; associate judge.**

714 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 715 or standby judges as may be provided by ordinance; provided, however, that should the city
 716 council not appoint a stand-by judge, the appointed judge of the municipal court shall have
 717 the authority to appoint a judge *pro hac vice* to serve in the absence of the judge of the
 718 municipal court and 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 on the municipal court unless
 723 that person has attained the age of 21 years, is a member in good standing of the State Bar
 724 of Georgia, and possesses all qualifications required by law. The judge of the municipal
 725 court shall be appointed by the city council and shall serve until a successor is appointed and
 726 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 Code Section 15-1-8 of the Official Code
 729 of 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 shall serve until a successor is appointed but may be removed from office for
 733 good cause at any time by a majority vote of the city council in a public meeting, provided
 734 the judge is given written notice at least ten days in advance 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 Graham, 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 Graham. 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,
 743 am 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
 745 interest of the City of Graham to the best of my ability without partiality, fear, favor,
 746 affection, reward, or expectation thereof."

747 The oath shall be entered upon the minutes of the city council journal required in Section
 748 2.20 of this charter.

749 **SECTION 4.12.**

750 Convening.

751 The municipal court shall be convened at regular intervals as provided by the judge;
 752 provided, however, that the court shall convene at least once every 60 days.

753 **SECTION 4.13.**

754 Jurisdiction; powers.

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

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

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

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

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

780 (f) The municipal court shall have the same authority as superior courts to compel the
 781 production of evidence in the possession of any party; to enforce obedience to its orders,
 782 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 4.14.**

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 4.15.**

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
 803 **SECTION 5.10.**

804 Applicability of general law.

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

808 **SECTION 5.11.**
 809 Election districts.

810 (a) The corporate limits of the City of Graham shall be one election district and consist of
 811 the territory contained in the charter and described in Section 1.11 of this charter with such
 812 alterations as may be made from time to time in the manner provided by law. The election
 813 district of this city at all times shall be shown on a map, a written description or any
 814 combination thereof, to be retained permanently in the office of the Board of Elections of
 815 Appling County and to be designated, as the case may be: "City of Graham Election
 816 Districts." Photographic, typed, or other copies of such map or description certified by the
 817 chairperson of the Board of Elections shall be admitted as evidence in all courts and shall
 818 have the same force and effect as with the original map or description.

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

823 **SECTION 5.12.**
 824 Election of the city council and mayor.

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

827 (b) There shall be elected two councilmembers for the councilmember seats currently held
 828 by Lee Bass and Ira Lee Clemons at the 2017 election and at every other regular four-year
 829 election cycle thereafter. Councilmembers Lee Bass and Ira Lee Clemons shall continue in
 830 office until their current term expires on December 31, 2017, and until their successors are
 831 elected and qualified. There shall be elected the mayor and two councilmembers for the
 832 councilmember seats currently held by James Hill and Jessie Conaway at the 2019 election

833 and at every other four-year election cycle thereafter. Mayor Don Rentz and councilmembers
834 James Hill and Jessie Conaway shall continue to serve in office until their current term
835 expires on December 31, 2019, and until their successors are elected and qualified. Terms
836 shall be for four years.

837 **SECTION 5.13.**

838 Special elections.

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

847 **SECTION 5.14.**

848 Other provisions.

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

853 **SECTION 5.15.**

854 Removal of officers.

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

858 **SECTION 5.16.**

859 Suspension of officers and employees.

860 The mayor with the concurrence in writing of at least one councilmember may suspend any
861 appointed officer or employee of the city for good cause, with or without pay, pending a

862 public hearing before the city council held pursuant to Section 5.17 of this charter which
 863 shall decide by a majority vote whether such employee or officer shall be terminated from
 864 employment or removed from office for good cause or be reinstated with or without pay
 865 during such period of suspension. The concurrence of a councilmember must be as to all of
 866 the terms of the mayor's suspension in order to be effective.

867 **SECTION 5.17.**

868 Hearings required.

869 (a) The city council may remove an appointed officer pursuant to Section 5.16 of this charter
 870 or terminate any city employee by majority vote following a hearing before the city council
 871 after written notice being given to such officer or employee specifying the ground or grounds
 872 for removal or termination. Such written notice must be given not less than three days after
 873 the employee's last work day.

874 (b) Any appointed officer or employee who has been suspended under Section 5.16 of this
 875 charter shall have the right to appeal such suspension for a determination at a public hearing
 876 by the city council at a public meeting by requesting a hearing in writing to the city clerk not
 877 later than five days after the suspension. Such hearing shall be held not more than ten days
 878 after the suspension if the suspension was without pay and no later than 30 days after such
 879 suspension if it was with pay. If no such hearing is requested, then the suspension shall stand
 880 as originally decreed.

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

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

888 **ARTICLE VI**

889 **FINANCE**

890 **SECTION 6.10.**

891 **Property tax.**

892 The city council may assess, levy, and collect an ad valorem tax on all real and personal
 893 property within the corporate limits of the city that is subject to such taxation by the state and
 894 county. This tax shall be for the purpose of raising revenues to defray the costs of operating

895 the city government and providing governmental services, the repayment of principal and
 896 interest on general obligations, and any other public purpose as determined by the city
 897 council in its discretion.

898 **SECTION 6.11.**

899 Millage rate; due dates; payment methods.

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

904 **SECTION 6.12.**

905 Occupational and business taxes.

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

910 **SECTION 6.13.**

911 Regulatory fees; permits.

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

917 **SECTION 6.14.**

918 Franchises.

919 (a) The city council shall have the power to grant franchises for the use of the city's streets,
 920 roads, alleys, and walkways for the purposes of railroads, street railways, telephone
 921 companies, electric companies, electric membership corporations, cable television and other
 922 telecommunications companies, gas companies, transportation companies, and other similar
 923 organizations. The city council shall determine the duration of, terms, whether the same

924 shall be exclusive or nonexclusive, and the consideration for such franchises; provided,
925 however, that no franchise shall be granted for a period in excess of 35 years, and no
926 franchise shall be granted unless the city receives just and adequate compensation therefor.
927 The city council shall provide for the registration of all franchises with the city clerk in a
928 registration book kept by the city clerk. The city council may provide by ordinance for the
929 registration within a reasonable time of all franchises previously granted.

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

935 **SECTION 6.15.**

936 Service charges.

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

941 **SECTION 6.16.**

942 Special assessments.

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

947 **SECTION 6.17.**

948 Construction; other taxes and fees.

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

952 **SECTION 6.18.**

953 Collection of delinquent taxes and fees.

954 The City council, by ordinance, may provide generally for the collection of delinquent taxes,
 955 fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by
 956 whatever reasonable means as are not precluded by law. This shall include providing for the
 957 dates when the taxes or fees are due; late penalties or interest; issuance and execution of
 958 fi.fa.'s; creation and priority of liens; making delinquent taxes and fees personal debts of the
 959 persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any
 960 city taxes or fees; and providing for the assignment or transfer of tax executions.

961 **SECTION 6.19.**

962 General obligation bonds.

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

967 **SECTION 6.20.**

968 Revenue bonds; sinking fund.

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

974 **SECTION 6.21.**

975 Short-term loans.

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

978 **SECTION 6.22.**

979 Lease-purchase contracts.

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

987 **SECTION 6.23.**

988 Fiscal year.

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

993 **SECTION 6.24.**

994 Preparation of budgets.

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

999 **SECTION 6.25.**

1000 Submission of operating budget to city council.

1001 On or before a date fixed by the city council, but not later than April 30 of each year, the
 1002 mayor shall submit to the city council a proposed operating budget and capital budget for the
 1003 ensuing fiscal year. The operating budget shall be accompanied by a message from the
 1004 mayor containing a statement of the general fiscal policies of the city, the important features
 1005 of the budget, explanations of major changes recommended for the next fiscal year, a general
 1006 summary of the budget, and such other pertinent comments and information deemed
 1007 necessary. The operating budget and the capital budget required by this article, the budget

1008 message, and all supporting documents shall be filed in the office of the city clerk and shall
1009 be open to public inspection.

1010 **SECTION 6.26.**

1011 Action by city council on budget.

1012 (a) The city council may amend the operating budget proposed by the mayor, except that the
1013 budget as finally amended and adopted must provide for all expenditures required by state
1014 law or by other provisions of this charter and for all debt service requirements for the ensuing
1015 fiscal year, and the total appropriations from any fund shall not exceed the estimated fund
1016 balance, reserves, and revenues.

1017 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
1018 year not later than June 30 of each year. If the city council fails to adopt the budget by this
1019 date, the amounts appropriated for operation for the past fiscal year shall be deemed adopted
1020 for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly
1021 until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of
1022 the budget shall take the form of an appropriations ordinance setting out the estimated
1023 revenues in detail by sources and making appropriations according to fund and by
1024 organizational unit, purpose, or activity as set out in the budget preparation ordinance
1025 adopted pursuant to Section 6.24 of this charter.

1026 (c) The amount set out in the adopted operating budget for each organizational unit shall
1027 constitute the annual appropriation for such unit, and no expenditure shall be made or
1028 encumbrance created in excess of the otherwise unencumbered balance of the appropriations
1029 or allotment thereof, to which it is chargeable.

1030 **SECTION 6.27.**

1031 Tax levies.

1032 The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates
1033 set by any such ordinance shall be such that reasonable estimates of revenues from such levy
1034 shall at least be sufficient, together with other anticipated revenues, fund balances, and
1035 applicable reserves, to equal the total amount appropriated for each of the several funds set
1036 forth in the annual operating budget for defraying the expenses of the general government
1037 of the city.

SECTION 6.28.

1038

1039

Change in appropriations.

1040 The city council by ordinance may make changes in the appropriations contained in the
 1041 current operating budget at any regular, special, or emergency meeting called for such
 1042 purpose, but any additional appropriations may be made only from an existing unexpended
 1043 surplus.

SECTION 6.29.

1044

1045

Capital budget.

1046 (a) On or before the date fixed by the city council but no later than March 31, the mayor
 1047 shall cause to be submitted to the city council a proposed capital improvements plan with a
 1048 recommended capital budget containing the means of financing the improvements proposed
 1049 for the ensuing fiscal year. The city council shall have power to accept, with or without
 1050 amendments, or reject the proposed plan and proposed budget. The city council shall not
 1051 authorize an expenditure for the construction of any building, structure, work, or
 1052 improvement, unless the appropriations for such project are included in the capital budget,
 1053 except to meet a public emergency as provided in Section 2.24 of this charter.

1054 (b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal
 1055 year not later than June 30 of each year. No appropriation provided for in a prior capital
 1056 budget shall lapse until the purpose for which the appropriation was made shall have been
 1057 accomplished or abandoned; provided, however, that the mayor may submit amendments to
 1058 the capital budget at any time during the fiscal year, accompanied by recommendations. Any
 1059 such amendments to the capital budget shall become effective only upon adoption by
 1060 ordinance.

SECTION 6.30.

1061

1062

Independent audit.

1063 There shall be an annual independent audit of all city accounts, funds, and financial
 1064 transactions by a certified public accountant selected by the city council. The audit shall be
 1065 conducted according to generally accepted auditing principles. Any audit of any funds by
 1066 the state or federal government may be accepted as satisfying the requirements of this
 1067 section. Copies of annual audit reports shall be available at printing costs to the public and
 1068 shall be posted or published as required by state law.

SECTION 6.31.

1069

1070

Contracting procedures.

1071 No contract with the city shall be binding on the city unless:

1072 (1) It is in writing;

1073 (2) It is drawn by or submitted to and reviewed by the city attorney and, as a matter of
1074 course, is signed by the city attorney to indicate such drafting or review; and1075 (3) It is made or authorized by the city council, and such approval is entered in the city
1076 council journal of proceedings pursuant to Section 2.20 of this charter.**SECTION 6.32.**

1077

1078

Centralized purchasing.

1079 The city council shall by ordinance or resolution prescribe procedures for a system of
1080 centralized purchasing for the city.**SECTION 6.33.**

1081

1082

Sale and lease of city property.

1083 (a) The city council may sell and convey or lease any real or personal property owned or
1084 held by the city for governmental or other purposes as now or hereafter provided by law.1085 (b) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia
1086 Annotated and Chapter 37 of Title 36 of the Official Code of Georgia Annotated, the city
1087 council may quitclaim any rights it may have in property not needed for public purposes
1088 upon report by the mayor and adoption of a resolution, both finding that the property is not
1089 needed for public or other purposes and that the interest of the city has no readily
1090 ascertainable monetary value.1091 (c) To the extent authorized by Chapter 7 of Title 32 of the Official Code of Georgia
1092 Annotated and Chapter 37 of Title 36 of the Official Code of Georgia Annotated, whenever
1093 in opening, extending, or widening any street, avenue, alley, or public place of the city a
1094 small parcel or tract of land is cut off or separated by such work from a larger tract or
1095 boundary of land owned by the city, the city council may authorize the mayor to sell and
1096 convey said cut-off or separated parcel or tract of land to an abutting or adjoining property
1097 owner or owners where such sale and conveyance facilitates the enjoyment of the highest and
1098 best use of the abutting owner's property. Included in the sales contract shall be a provision
1099 for the rights of way of said street, avenue, alley, or public place. Each abutting property
1100 owner shall be notified of the availability of the property and given the opportunity to

1101 purchase said property under such terms and conditions as set out by ordinance. All deeds
 1102 and conveyances heretofore and hereafter so executed and delivered shall convey all title and
 1103 interest the city has in such property, notwithstanding the fact that no public sale after
 1104 advertisement was or is hereafter made.

1105 **ARTICLE VII**

1106 **GENERAL PROVISIONS**

1107 **SECTION 7.10.**

1108 Bonds for officials.

1109 The officers and employees of the city, both elected and appointed, shall execute such surety
 1110 or fidelity bonds in such amounts and upon such terms and conditions as the city council may
 1111 from time to time require by ordinance or as may be provided by law.

1112 **SECTION 7.11.**

1113 Prior ordinances.

1114 All ordinances, resolutions, rules, and regulations now in force in the city and not
 1115 inconsistent with this charter are hereby declared valid and of full effect and force until
 1116 amended or repealed by the city council.

1117
 1118 **SECTION 7.12.**

1119 Severability.

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

1126 **SECTION 7.13.**

1127 Specific repealer.

1128 An Act to provide a new charter for the City of Graham, approved April 17, 1991 (Ga. L.
 1129 1991, p. 4770), as amended, is hereby repealed.

1130 **SECTION 7.14.**

1131 Effective date.

1132 This Act shall become effective on July 1, 2016.

1133 **SECTION 7.15.**

1134 General repealer.

1135 All laws and parts of laws in conflict with this Act are repealed.