

House Bill 626

By: Representative Jones of the 25<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I  
INCORPORATION AND POWERS  
**SECTION 1.10.**

Name.

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

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**SECTION 1.11.**  
Corporate boundaries.

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

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

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**SECTION 1.12.**  
Powers and construction.

46 In addition to all other powers of a municipality provided under the Constitution and laws  
47 of the State of Georgia, this city shall have the following powers:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 127 (23) Retirement. To provide and maintain a retirement plan for officers and employees  
128 of the city;
- 129 (24) Roadways. To grant franchises and rights of way throughout the streets and roads  
130 and over the bridges and viaducts for the use of public utilities; and to require real estate  
131 owners to repair and maintain in a safe condition the sidewalks adjoining their lots or  
132 lands and to impose penalties for failure to do so;
- 133 (25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,  
134 and the manufacture, sale, or transportation of any intoxicating liquors or alcoholic  
135 beverages; to regulate the transportation, storage, and use of combustible, explosive, and  
136 inflammable materials, the use of lighting and heating equipment, and any other business  
137 or situation which may be dangerous to persons or property; to regulate and control the  
138 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows  
139 of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit  
140 professional fortunetelling, palmistry, adult bookstores, and massage parlors;
- 141 (26) Special assessments. To levy and provide for the collection of special assessments  
142 to cover the costs for any public improvements;
- 143 (27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation,  
144 and collection of taxes on all property subject to taxation subject to a maximum of  
145 0.5 mill; provided, however, that for the purposes of compliance with Code Section  
146 48-8-91 of the O.C.G.A., the millage rate may be adjusted upward for the sole purpose  
147 of complying with the millage rate rollback provisions set forth therein. For the purposes  
148 of this paragraph, the term "qualified voters" means those voters of the city who are  
149 qualified to vote in city elections and cast a vote for or against such measure in such  
150 referendum. The question to be presented to the voters in the referendum on increasing  
151 the millage rate shall be "Do you approve increasing taxes on residential and  
152 nonresidential property for City of Sharon Springs property owners by raising from  
153 [current millage rate] to [proposed millage rate] the operating budget millage rate, which  
154 was capped in the original charter for the city?" If such millage rate increase is approved  
155 by the qualified voters of the City of Sharon Springs voting in the referendum, the new  
156 rate shall become the maximum limit until changed again by resolution of the city council  
157 and approval by a majority of the qualified voters of the City of Sharon Springs voting  
158 in a referendum;
- 159 (28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the  
160 future by law; and
- 161 (29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the  
162 number of such vehicles; to require the operators thereof to be licensed; to require public

163 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to  
 164 regulate the parking of such vehicles.

165 **SECTION 1.13.**

166 Exercise of powers.

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

171 **ARTICLE II**

172 **GOVERNMENT STRUCTURE**

173 **SECTION 2.10.**

174 City council creation; number; election.

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

179 **SECTION 2.11.**

180 City councilmembers;  
 181 terms and qualifications for office.

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

192 (b) The city council seats shall be designated District 1, Post 1; District 1, Post 2; District 2,  
193 Post 1; District 2, Post 2; District 3, Post 1; and District 3, Post 2. Candidates shall designate  
194 the post for which they are offering for election when qualifying for election.

195 (c) For the purposes of electing members of the city council, the city is divided into three  
196 districts. Two members of the city council shall be elected from each such district by the  
197 electors of such district by majority vote, one member in each district shall hold Post 1 and  
198 one member shall hold Post 2. District 1, District 2, and District 3 shall be and correspond  
199 to those three numbered districts as described in the plan attached to and made a part of this  
200 charter as Appendix B.

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

203 (2) Councilmembers shall be limited to serving two full, consecutive four-year terms of  
204 office as a councilmember.

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

## 209 **SECTION 2.12.**

210 Vacancy; filling of vacancies; suspensions.

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

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

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

224

**SECTION 2.13.**

225

## Compensation and expenses.

226 (a) The mayor shall receive an initial salary of \$15,000.00 per year, paid in equal monthly  
 227 installments from the funds of the municipality. Each councilmember shall receive an initial  
 228 salary of \$10,000.00 per year, paid in equal monthly installments from the funds of the  
 229 municipality. In addition, the mayor and councilmembers shall be reimbursed for actual  
 230 expenses directly incurred in connection with the fulfillment of their official duties. The  
 231 mayor and council shall develop guidelines for the reimbursement of such expenses.

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

234 (c) The mayor and city council shall provide for a review of their compensation every five  
 235 years.

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**SECTION 2.14.**

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## Conflicts of interest; holding other offices.

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

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

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

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

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

255 (4) Accept any valuable gift, whether in the form of service, loan, thing, or promise,  
 256 from any person, firm, or corporation which to that person's knowledge is interested,  
 257 directly or indirectly, in any manner whatsoever, in business dealings with the



258 governmental body by which that person is engaged; provided, however, that an elected  
259 official who is a candidate for public office may accept campaign contributions and  
260 services in connection with any such campaign;

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

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

265 (c) Any elected official, appointed officer, or employee of the city who shall have any  
266 financial interest, directly or indirectly, in any contract or matter pending before or within  
267 any department of the city shall disclose such interest to the city council. The mayor or any  
268 councilmember who has a financial interest in any matter pending before the city council  
269 shall disclose such interest and such disclosure shall be entered on the records of the city  
270 council, and that person shall disqualify himself or herself from participating in any decision  
271 or vote relating thereto. Any elected official, appointed officer, or employee of any agency  
272 or political entity to which this charter applies who shall have any financial interest, directly  
273 or indirectly, in any contract or matter pending before or within such entity shall disclose  
274 such interest to the governing body of such agency or entity.

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

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

282 (f) Except where authorized by law, neither the mayor nor any councilmember shall hold  
283 any other elective or compensated appointive city, county, or state office or otherwise be  
284 employed by the city or any agency thereof during the term for which that person was  
285 elected. No former councilmember and no former mayor shall hold any compensated  
286 appointive office in the city until one year after the expiration of the term for which that  
287 person was elected.

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

294 (h)(1) Any city officer or employee who knowingly conceals such financial interest or  
 295 knowingly violates any of the requirements of this section shall be guilty of malfeasance  
 296 in office or position and shall be deemed to have forfeited that person's office or position.  
 297 (2) Any officer or employee of the city who shall forfeit that person's office or position  
 298 as described in paragraph (1) of this subsection shall be ineligible for appointment or  
 299 election to or employment in a position in the city government for a period of three years  
 300 thereafter.

301 **SECTION 2.15.**

302 Inquiries and investigations.

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

309 **SECTION 2.16.**

310 General power and authority of the city council.

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

313 **SECTION 2.17.**

314 Organizational meetings.

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

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

322 **SECTION 2.18.**

323 Meetings.

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

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

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

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

340 **SECTION 2.19.**

341 Rules of procedure.

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

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

348 **SECTION 2.20.**

349 Quorum; voting.

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

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

356 **SECTION 2.21.**

357 Ordinance form; procedures.

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

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

370 **SECTION 2.22.**

371 Action requiring an ordinance.

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

373 **SECTION 2.23.**

374 Emergencies.

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

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

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

#### 395 **SECTION 2.24.**

396 Codes of technical regulations.

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

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

403 (2) A copy of each adopted code of technical regulations, as well as the adopting  
 404 ordinance, shall be authenticated and recorded by the city clerk pursuant to Section 2.25  
 405 of this charter.

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

#### 408 **SECTION 2.25.**

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

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

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

418 Code of the City of Sharon Springs, Georgia." Copies of the code shall be furnished to all  
 419 officers, departments, and agencies of the city and made available for purchase by the public  
 420 at a reasonable price as fixed by the city council.

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

430

### **SECTION 2.26.**

431

Election of mayor; forfeiture; compensation.

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

440

### **SECTION 2.27.**

441

Mayor pro tempore.

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

448

**SECTION 2.28.**

449

Powers and duties of mayor.

450 The mayor shall:

451

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

452

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

453

454

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

455

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

457

458

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

459

460

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

461

462

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

463

464

**ARTICLE III**

465

**ADMINISTRATIVE AFFAIRS**

466

**SECTION 3.10.**

467

Administrative and service departments.

468

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

469

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471

472

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

473

474

475

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

476

477

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

478

479

480

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

485 **SECTION 3.11.**

486 Boards, commissions, and authorities.

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

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

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

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

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

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

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

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



516 **SECTION 3.12.**

517 City attorney.

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

526 **SECTION 3.13.**

527 City clerk.

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

532 **SECTION 3.14.**

533 Position classification and pay plans.

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

540 **SECTION 3.15.**

541 Personnel policies.

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

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

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

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

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

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

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

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

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

564                                   **SECTION 4.12.**  
 565                                   Convening.

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

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

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

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

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

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

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

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

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

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

#### 602 **SECTION 4.14.**

#### 603 **Certiorari.**

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

608 **SECTION 4.15.**

609 Rules for court.

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

617 **ARTICLE V**

618 **ELECTIONS AND REMOVAL**

619 **SECTION 5.10.**

620 Applicability of general law.

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

623 **SECTION 5.11.**

624 Regular elections; time for holding.

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

631 **SECTION 5.12.**

632 Nonpartisan elections.

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

635

**SECTION 5.13.**

636

Election by majority vote.

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

641

**SECTION 5.14.**

642

Special elections; vacancies.

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

651

**SECTION 5.15.**

652

Other provisions.

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

656

**SECTION 5.16.**

657

Removal of officers.

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

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

663 (1) Following a hearing at which an impartial panel shall render a decision. In the event  
 664 an elected officer is sought to be removed by the action of the city council, such officer

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

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

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

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

686 Except as otherwise provided in paragraph (27) of Section 1.12 of this charter, the city  
 687 council by ordinance shall establish a millage rate for the city property tax which shall not  
 688 exceed 0.5 mill, a due date, and the time period within which these taxes must be paid. The  
 689 city council by ordinance may provide for the payment of these taxes by installments or in  
 690 one lump sum, as well as authorize the voluntary payment of taxes prior to the time when  
 691 due.

692 **SECTION 6.12.**  
 693 **Occupation and business taxes.**

694 The city council by ordinance shall have the power to levy such occupation or business taxes  
 695 as are not denied by law. The city council may classify businesses, occupations, or

696 professions for the purpose of such taxation in any way which may be lawful and may  
697 compel the payment of such taxes as provided in Section 6.18 of this charter.

698 **SECTION 6.13.**

699 Licenses; permits; fees.

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

705 **SECTION 6.14.**

706 Franchises.

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

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

723 **SECTION 6.15.**

724 Service charges.

725 The city council by ordinance shall have the power to assess and collect fees, charges, and  
726 tolls for services provided or made available within and outside the corporate limits of the

727 city for the total cost to the city of providing or making available such services. If unpaid,  
728 such charges shall be collected as provided in Section 6.18 of this charter.

729 **SECTION 6.16.**

730 RESERVED.

731 **SECTION 6.17.**

732 Construction; other taxes.

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

736 **SECTION 6.18.**

737 Collection of delinquent taxes and fees.

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

745 **SECTION 6.19.**

746 RESERVED.

747 **SECTION 6.20.**

748 RESERVED.

749 **SECTION 6.21.**

750 Short-term loans.

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



753 **SECTION 6.22.**

754 Lease-purchase contracts.

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

762 **SECTION 6.23.**

763 Fiscal year.

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

767 **SECTION 6.24.**

768 Budget ordinance.

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

774 **SECTION 6.25.**

775 Operating budget.

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

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

785 **SECTION 6.26.**

786 Action by city council on budget.

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

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

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

805 **SECTION 6.27.**

806 Levy of taxes.

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

813

**SECTION 6.28.**

814

## Changes in appropriations.

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

819

**SECTION 6.29.**

820

## Capital improvements.

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

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

836

**SECTION 6.30.**

837

## Audits.

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

843 **SECTION 6.31.**

844 Procurement and property management.

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

846 (1) It is in writing;

847 (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of  
848 course, is signed by the city attorney to indicate such drafting or review; and849 (3) It is made or authorized by the city council and such approval is entered in the city  
850 council journal of proceedings pursuant to Section 2.19 of this charter.851 **SECTION 6.32.**

852 Purchasing.

853 The city council shall by ordinance prescribe procedures for a system of centralized  
854 purchasing for the city.855 **SECTION 6.33.**

856 Sale and lease of property.

857 (a) The city council may sell and convey or lease any real or personal property owned or  
858 held by the city for governmental or other purposes as now or hereafter provided by law.859 (b) The city council may quitclaim any rights it may have in property not needed for public  
860 purposes upon report by the mayor and adoption of a resolution, both finding that the  
861 property is not needed for public or other purposes and that the interest of the city has no  
862 readily ascertainable monetary value.863 (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place  
864 of the city a small parcel or tract of land is cut off or separated by such work from a larger  
865 tract or boundary of land owned by the city, the city council may authorize the mayor to sell  
866 and convey said cut-off or separated parcel or tract of land to an abutting or adjoining  
867 property owner or owners where such sale and conveyance facilitates the highest and best  
868 use of the abutting owner's property. Included in the sales contract shall be a provision for  
869 the rights of way of said street, avenue, alley, or public place. Each abutting property owner  
870 shall be notified of the availability of the property and given the opportunity to purchase said  
871 property under such terms and conditions as set out by ordinance. All deeds and  
872 conveyances heretofore and hereafter so executed and delivered shall convey all title and  
873 interest the city has in such property, notwithstanding the fact that no public sale after  
874 advertisement was or is hereafter made.

875

**SECTION 6.34.**

876

Apportionment of revenue.

877 Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is  
878 authorized to pay all revenues collected by Forsyth County on behalf of the city to the county  
879 in exchange for continuation of services during the transition period provided for in Section  
880 8.11 of this charter and beyond, with the exception of the following revenues, which shall  
881 stay with the city:

882 (1) New revenues from utility franchise fees;

883 (2) Fines collected in municipal court; and

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

886

**ARTICLE VII**

887

**GENERAL PROVISIONS**

888

**SECTION 7.10.**

889

Bonds for officials.

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

893

**SECTION 7.11.**

894

Construction and definitions.

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

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

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



936 superintendent of the City of Sharon Springs and the powers and duties of the governing  
937 authority of the City of Sharon Springs.

938 **SECTION 8.11.**

939 Effective dates and transition.

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

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

947 (c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act  
948 shall become of full force and effect for all purposes at 12:00 Midnight on  
949 December 31, 2018, except that the initial mayor and councilmembers shall take office  
950 immediately following their election and by action of a quorum may prior to 12:00 Midnight  
951 on December 31, 2018, meet and take actions binding on the city.

952 (d) A period of time will be needed for an orderly transition of various government functions  
953 from Forsyth County to the City of Sharon Springs. Accordingly, there shall be a transition  
954 period beginning on the date the initial mayor and councilmembers take office under this  
955 charter and ending at 12:00 Midnight on December 31, 2021. During such transition period,  
956 all provisions of this charter shall be effective as law, but not all provisions of this charter  
957 shall be implemented.

958 (e) During such transition period, Forsyth County shall continue to provide within the  
959 territorial limits of the city all government services and functions which Forsyth County  
960 provided in that area during the years 2017 and 2018 and at the same actual cost, except to  
961 the extent otherwise provided in this section; provided, however, that upon at least 60 days'  
962 prior written notice to Forsyth County by the City of Sharon Springs, responsibility for any  
963 such service or function shall be transferred to the City of Sharon Springs. During the  
964 transition period, the city shall remain within the Forsyth County special services district but  
965 shall be removed from such district at the conclusion of such period. Beginning  
966 January 1, 2019, the City of Sharon Springs shall collect taxes, fees, assessments, fines and  
967 forfeitures, and other moneys within the territorial limits of the city in the same manner as  
968 authorized immediately prior to the effective date of this section; provided, however, that  
969 upon at least 60 days' prior written notice to Forsyth County by the City of Sharon Springs,  
970 the authority to collect any tax, fee, assessment, fine or forfeiture, or other moneys shall

971 remain with Forsyth County after January 1, 2019, until such time as Forsyth County  
 972 receives subsequent notice from the City of Sharon Springs that such authority shall be  
 973 transferred to the City of Sharon Springs.

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

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

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

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

979 (4) May accept gifts and grants;

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

982 (6) May levy and collect an ad valorem tax for calendar years 2019 and 2020;

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

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

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

991 (g) Except as otherwise provided in this section, during the transition period, the Municipal  
 992 Court of the City of Sharon Springs shall not exercise its jurisdiction. During the transition  
 993 period, all ordinances of Forsyth County shall remain applicable within the territorial limits  
 994 of the city, and the appropriate court or courts of Forsyth County shall retain jurisdiction to  
 995 enforce such ordinances. However, by mutual agreement and concurrent resolutions and  
 996 ordinances if needed, Forsyth County and the City of Sharon Springs may during the  
 997 transition period transfer all or part of such regulatory authority and the appropriate court  
 998 jurisdiction to the City of Sharon Springs. Any transfer of jurisdiction to the City of Sharon  
 999 Springs during or at the end of the transition period shall not in and of itself abate any  
 1000 judicial proceeding pending in Forsyth County or the pending prosecution of any violation  
 1001 of any ordinance of Forsyth County.

1002 (h) During the transition period, the governing authority of the City of Sharon Springs may  
 1003 at any time, without the necessity of any agreement by Forsyth County, commence to  
 1004 exercise its planning and zoning powers; provided, however, that the city shall give the  
 1005 county notice of the date on which the city will assume the exercise of such powers. Upon  
 1006 the governing authority of the City of Sharon Springs commencing to exercise its planning  
 1007 and zoning powers, the Municipal Court of the City of Sharon Springs shall immediately



1008 have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions  
 1009 of this subsection shall control over any conflicting provisions of any other subsection of this  
 1010 section.

1011 (i) Effective upon the termination of the transition period, subsections (b) through (h) of this  
 1012 section shall cease to apply except for the last sentence of subsection (g) which shall remain  
 1013 effective. Effective upon the termination of the transition period, the City of Sharon Springs  
 1014 shall be a full functioning municipal corporation and subject to all general laws of this state.

1015 **SECTION 8.12.**

1016 Directory nature of dates.

1017 It is the intention of the General Assembly that this Act be construed as directory rather than  
 1018 mandatory with respect to any date prescribed in this Act. If it is necessary to delay any  
 1019 action called for in this Act for providential cause or any other reason, it is the intention of  
 1020 the General Assembly that the action be delayed rather than abandoned. Any delay in  
 1021 performing any action under this Act, whether for cause or otherwise, shall not operate to  
 1022 frustrate the overall intent of this Act. Without limiting the generality of the foregoing, it is  
 1023 specifically provided that:

1024 (1) If it is not possible to hold the referendum election provided for in Section 8.10 of  
 1025 this charter on the date specified in that section, then such referendum shall be held as  
 1026 soon thereafter as is reasonably practicable; and

1027 (2) If it is not possible to hold the first election provided for in Section 8.13 of this  
 1028 charter on the date specified in that section, then there shall be a special election for the  
 1029 initial members of the governing authority to be held as soon thereafter as is reasonably  
 1030 practicable, and the commencement of the initial terms of office shall be delayed  
 1031 accordingly.

1032 **SECTION 8.13.**

1033 Special election.

1034 (a) The first election for mayor and councilmembers shall be a special election held on the  
 1035 date of the November 2018 general election. At such election, the first mayor and  
 1036 councilmembers shall be elected to serve for the initial terms of office specified in  
 1037 subsections (b) and (c) of this section. Thereafter, the time for holding regular municipal  
 1038 elections shall be on the Tuesday next following the first Monday in November of each  
 1039 odd-numbered year beginning in 2019. The successors to the first mayor and initial  
 1040 councilmembers and future successors shall take office at the first organizational meeting in

1041 January immediately following their election and shall serve for terms of four years and until  
 1042 their respective successors are elected and qualified.

1043 (b) The members of the city council from District 1, Post 1; District 1, Post 2; District 2,  
 1044 Post 1; District 2, Post 2; District 3, Post 1; and District 3, Post 2 shall be elected by majority  
 1045 vote of the electors of their respective districts. The initial members elected from District 1,  
 1046 Post 1; District 2, Post 1; and District 3, Post 1 shall serve until January 1, 2020, and until  
 1047 their respective successors are elected and qualified. The initial members elected from  
 1048 District 1, Post 2; District 2, Post 2; and District 3, Post 2 shall serve until January 1, 2022,  
 1049 and until their respective successors are elected and qualified. Thereafter, successors to such  
 1050 initial members shall serve four-year terms of office and until their respective successors are  
 1051 elected and qualified.

1052 (c) The mayor of the City of Sharon Springs shall be elected by a majority vote of the  
 1053 qualified electors of the city at large. The initial mayor shall serve until January 1, 2022, and  
 1054 until his or her successor is elected and qualified and successors to the mayor shall serve  
 1055 four-year terms of office and until their successors are elected and qualified.

1056 **ARTICLE IX**

1057 **GENERAL REPEALER**

1058 **SECTION 9.10.**

1059 General repealer.

1060 All laws and parts of laws in conflict with this Act are repealed.

1061 **APPENDIX A**

1062 **CORPORATE LIMITS**

1063 The corporate limits of the City of Sharon Springs, Georgia, shall be as follows:

1064 Plan: SharonSprings-city-2017

1065 Plan Type: Local

1066 Administrator: H025

1067 User: Gina

1068 District SHSPRINGS

1069 Forsyth County

1070 VTD: 11701 - 01 Big Creek

1071 VTD: 11702 - 02 Brandywine

1072 130602:

1073 1015 1016 1017 1018 1021 1022 1023 1024 1025  
 1074 130603:  
 1075 1016 1017 1018 1019 1020 1021 3005 3006 3007 3008 3009 3010  
 1076 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022  
 1077 3025 3026 3027 3028  
 1078 VTD: 11714 - 14 LAKELAND  
 1079 130510:  
 1080 3005 3007 3008 3009 3014 3016 3018 3021 3022 3023 3027 3028  
 1081 VTD: 11717 - 17 JOHNS CREEK  
 1082 VTD: 11718 - 18 DAVES CREEK  
 1083 VTD: 11719 - 19 OLD ATLANTA  
 1084 VTD: 11721 - 21 SOUTH FORSYTH  
 1085 VTD: 11724 - 24 SHARON FORKS  
 1086 VTD: 11725 - 25 WINDERMERE  
 1087 VTD: 11731 - 31 SAINT MARLO

1088 APPENDIX B  
 1089 LEGAL DESCRIPTION  
 1090 COUNCIL DISTRICTS  
 1091 CITY OF SHARON SPRINGS

1092 Plan: SharonSprings-dist-2017  
 1093 Plan Type: Local  
 1094 Administrator: H025  
 1095 User: Gina  
  
 1096 District 001  
 1097 Forsyth County  
 1098 VTD: 11701 - 01 Big Creek  
 1099 130603:  
 1100 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1101 1012 1013 1014 1015 1022 1023 3000 3001 3002 3003 3004  
 1102 130605:  
 1103 1001 1002 1003 1004 1005 1006 2003 2004 2005 2006 2007 2008  
 1104 2009 2010 2011 2012 2013  
 1105 130612:  
 1106 2000

1107 130613:  
 1108 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1109 1012 1013 1014 2000 2001 2002 2003 2004 2005 2006 2007 2008  
 1110 2009 2010 2011 2012 2013 2014  
 1111 VTD: 11702 - 02 Brandywine  
 1112 130602:  
 1113 1015 1016 1017 1018 1021 1022 1023 1024 1025  
 1114 130603:  
 1115 1016 1017 1018 1019 1020 1021 3005 3006 3007 3008 3009 3010  
 1116 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022  
 1117 3025 3026 3027 3028  
 1118 VTD: 11714 - 14 LAKELAND  
 1119 130510:  
 1120 3005 3007 3008 3009 3014 3016 3018 3021 3022 3023 3027 3028  
 1121 VTD: 11718 - 18 DAVES CREEK  
 1122 VTD: 11725 - 25 WINDERMERE  
 1123 130510:  
 1124 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 3012  
 1125 3013 3015 3024 3025 3029  
 1126 130607:  
 1127 1000 1006 1008 2000 2001 2002 2003 2004 2005 2006 2007 2008  
 1128 2009 2010 2011  
  
 1129 District 002  
 1130 Forsyth County  
 1131 VTD: 11717 - 17 JOHNS CREEK  
 1132 130604:  
 1133 2000 2001  
 1134 VTD: 11719 - 19 OLD ATLANTA  
 1135 130611:  
 1136 1005  
 1137 VTD: 11721 - 21 SOUTH FORSYTH  
 1138 130612:  
 1139 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1140 2001 2002 2003 3000 3001 3002 3003 3004 3005 3006 3007 3008  
 1141 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020  
 1142 VTD: 11724 - 24 SHARON FORKS

- 1143 VTD: 11725 - 25 WINDERMERE  
 1144 130510:  
 1145 2000 2001 2002 2003 2004 2005 2006 2007  
 1146 130609:  
 1147 3000 3005
- 1148 District 003  
 1149 Forsyth County
- 1150 VTD: 11701 - 01 Big Creek  
 1151 130604:  
 1152 3000 3001 3002 3003 3004
- 1153 VTD: 11717 - 17 JOHNS CREEK  
 1154 130604:  
 1155 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011  
 1156 130606:  
 1157 1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000  
 1158 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012  
 1159 2013 2014 2015 2016
- 1160 130608:  
 1161 1003 1011 1013 1016 1017 2008 2009 2010 2011 2012 3004 3007  
 1162 3010 3013 3014 3015
- 1163 VTD: 11719 - 19 OLD ATLANTA  
 1164 130608:  
 1165 1004 1005 1006 1007 1008 1009 1010 1018 1019  
 1166 130610:  
 1167 1000 1001 1004 3000 3001 3002 3003
- 1168 130611:  
 1169 1004
- 1170 VTD: 11721 - 21 SOUTH FORSYTH  
 1171 130608:  
 1172 2000 2002 2003 2006  
 1173 130610:  
 1174 2000 2001 2002 2006
- 1175 VTD: 11731 - 31 SAINT MARLO
- 1176 For the purposes of this plan, the term "VTD" (voting tabulation district) shall mean and  
 1177 describe the same geographical boundaries as provided in the report of the Bureau of the

1178 Census for the United States decennial census of 2010 for the State of Georgia. The separate  
 1179 numeric designations in a district description which are underneath a VTD heading shall  
 1180 mean and describe individual blocks within a VTD as provided in the report of the Bureau  
 1181 of the Census for the United States decennial census of 2010 for the State of Georgia.  
 1182 Districts 1, 2, and 3 in such plan shall correspond with Districts 1, 2, and 3, respectively, of  
 1183 the city council. Any part of the city which is not included in District 1, 2, or 3 as described  
 1184 in this appendix shall be included within that district contiguous to such part which contains  
 1185 the least population according to the United States decennial census of 2010 for the State of  
 1186 Georgia. Any part of the city which is described in that attachment describing Districts 1,  
 1187 2, and 3 as being in District 1, 2, or 3 shall nevertheless not be included within such district  
 1188 if such part is not contiguous to such district. Such noncontiguous part shall instead be  
 1189 included within the post that is contiguous to such part which contains the least population  
 1190 according to the United States decennial census of 2010 for the State of Georgia. Except as  
 1191 otherwise provided in the description of any district, whenever the description of such district  
 1192 refers to a named city, it shall mean the geographical boundaries of that city as shown on the  
 1193 census map for the United States decennial census of 2010 for the State of Georgia. If any  
 1194 area included within the descriptions of District 1, 2, or 3 is on the effective date of this Act  
 1195 within the municipal boundaries of another municipality or within a county other than  
 1196 Forsyth County, such area shall not be included within the district descriptions of such posts.

1197 APPENDIX C

1198 CERTIFICATE AS TO MINIMUM STANDARDS

1199 FOR INCORPORATION OF A NEW MUNICIPAL CORPORATION

1200 I, Todd Jones, Representative from the 25th District, and the author of this bill introduced  
 1201 at the 2017 session of the General Assembly of Georgia, which grants an original municipal  
 1202 charter to the City of Sharon Springs, do hereby certify that this bill is in compliance with  
 1203 the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. in that the area  
 1204 embraced within the original incorporation in this bill is in all respects in compliance with  
 1205 the minimum standards required by Chapter 31 of Title 36 of the O.C.G.A. This certificate  
 1206 is executed to conform to the requirements of Code Section 36-31-5 of the O.C.G.A.

1207 So certified this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

1208 \_\_\_\_\_  
 1209 Honorable Todd Jones

1210

Representative, District 25

1211

Georgia House of Representatives