

House Bill 937

By: Representative Bentley of the 139th

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Reynolds; to provide for incorporation, boundaries,
2 powers, and construction; to provide for a governing authority, its election, and terms; to
3 provide for vacancies; to provide for inquiries and investigations; to provide for meetings and
4 voting of the governing authority; to provide for powers of the mayor and for a mayor pro
5 tem; to provide for administrative and service departments; to provide for boards,
6 commissions, and authorities; to provide for ordinances; to provide for a city manager, city
7 clerk, and city attorney; to provide for employment matters; to provide for a municipal court,
8 its judges, jurisdiction, and powers; to provide for certiorari and rules of the court; to provide
9 for elections and removal of the governing authority; to provide for budgets; to provide for
10 disposition of municipal property; to provide for taxes, fees, franchises, and other charges
11 and assessments; to provide for bonds and short-term loans; to provide contract procedures;
12 to provide for bonds for officials, prior ordinances, existing personnel and officers, pending
13 matters, and construction; to provide for related matters; to provide a specific repealer; to
14 repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

16 ARTICLE I
17 INCORPORATION AND POWERS

18 SECTION 1.10.

19 Name.

20 This city and the inhabitants thereof, are reincorporated by the enactment of this charter and
21 are hereby constituted and declared a body politic and corporate under the name and style
22 City of Reynolds, Georgia, and by that name shall have perpetual succession.

23 **SECTION 1.11.**

24 Corporate boundaries.

25 (a) The corporate boundaries of this city shall be those existing on the effective date of this
 26 charter with such alterations as may be made from time to time by local law or the manner
 27 provided by general state law. The boundaries of this city at all times shall be shown on a
 28 map, a written description, or any combination thereof, to be retained permanently in the
 29 office of the city clerk and to be designated, as the case may be: "The official map or
 30 description of the corporate limits of the City of Reynolds, Georgia." Photographic, typed,
 31 or other copies of such map or description certified by the city clerk shall be admissible as
 32 evidence in all courts of law and shall have the same force and effect as the original map or
 33 description.

34 (b) The city council may provide for the redrawing of any such map by ordinance to reflect
 35 lawful changes in the corporate boundaries. A redrawn map shall supersede, for all purposes,
 36 the earlier map or maps which it designated to replace but such earlier maps shall be retained
 37 in the office of the city clerk.

38 **SECTION 1.12.**

39 Powers and construction.

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

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

47 **SECTION 1.13.**

48 Examples of Powers.

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

54 (b) Appropriations and Expenditures. To make appropriations for the support of the
55 government of the city; to authorize the expenditure of money for any purposes authorized
56 by this charter and for any purpose for which a municipality is authorized by the laws of the
57 State of Georgia; and to provide for the payment of expenses of the city.

58 (c) Building Regulation. To regulate and to license the erection and construction of
59 buildings and all other structures; to adopt building, housing, plumbing, fire safety, electrical,
60 gas, and heating and air conditioning codes; and to regulate all housing, and building trades;

61 (d) Business Regulation and Taxation. To levy and to provide for the collection of
62 regulatory fees and taxes on privileges, occupations, trades, and professions as authorized
63 by Title 48 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;
64 to permit and regulate the same; to provide for the manner and method of payment of such
65 regulatory fees and taxes; and to revoke such permits after due process for failure to pay any
66 city taxes or fees.

67 (e) Condemnation. To condemn property, inside or outside the corporate limits of the city,
68 for present or future use and for any corporate purpose deemed necessary by the governing
69 authority, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other
70 applicable laws as are or may hereafter be enacted.

71 (f) Contracts. To enter into contracts and agreements with other governmental entities and
72 with private persons, firms, and corporations.

73 (g) Emergencies. To establish procedures for determining and proclaiming that an
74 emergency situation exists within or without the city, and to make and carry out all
75 reasonable provisions deemed necessary to deal with or meet such an emergency for the
76 protection, safety, health, or well-being of the citizens of the city.

77 (h) Environmental Protection. To protect and preserve the natural resources, environment
78 and vital areas of the city, the region, and the state through the preservation and improvement
79 of air quality, the restoration and maintenance of water resources, the control of erosion and
80 sedimentation, the management of storm water and establishment of a storm-water utility,
81 the management of solid and hazardous waste, and other necessary actions for the protection
82 of the environment.

83 (i) Fire Regulations. To fix and establish fire limits and from time to time to extend,
84 enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general
85 law, relating to both fire prevention and detection and to firefighting; and to prescribe
86 penalties and punishment for violations thereof.

87 (j) Garbage Fees. To levy, fix, assess, and collect a garbage, refuse and trash collection and
88 disposal, and other sanitary service charge, or fee for such services as may be necessary in
89 the operation of the city from all individuals, firms, and corporations, residing in or doing

- 90 business therein benefiting from such services; to enforce the payment of such charges, or
91 fees; and to provide for the manner and method of collecting such service charges.
- 92 (k) General Health, Safety, and Welfare. To define, regulate, and prohibit any act, practice,
93 conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare,
94 and safety of the inhabitants of the city, and to provide for the enforcement of such standards.
- 95 (l) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any
96 purpose related to powers and duties of the city and the general welfare of its citizens, on
97 such terms and conditions as the donor or grantor may impose.
- 98 (m) Health and Sanitation. To prescribe standards of health and sanitation and to provide
99 for the enforcement of such standards.
- 100 (n) Jail Sentences. To provide that persons given jail sentences in the city's court may work
101 out such sentences in any public works or on the streets, roads, drains, and other public
102 property in the city, to provide for commitment of such persons to any jail, to provide for the
103 use of pretrial diversion and any alternative sentencing allowed by law, or to provide for
104 commitment of such persons to any county work camp or county jail by agreement with the
105 appropriate county officials.
- 106 (o) Motor Vehicles. To regulate the operation of motor vehicles and exercise control over
107 all traffic, including parking upon or across the streets, roads, alleys, and walkways of the
108 city.
- 109 (p) Municipal Agencies and Delegation of Power. To create, alter, or abolish departments,
110 boards, offices, commissions, and agencies of the city, and to confer upon such agencies the
111 necessary and appropriate authority for carrying out all the powers conferred upon or
112 delegated to the same.
- 113 (q) Municipal Debts. To appropriate and borrow money for the payment of debts of the city
114 and to issue bonds for the purpose of raising revenue to carry out any project, program, or
115 venture authorized by this charter or the laws of the State of Georgia.
- 116 (r) Municipal Property Ownership. To acquire, dispose of, lease, and hold in trust or
117 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
118 outside the property limits of the city.
- 119 (s) Municipal Property Protection. To provide for the preservation and protection of
120 property and equipment of the city, and the administration and use of the same by the public;
121 and to prescribe penalties and punishment for violations thereof.
- 122 (t) Municipal Utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of
123 public utilities, including but not limited to a system of waterworks, sewers and drains,
124 sewage disposal, storm water management, and any other public utility; and to fix the taxes,
125 charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the
126 withdrawal of service for refusal or failure to pay the same.

- 127 (u) Nuisance. To define a nuisance and provide for its abatement whether on public or
128 private property.
- 129 (v) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the
130 authority of this charter and the laws of the State of Georgia.
- 131 (w) Planning and Zoning. To provide comprehensive city planning for development by
132 zoning; and to provide subdivision regulation and the like as the city council deems
133 necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community.
- 134 (x) Police and Fire Protection. To exercise the power of arrest through duly appointed
135 police officers, and to establish, operate, or contract for a police and firefighting agency.
- 136 (y) Public Hazards; Removal. To provide for the destruction and removal of any building
137 or other structure, which is or may become dangerous or detrimental to the public.
- 138 (z) Public Improvements. To provide for the acquisition, construction, building, operation,
139 and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries,
140 markets and market houses, public buildings, libraries, public housing, airports, hospitals,
141 terminals, docks, parking facilities, or charitable, cultural, educational, recreational,
142 conservation, sport, curative, corrective, detentional, penal, and medical institutions,
143 agencies, and facilities; and to provide any other public improvements inside or outside the
144 corporate limits of the city; to regulate the use of public improvements; and for such
145 purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such
146 other applicable laws as are or may hereafter be enacted.
- 147 (aa) Public Peace. To provide for the prevention and punishment of loitering, disorderly
148 conduct, drunkenness, riots, and public disturbances.
- 149 (bb) Public Utilities and Services. To grant franchises or to make contracts for, or impose
150 taxes on public utilities and public service companies; and to prescribe the rates, fares,
151 regulations, and standards and conditions of service applicable to the service to be provided
152 by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the
153 Public Service Commission.
- 154 (cc) Regulation and Roadside Areas. To prohibit or regulate and control the erection,
155 removal, and maintenance of signs, billboards, trees, shrubs, fences, building and any and
156 all structures or obstructions upon or adjacent to the rights-of-way of streets and roads or
157 within view thereof, within or abutting the corporate limits of the city; and to prescribe
158 penalties and punishment for violation of such ordinances.
- 159 (dd) Retirement. To provide and maintain a retirement plan and other employee benefit
160 plans and programs for officers and employees of the city.
- 161 (ee) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of,
162 abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve,
163 maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within

164 the corporate limits of the city; and to grant franchises and rights-of-way throughout the
165 streets and roads, and over the bridges and viaducts for the use of public utilities; and to
166 require real estate owners to repair and maintain in a safe condition the sidewalks adjoining
167 their lots or lands, and to impose penalties for failure to do so.

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

175 (gg) Solid Waste Disposal. To provide for the collection and disposal of garbage, rubbish,
176 and refuse, and to regulate the collection and disposal of garbage, rubbish, and refuse by
177 others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper,
178 and other recyclable materials, and to provide for the sale of such items.

179 (hh) Special Areas of Public Regulation. To regulate or prohibit junk dealers, the
180 manufacture and sale of intoxicating liquors; to regulate the transportation, storage, and use
181 of combustible, explosive, and inflammable materials, the use of lighting and heating
182 equipment, and any other business or situation which may be dangerous to persons or
183 property; to regulate and control the conduct of peddlers and itinerant traders, theatrical
184 performances, exhibitions, and shows of any kind, by taxation or otherwise; to license and
185 tax professional fortunetelling, palmistry, and massage parlors; and to restrict adult
186 bookstores to certain areas.

187 (ii) Special Assessments. To levy and provide for the collection of special assessments to
188 cover the costs of any public improvements.

189 (jj) Ad Valorem Taxation. To levy and provide for the assessment, valuation, revaluation,
190 and collection of taxes on all property subject to taxation.

191 (kk) Other Taxation. To levy and collect such other taxes as may be allowed now or in the
192 future by law.

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

197 (mm) Urban Redevelopment. To organize and operate an urban redevelopment program.

198 (nn) Other Powers. To exercise and enjoy all other powers, functions, rights, privileges, and
199 immunities necessary or desirable to promote or protect the safety, health, peace, security,
200 good order, comfort, convenience, or general welfare of the city and its inhabitants; and to

201 exercise all implied powers necessary or desirable to carry into execution all powers granted
 202 in this charter as fully and completely as if such powers were fully stated herein; and to
 203 exercise all powers now or in the future authorized to be exercised by other municipal
 204 governments under other laws of the State of Georgia; and no listing of particular powers in
 205 this charter shall be held to be exclusive of others, nor restrictive of general words and
 206 phrases granting powers, but shall be held to be in addition to such powers unless expressly
 207 prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

208 **SECTION 1.14.**

209 Exercise of powers.

210 All powers, functions, right, privileges, and immunities of the city, its officers, agencies, or
 211 employees shall be carried into execution as provided by this charter. If this charter makes
 212 no provision, such shall be carried into execution as provided by ordinance or as provided
 213 by pertinent laws of the State of Georgia.

214 **ARTICLE II**

215 **GOVERNMENT STRUCTURE**

216 **SECTION 2.10.**

217 City council creation; number; election.

218 The legislative authority of the government of this city, except as otherwise specifically
 219 provided in this charter, shall be vested in a city council to be composed of a mayor and six
 220 councilmembers. The mayor and councilmembers shall all be elected at-large, with each
 221 councilmember filling a designated post. The city council established shall in all respects
 222 be a successor to and continuation of the governing authority under prior law. The mayor
 223 and councilmembers shall be elected in the manner provided by general law and this charter.

224 **SECTION 2.11.**

225 City council terms and qualifications for office.

226 The mayor and members of the city council shall serve for terms of four years and until their
 227 respective successors are elected and qualified. No mayor or councilmember elected and
 228 qualified for two full consecutive terms shall be eligible for the succeeding term, regardless
 229 of post designation. No person shall be eligible to serve as mayor or member of the council
 230 unless that person shall have been a resident of the city for 12 months prior to the date of
 231 election of mayor or members of the city council; each shall continue to reside therein during

232 that member's period of service and to be registered and qualified to vote in municipal
233 elections of this city.

234 **SECTION 2.12.**

235 Vacancy; filling of vacancies.

236 (a) The office of mayor or councilmember shall become vacant upon the incumbent's death,
237 resignation, forfeiture of office, or occurrence of any event specified by the Constitution of
238 the State of Georgia, Title 45 of the O.C.G.A., or such other applicable laws as are or may
239 hereafter be enacted.

240 (b) Filling of Vacancies - A vacancy in the office of mayor or councilmember shall be filled
241 for the remainder of the unexpired term, if any, by appointment by the city council or those
242 members remaining if less than 12 months remains in the unexpired term. If such vacancy
243 occurs 12 months or more prior to the expiration of the term of that office, it shall be filled
244 for the remainder of the unexpired term by a special election, as provided for in Section 5.14
245 of this charter and in accordance with Titles 21 and 45 of the O.C.G.A., or such other laws
246 as are or may hereafter be enacted.

247 (c) This provision shall also apply to a temporary vacancy created by the suspension from
248 office of the mayor or any councilmember.

249 **SECTION 2.13.**

250 Compensation and expenses.

251 The mayor and council shall receive such salary, compensation, and reimbursement of
252 expenses as provided by future ordinance. The salary for the initial mayor and council
253 hereunder shall be \$25.00 per month per councilmember and \$1,000.00 annually for the
254 mayor. Any change in compensation for the mayor or councilmembers shall not take place
255 prior to the start of the calendar year following the date on which the change was made.

256 **SECTION 2.14.**

257 Holding other offices; voting when financially interested.

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

260 (b) Except as authorized by law, the mayor or any councilmember shall not hold any other
261 city office or city employment during the term for which that person was elected.

262 (c) Neither the mayor nor any member of the city council shall vote upon, sign, or veto any
 263 ordinance, resolution, contract, or other matter in which that person is financially interested.

264 **SECTION 2.15.**

265 Inquiries and investigations.

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

272 **SECTION 2.16.**

273 General power and authority of the city council.

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

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

283 **SECTION 2.17.**

284 Eminent domain.

285 The city council is hereby empowered to acquire, construct, operate, and maintain public
 286 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
 287 sewers, drains, waterworks, electrical systems, airports, and charitable, educational,
 288 recreational, sport, curative, corrective, detentional, penal, and medical institutions, agencies,
 289 and facilities, and any other public improvements inside or outside the city, and to regulate
 290 the use thereof, and for such purposes, property may be condemned under procedures
 291 established under general law applicable now or as provided in the future.

292

SECTION 2.18.

293

Organizational meetings.

294 The city council shall hold an organizational meeting on the second Monday in January. The
 295 meeting shall be called to order by the mayor, or mayor-elect, and the oath of office shall be
 296 administered to the newly elected members by a judicial officer authorized to administer
 297 oaths and shall, to the extent that it comports with federal and state law, be as follows:

298 "I do solemnly (swear)(affirm) that I will faithfully perform the duties of
 299 (mayor)(councilmember) of this city and that I will support and defend the charter thereof
 300 as well as the Constitution and laws of the State of Georgia and of the United States of
 301 America. I am not the holder of any unaccounted for public money due this state or any
 302 political subdivision or authority thereof. I am not the holder of any office of trust under the
 303 government of the United States, any other state, or any foreign state which I by the laws of
 304 the State of Georgia am prohibited from holding. I am otherwise qualified to hold said office
 305 according to the Constitution and laws of Georgia. I have been a resident of the City of
 306 Reynolds for the time required by the Constitution and laws of this state and by the municipal
 307 charter. I will perform the duties of my office in the best interest of the City of Reynolds to
 308 the best of my ability without fear, favor, affection, reward, or expectation thereof."

309

SECTION 2.19.

310

Regular and special meetings.

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

313 (b) Special meetings of the city council may be held on call of the mayor or any four
 314 members of the council. Notice of such special meetings shall be served on all other
 315 members personally, or by telephone personally, at 48 hours in advance of the meeting. Such
 316 notice to councilmembers shall not be required if the mayor and all councilmembers are
 317 present when the special meeting is called. Such notice of any special meeting may be
 318 waived by a councilmember in writing before or after such a meeting, and attendance at the
 319 meeting shall also constitute a waiver of notice on any business transacted in such
 320 councilmember's presence. Only the business stated in the call may be transacted at the
 321 special meeting.

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

326 **SECTION 2.20.**

327 Rules of procedure.

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

331 (b) All committees and committee chairs of the city council shall be appointed by the mayor
332 and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new
333 members to any committee at any time.

334 **SECTION 2.21.**

335 Quorum; voting.

336 (a) The mayor, or mayor pro tem, and any additional three councilmembers shall constitute
337 a quorum and shall be authorized to transact business of the city council. Voting on the
338 adoption of ordinances, resolutions, and motions shall be by voice vote and the vote shall be
339 recorded in the journal, but any member of the city council shall have the right to request a
340 roll call vote and such vote shall be recorded in the journal. Except as otherwise provided
341 in this charter, the affirmative vote of four councilmembers shall be required for the adoption
342 of any ordinance, resolution, or motion. The mayor shall count as a councilmember for the
343 purposes of meeting the requirement of a quorum; provided, however, that notwithstanding
344 anything to the contrary contained herein, the mayor shall not have the right to make
345 motions.

346 (b) No member of the city council shall abstain from voting on any matter properly brought
347 before the city council for official action except when such councilmember has a conflict of
348 interest that is disclosed in writing prior to or at the meeting and made a part of the minutes.
349 Any member of the city council present and eligible to vote on a matter and refusing to do
350 so for any reason other than a properly disclosed and recorded conflict of interest shall be
351 deemed to have acquiesced or concurred with the members of the majority who did vote on
352 the question involved.

353 **SECTION 2.22.**

354 Ordinance form; procedures.

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

357 enacting clause shall be "It is hereby ordained by the governing authority of the City of
358 Reynolds" and every ordinance shall so begin.

359 (b) An ordinance may be introduced by any councilmember and be read at a regular or
360 special meeting of the city council. Ordinances shall be considered and adopted or rejected
361 by the city council in accordance with the rules which it shall establish; provided, however,
362 that an ordinance shall not be adopted the same day it is introduced, except for emergency
363 ordinances provided in Section 2.24 of this charter. Upon introduction of any ordinance, the
364 clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and
365 shall file a reasonable number of copies in the office of the clerk and at such other public
366 places as the city council may designate.

367 **SECTION 2.23.**

368 Action requiring an ordinance.

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

370 **SECTION 2.24.**

371 Emergencies.

372 (a) To meet a public emergency affecting life, health, property, or public peace, the city
373 council may convene on call of the mayor or four councilmembers and promptly adopt an
374 emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a
375 franchise; regulate the rate charged by any public utility for its services; or authorize the
376 borrowing of money except for loans to be repaid within 30 days. An emergency ordinance
377 shall be introduced in the form prescribed for ordinances generally, except that it shall be
378 plainly designated as an emergency ordinance and shall contain, after the enacting clause,
379 a declaration stating that an emergency exists, and describing the emergency in clear and
380 specific terms. An emergency ordinance may be adopted, with or without amendment, or
381 rejected at the meeting at which it is introduced, but the affirmative vote of at least four
382 councilmembers shall be required for adoption. It shall become effective upon adoption or
383 at such later time as it may specify. Every emergency ordinance shall automatically stand
384 repealed 30 days following the date upon which it was adopted, but this shall not prevent
385 reenactment of the ordinance in the manner specified in this section if the emergency still
386 exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance
387 in the same manner specified in this section for adoption of emergency ordinances. The
388 mayor shall count as a councilmember for the purposes of meeting the requirement of a

389 quorum; however, notwithstanding anything to the contrary contained herein, the mayor shall
390 not have the right to make a motion from the floor.

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 2.25.**

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 general except that:

400 (1) The requirements of subsection (b) of Section 2.22 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 clerk pursuant to Section 2.26 of
405 this charter.

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

408 **SECTION 2.26.**

409 Signing; authenticating; recording; codification; printing.

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

412 (b) The city council shall provide for the preparation of a general codification of all the
413 ordinances of the city having the force and effect of law. The general codification shall be
414 adopted by the city council by ordinance and shall be published promptly, together with all
415 amendments thereto and such codes of technical regulations and other rules and regulations
416 as the city council may specify. This compilation shall be known and cited officially as "The
417 Code of the City of Reynolds, Georgia." Copies of the code shall be furnished to all officers,
418 departments, and agencies of the city, and made available for purchase by the public at a
419 reasonable price as fixed by the city council.

420 (c) The city council shall cause each ordinance and each amendment to this charter to be
421 printed promptly following its adoption, and the printed ordinances and charter amendments

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

429 **SECTION 2.27.**

430 Election of mayor; forfeiture; compensation.

431 The mayor shall be elected and serve for a term of four years and until a successor is elected
 432 and qualified. The mayor shall be a qualified elector of this city and shall have been a
 433 resident of this city for 12 months preceding the election. The mayor shall continue to reside
 434 in this city during the period of service. The mayor shall forfeit the office on the same
 435 grounds and under the same procedure as for councilmembers. The compensation of the
 436 mayor shall be established in the same manner as for councilmembers.

437 **SECTION 2.28.**

438 Mayor pro tem.

439 By a majority vote, the city council shall elect a councilmember to serve as mayor pro tem.
 440 The mayor pro tem shall assume the duties and powers of the mayor during the mayor's
 441 physical or mental disability, suspension from office, or absence. Any such disability or
 442 absence shall be declared by a majority vote of the city council. The mayor pro tem shall
 443 sign all contracts and ordinances in which the mayor has a disqualifying financial interest as
 444 provided in Section 2.14 of this charter. When acting as mayor, the mayor pro tem shall
 445 continue to have only one vote as a member of the council. If a vacancy occurs in the office
 446 of mayor, the mayor pro tem shall serve as mayor for the remainder of the unexpired term.

447 **SECTION 2.29.**

448 Powers and duties of mayor.

449 As the chief executive of this city, the mayor shall:

- 450 (1) Preside at all meetings of the city council;
- 451 (2) Be the head of the city for the purpose of service of process and for ceremonial
- 452 purposes, and be the official spokesperson for the city and the chief advocate of policy;

- 453 (3) Have the power to administer oaths and to take affidavits;
- 454 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
455 ordinances, and other instruments executed by the city which by law are required to be
456 in writing;
- 457 (5) Vote on matters before the city council and be counted toward a quorum as any other
458 councilmember;
- 459 (6) Fulfill such other executive and administrative duties as the city council shall by
460 ordinance establish;
- 461 (7) Recommend to the city council such measures relative to the affairs of the city,
462 improvement of the government, and promotion of the welfare of its inhabitants as the
463 mayor may deem expedient; and
- 464 (8) Call special meetings of the city council as provided for in Section 2.19(b) of this
465 charter.

466 **ARTICLE III**

467 **ADMINISTRATIVE AFFAIRS**

468 **SECTION 3.10.**

469 **Administrative and service departments.**

- 470 (a) Except as otherwise provided in this charter, the city council, by ordinance, shall
471 prescribe the functions or duties, and establish, abolish, alter, consolidate, or leave vacant all
472 non-elective offices, positions of employment, departments, and agencies of the city, as
473 necessary for the proper administration of the affairs and government of this city.
- 474 (b) Except as otherwise provided by this charter or by law, the directors of departments and
475 other appointed officers of the city shall be appointed solely on the basis of their respective
476 administrative and professional qualifications.
- 477 (c) All appointed officers and directors of departments shall receive such compensation as
478 prescribed by ordinance or resolution.
- 479 (d) There shall be a director of each department or agency who shall be its principal officer.
480 Each director shall, subject to the direction and supervision of the mayor and city council,
481 be responsible for the administration and direction of the affairs and operations of that
482 director's department or agency.
- 483 (e) All appointed officers and directors under the supervision of the mayor and city council
484 shall be nominated and confirmed by the mayor and city council. All appointed officers and
485 directors shall be employees at-will and subject to removal or suspension at any time by the
486 mayor and city council unless otherwise provided by law or ordinance.

487

SECTION 3.11.

488

Boards, commissions and authorities.

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

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

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

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

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

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

508 (g) All board members serve at-will and may be removed at any time by a vote of four
509 members of the city council, or of three members of the city council and the mayor, unless
510 otherwise provided by law.

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

519 **SECTION 3.12.**

520 City attorney.

521 The city council and mayor shall appoint a city attorney, together with such assistant city
522 attorneys as may be authorized, and shall provide for the payment of such attorney or
523 attorneys for services rendered to the city. The city attorney shall be responsible for
524 providing for the representation and defense of the city in all litigation in which the city is
525 a party; may be the prosecuting officer in the municipal court; shall attend the meetings of
526 the council as directed; shall advise the city council, mayor, and other officers and employees
527 of the city concerning legal aspects of the city's affairs; and shall perform such other duties
528 as may be required by virtue of the person's position as city attorney. The city attorney is not
529 a public official of the city and does not take an oath of office. The city attorney shall at all
530 times be an independent contractor. A law firm, rather than an individual, may be designated
531 as the city attorney.

532 **SECTION 3.13.**

533 City clerk.

534 The city council and mayor shall appoint a city clerk who shall not be a councilmember. The
535 city clerk shall be custodian of the official city seal and city records; maintain city council
536 records required by this charter; and perform such other duties as may be required by the city
537 council.

538 **SECTION 3.14.**

539 Position classification and pay plans.

540 The mayor and city council shall be responsible for the preparation of a position
541 classification and pay plan which shall be submitted to the city council for approval. Such
542 plan may apply to all employees of the city and any of its agencies, departments, boards,
543 commissions, or authorities. When a pay plan has been adopted, the city council shall not
544 increase or decrease the salary range applicable to any position except by amendment of such
545 pay plan. For purposes of this section, all elected and appointed city officials are not city
546 employees. Notwithstanding the foregoing, the city clerk shall hold the dual status of
547 appointee and city employee.

548 **SECTION 3.15.**

549 Personnel policies.

550 All employees serve at-will and may be removed from office at any time unless otherwise
551 provided by ordinance.

552 **ARTICLE IV**

553 **JUDICIAL BRANCH; MUNICIPAL COURT**

554 **SECTION 4.10.**

555 Creation; name.

556 There shall be a court to be known as the municipal court of the City of Reynolds.

557 **SECTION 4.11.**

558 Chief judge; associate judge.

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

561 (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless
562 that person shall possess all qualifications required by law. All judges shall be appointed by
563 the city council and shall serve until a successor is appointed and qualified.

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

565 (d) Judges may be removed in accordance with Code Section 36-32-2.1 of the O.C.G.A.

566 (e) Before assuming office, each judge shall take an oath, given by the mayor, that the judge
567 will honestly and faithfully discharge the duties of the office to the best of that person's
568 ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of
569 the city council journal required in Section 2.20 of this charter.

570 **SECTION 4.12.**

571 Convening.

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

573

SECTION 4.13.

574

Jurisdiction; powers.

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

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

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

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

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

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

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

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

608 **SECTION 4.14.**

609 Certiorari.

610 The right of certiorari from the decision and judgment of the municipal court shall exist in
 611 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
 612 the sanction of a judge of the Superior Court of Taylor County under the laws of the State
 613 of Georgia regulating the granting and issuance of writs of certiorari.

614 **SECTION 4.15.**

615 Rules for court.

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

623 **ARTICLE V**

624 **ELECTIONS AND REMOVAL**

625 **SECTION 5.10.**

626 Applicability of general law.

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

629 **SECTION 5.11.**

630 Election of the city council and mayor.

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

633 (b) Each council position shall be designated as a post for the purposes of conducting
 634 elections. There shall be elected the mayor and two council posts (Post III and Post IV) at
 635 one election and at every other regular election thereafter. The current terms for the mayor
 636 and council Posts III and IV will expire on December 31, 2019. Council Posts I, II, V, and
 637 VI shall be filled at the election alternating with the first election so that a continuing body

638 is created. The current terms for council Posts I, II, V, and VI will expire on December 31,
639 2021. Terms shall be for four years.

640 **SECTION 5.12.**

641 Nonpartisan elections.

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

644 **SECTION 5.13.**

645 Election by plurality.

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

647 **SECTION 5.14.**

648 Special elections; vacancies.

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

656 **SECTION 5.15.**

657 Other provisions.

658 Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe
659 such rules and regulations it deems appropriate to fulfill any options and duties under the
660 Georgia Election Code, Title 21, Chapter 2 of the O.C.G.A. as now or hereafter amended.

661 **SECTION 5.16.**

662 Removal of officers.

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

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

668 (1) Following a hearing at which an impartial panel shall render a decision. In the event
669 an elected officer is sought to be removed by the action of the city council, such officer
670 shall be entitled to a written notice specifying the ground or grounds for removal and to
671 a public hearing which shall be held not less than ten days after the service of such
672 written notice. The city council shall provide by ordinance for the manner in which such
673 hearings shall be held. Any elected officer sought to be removed from office as herein
674 provided shall have the right of appeal from the decision of the city council to the
675 Superior Court of Taylor County. Such appeal shall be governed by the same rules as
676 govern appeals to the superior court from the probate court; or

677 (2) By an order of the Superior Court of Taylor County following a hearing on a
678 complaint seeking such removal brought by any resident of the City of Reynolds.

679 **ARTICLE VI**

680 **FINANCE**

681 **SECTION 6.10.**

682 Property tax.

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

689 **SECTION 6.11.**

690 Millage rate; due dates; payment methods.

691 The city council, by resolution, shall establish a millage rate for the city property tax, a due
692 date, and the time period within which these taxes must be paid. The city council, by said

693 resolution, may also provide for the payment of these taxes by two installments or in one
694 lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

695 **SECTION 6.12.**

696 Occupation and business taxes.

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

701 **SECTION 6.13.**

702 Regulatory fees; permits.

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

708 **SECTION 6.14.**

709 Franchises.

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

721 (b) If no franchise agreement is in effect, the city council shall have the authority to impose
722 a tax on gross receipts for the use of this city's streets and alleys for the purposes of railroads,
723 street railways, telephone companies, electric companies, electric membership corporations,

724 cable television and other telecommunications companies, gas companies, transportation
725 companies, and other similar organizations.

726 **SECTION 6.15.**

727 Service charges.

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

732 **SECTION 6.16.**

733 Special assessments.

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

738 **SECTION 6.17.**

739 Construction; other taxes and fees.

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

743 **SECTION 6.18.**

744 Collection of delinquent taxes and fees.

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

752 **SECTION 6.19.**

753 General obligation bonds.

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

758 **SECTION 6.20.**

759 Revenue bonds.

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

763 **SECTION 6.21.**

764 Short-term loans.

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

767 **SECTION 6.22.**

768 Lease-purchase contracts.

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

776 **SECTION 6.23.**

777 Fiscal year.

778 The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the
 779 budget year and the year for financial accounting and reporting of each and every office,

780 department, agency, and activity of the city government unless otherwise provided by state
781 or federal law.

782 **SECTION 6.24.**

783 Preparation of budgets.

784 The city council shall provide an ordinance on the procedures and requirements for the
785 preparation and execution of an annual operating budget, a capital improvement plan, and
786 a capital budget, including requirements as to the scope, content, and form of such budgets
787 and plans.

788 **SECTION 6.25.**

789 Submission of operating budget to city council.

790 On or before a date fixed by the city council but not later than 30 days prior to the beginning
791 of each fiscal year, the clerk in direct coordination with the mayor and city council shall
792 submit to the city council a proposed operating budget for the ensuing fiscal year. The
793 budget shall be accompanied by a message from the city clerk containing a statement of the
794 general fiscal policies of the city, the important features of the budget, explanations of major
795 changes recommended for the next fiscal year, a general summary of the budget, and such
796 other pertinent comments and information. The operating budget and the capital budget
797 hereinafter provided for, the budget message, and all supporting documents shall be filed in
798 the office of the city clerk and shall be open to public inspection.

799 **SECTION 6.26.**

800 Action by city council on budget.

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

806 (b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal
807 year not later than the 30th day prior to the beginning of each fiscal year. If the city council
808 fails to adopt the budget by this date, the amounts appropriated for operation for the current
809 fiscal year shall be deemed adopted by the ensuing fiscal year on a month-to-month basis,
810 with all items prorated accordingly until such time as the city council adopts a budget for the

811 ensuing fiscal year. Adoption of the budget shall take the form of an appropriations
812 ordinance setting out the estimated revenues in detail by sources and making appropriations
813 according to fund and by organizational unit, purpose, or activity as set out in the budget
814 preparation ordinance adopted pursuant to Section 6.24 of this charter.

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

819 **SECTION 6.27.**

820 Tax levies.

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

827 **SECTION 6.28.**

828 Changes in appropriations.

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

833 **SECTION 6.29.**

834 Capital budget.

835 (a) On or before the date fixed by the city council but no later than ten days prior to the
836 beginning of each fiscal year, the city clerk in coordination with the mayor and city council
837 shall submit to the city council a proposed capital improvements plan with a recommended
838 capital budget containing the means of financing the improvements proposed for the ensuing
839 fiscal year. The city council shall have power to accept, with or without amendments, or
840 reject the proposed plan and proposed budget. The city council shall not authorize an
841 expenditure for the construction of any building, structure, work, or improvement, unless the

842 appropriations for such project are included in the capital budget, except to meet a public
843 emergency as provided in Section 2.24 of this charter.

844 (b) The city council shall adopt by resolution the final capital budget for the ensuing fiscal
845 year not later than July 1 of each year. No appropriations provided for in a prior capital
846 budget shall lapse until the purpose for which the appropriation was made shall have been
847 accomplished or abandoned; provided, however, that the mayor and city council may submit
848 amendments to the capital budget at any time during the fiscal year, accompanied by
849 recommendations. Any such amendments to the capital budget shall become effective only
850 upon adoption by ordinance.

851 **SECTION 6.30.**

852 Independent audit.

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

858 **SECTION 6.31.**

859 Contracting procedures.

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

861 (1) It is in writing;

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

864 (3) It is made or authorized by the city council and such approval is entered in the city
865 council journal of proceedings pursuant to Section 2.20 of this charter.

866 **SECTION 6.32.**

867 Centralized purchasing.

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

870

SECTION 6.33.

871

Sale and lease of city property.

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

874 (b) The city council may quitclaim any rights it may have in property not needed for public
875 purposes upon report by the mayor and adoption of a resolution, both finding that the
876 property is not needed for public or other purposes and that the interest of the city has not
877 readily ascertainable monetary value.

878 (c) Whenever a small parcel or tract of land is cut off or separated from a larger tract or
879 boundary of land owned by the city in opening, extending, or widening any street, avenue,
880 alley, or public place of the city, the city council may authorize the mayor to sell and convey
881 said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or
882 owners where such sale and conveyance facilitates the enjoyment of the highest and best use
883 of the abutting owner's property. Included in the sales contract shall be a provision for the
884 rights of way of said street, avenue, alley, or public place. Each abutting property owner
885 shall be notified of the availability of the property and given the opportunity to purchase said
886 property under such terms and conditions as set out by ordinance. All deeds and
887 conveyances heretofore and hereafter so executed and delivered shall convey all title and
888 interest the city has in such property, notwithstanding the fact that no public sale after
889 advertisement was or is hereafter made.

890

ARTICLE VII

891

GENERAL PROVISIONS

892

SECTION 7.10.

893

Bonds for officials.

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

897

SECTION 7.11.

898

Prior ordinances.

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

902 **SECTION 7.12.**

903 Existing personnel and officers.

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

907 **SECTION 7.13.**

908 Pending matters.

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

913 **SECTION 7.14.**

914 Construction.

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

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

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

920 **SECTION 7.15.**

921 Severability.

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

928 **SECTION 7.16.**

929 Specific repealer.

930 An Act to provide a new charter for the City of Reynolds, approved August 16, 1915 (Ga.

931 L. 1915, p. 786), as amended, is hereby repealed.

932 **SECTION 7.17.**

933 General repealer.

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