

House Bill 1037

By: Representatives Watson of the 172nd and Powell of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To provide a new charter for the City of Meigs in Thomas County, Georgia and Mitchell
2 County, Georgia; to provide for boundaries and powers of the city; to provide for a governing
3 authority of such city and the powers, duties, authority, election, terms, method of filling
4 vacancies, compensation, qualifications, prohibitions, and removal from office relative to
5 members of such governing authority; to provide for inquiries and investigations; to provide
6 for organization and procedures; to provide for ordinances and codes; to provide for the
7 officers of the city and the powers and duties of such officers; to provide for administrative
8 responsibilities; to provide for boards, commissions, and authorities; to provide for a city
9 attorney, a city clerk, a city manager, and other personnel; to provide for rules and
10 regulations; to provide for a municipal court and the judge or judges thereof; to provide for
11 practices and procedures; to provide for taxation and fees; to provide for franchises, service
12 charges, and assessments; to provide for bonded and other indebtedness; to provide for
13 accounting and budgeting; to provide for purchases; to provide for the sale of property; to
14 provide for bonds for officials; to provide for eminent domain; to provide for penalties; to
15 provide for definitions and construction; to provide for other matters relative to the
16 foregoing; to repeal a specific Act; to provide an effective date; to repeal conflicting laws;
17 and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

23 The City of Meigs in Thomas County and Mitchell County is incorporated by the enactment
24 of this charter and is constituted and declared to be a body politic and corporate under the

25 name of the "City of Meigs." References in this charter to "the city" or "this city" refer to the
 26 City of Meigs. The city shall have perpetual existence.

27 **SECTION 1.11.**

28 Corporate boundaries.

29 (a) The boundaries of this city shall be those existing on the effective date of this charter
 30 with such alterations as may be made from time to time by local law or in a manner provided
 31 by general state law. The boundaries of this city at all times shall be shown on a map, a
 32 written description, or any combination thereof, to be retained permanently in the office of
 33 the city clerk of the city and to be designated, as the case may be: "Official Map or
 34 Description of the Corporate Limits of the City of Meigs, Georgia." Photographic, typed,
 35 or other copies of such maps or description certified by the city clerk shall be admitted as
 36 evidence in all courts and shall have the same force and effect as the original map or
 37 description.

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

42 **SECTION 1.12.**

43 Municipal powers.

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

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

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

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

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

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

63 (4) Business regulation and taxation. To levy and to provide for the collection of license
64 fees and taxes on privileges, occupations, trades, and professions; to license and regulate
65 the same; to provide for the manner and method of payment of such licenses and taxes;
66 and to revoke such licenses after due process for the failure to pay any city taxes or fees;

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

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

73 (7) Emergencies. To establish procedures for determining and proclaiming that an
74 emergency situation exists inside or outside 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 (8) Environmental protection. To protect and preserve the natural resources,
78 environment, and vital areas of the city, the region, and the state through the preservation
79 and improvement of air quality, the restoration and maintenance of water resources, the
80 control of erosion and sedimentation, the management of storm water and establishment
81 of a storm water utility, the management of solid and hazardous waste, and other
82 necessary actions for the protection of the environment as authorized by state and federal
83 law;

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

88 (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection
89 and disposal and other sanitary service charge, tax, or fee for such services as may be
90 necessary in the operation of the city from all individuals, firms, and corporations
91 residing in or doing business within the city and benefiting from such services; to enforce
92 the payment of such charges, taxes, or fees; and to provide for the manner and method
93 of collecting such service charges;

- 94 (11) General health, safety, and welfare. To define, regulate, or prohibit any act,
95 practice, conduct, or use of property which is detrimental to the health, sanitation,
96 cleanliness, welfare, and safety of the inhabitants of the city and to provide for the
97 enforcement of such standards;
- 98 (12) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for
99 any purpose related to the powers and duties of the city and the general welfare of its
100 citizens on such terms and conditions as the donor or grantor may impose;
- 101 (13) Health and sanitation. To prescribe standards of health and sanitation within the
102 city and to provide for the enforcement of such standards;
- 103 (14) Jail sentences. To provide that persons given jail sentences in the city's court may
104 work out such sentences in any public works or on the streets, roads, drains, and squares
105 in the city; to provide for the commitment of such persons to any jail; or to provide for
106 the commitment of such persons to any county work camp or county jail by agreement
107 with the appropriate county officials;
- 108 (15) Motor vehicles. To regulate the operation of motor vehicles and exercise control
109 over all traffic, including parking, upon or across the streets, roads, alleys, and walkways
110 of the city;
- 111 (16) Municipal agencies and delegation of power. To create, alter, or abolish
112 departments, boards, offices, commissions, and agencies of the city and to confer upon
113 such agencies the necessary and appropriate authority for carrying out all the powers
114 conferred upon or delegated to the same;
- 115 (17) Municipal debts. To appropriate and borrow money for the payment of debts of the
116 city and to issue bonds for the purpose of raising revenue to carry out any project,
117 program, or venture authorized by this charter or the laws of the State of Georgia;
- 118 (18) Municipal property ownership. To acquire, dispose of, and hold in trust or
119 otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or
120 outside the property limits of the city;
- 121 (19) Municipal property protection. To provide for the preservation and protection of
122 property and equipment of the city and the administration and use of same by the public;
123 and to prescribe penalties and punishment for violations thereof;
- 124 (20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose
125 of public utilities, including, but not limited to, a system of waterworks, sewers and
126 drains, sewage disposal, gas works, electric light plants, transportation facilities, public
127 airports, information/communication transmission systems, and any other public utility;
128 and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties,
129 and to provide for the withdrawal of service for refusal or failure to pay the same; and to
130 authorize the extension of water, sewerage, electrical and communication distribution

131 systems, and all necessary appurtenances by which said utilities are distributed, inside
132 and outside the corporate limits of the city; and to provide utility services to persons,
133 firms, and corporations inside and outside the corporate limits of the city as provided by
134 ordinance;

135 (21) Nuisances. To define a nuisance and provide for its abatement whether on public
136 or private property;

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

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

142 (24) Police and fire protection. To exercise the power of arrest through duly appointed
143 police officers and to establish, operate, or contract for a police and a fire-fighting
144 agency;

145 (25) Public hazards; removal. To provide for the destruction and removal of any
146 building or other structure which is or may become dangerous or detrimental to the
147 public;

148 (26) Public improvements. To provide for the acquisition, construction, building,
149 operation, and maintenance of public ways, parks, playgrounds, recreational facilities,
150 cemeteries, markets and market houses, public buildings, libraries, public housing,
151 airports, hospitals, terminals, docks, parking facilities, or charitable, cultural, educational,
152 recreational, conservation, sport, curative, corrective, detention, penal, and medical
153 institutions, agencies, and facilities; to provide any other public improvements inside or
154 outside the corporate limits of the city; to regulate the use of public improvements; and,
155 for such purposes, property may be acquired by condemnation under Title 22 of the
156 O.C.G.A. or such other applicable laws as are or may hereafter be enacted;

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

159 (28) Public transportation. To organize and operate or contract for such public
160 transportation systems as are deemed beneficial;

161 (29) Public utilities and services. To grant franchises or make contracts for public
162 utilities and public services and to prescribe the rates, fares, regulations, and the standards
163 and conditions of service applicable to the service to be provided by the franchise grantee
164 or contractor, insofar as not in conflict with valid regulations of the Public Service
165 Commission;

166 (30) Regulation of roadside areas. To prohibit or regulate and control the erection,
167 removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any

168 and all other structures or obstructions upon or adjacent to the rights of way of streets and
169 roads or within view thereof, inside or abutting the corporate limits of the city and to
170 prescribe penalties and punishment for violation of such ordinances;

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

173 (32) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade
174 of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise
175 improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and
176 walkways within the corporate limits of the city; and to negotiate and execute leases over,
177 through, under, or across any city property or the right of way of any street, road, alley,
178 and walkway or portion thereof within the corporate limits of the city, for bridges,
179 passageways, or any other purpose or use between buildings on opposite sides of the
180 street and for other bridges, overpasses, and underpasses for private use at such location
181 and to charge a rental therefor in such manner as may be provided by ordinance; and to
182 authorize and control the construction of bridges, overpasses, and underpasses within the
183 corporate limits of the city; and to grant franchises and rights of way throughout the
184 streets and roads and over the bridges and viaducts for the use of public utilities and for
185 private use; and to require real estate owners to repair and maintain in a safe condition
186 the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

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

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

197 (35) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops,
198 the manufacture, sale, or transportation of intoxicating liquors, and the use and sale of
199 firearms; to regulate the transportation, storage, and use of combustible, explosive, and
200 inflammable materials, the use of lighting and heating equipment, and any other business
201 or situation which may be dangerous to persons or property; to regulate and control the
202 conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows
203 of any kind, by taxing or otherwise; and to license, tax, regulate, or prohibit professional
204 fortunetelling, palmistry, adult bookstores, and massage parlors;

- 205 (36) Special assessments. To levy and provide for the collection of special assessments
 206 to cover the costs of any public improvement;
- 207 (37) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation,
 208 and collection of taxes on all property subject to taxation;
- 209 (38) Other taxes. To levy and collect such other taxes as may be allowed now or in the
 210 future by law;
- 211 (39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the
 212 number of such vehicles; to require the operators thereof to be licensed; to require public
 213 liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to
 214 regulate the parking of such vehicles;
- 215 (40) Urban redevelopment. To organize and operate an urban redevelopment program;
 216 and
- 217 (41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges,
 218 and immunities necessary or desirable to promote or protect the safety, health, peace,
 219 security, good order, comfort, convenience, or general welfare of the city and its
 220 inhabitants; to exercise all implied powers necessary to carry into execution all powers
 221 granted in this charter as fully and completely as if such powers were fully stated in this
 222 charter; and to exercise all powers now or in the future authorized to be exercised by
 223 other municipal governments under other laws of the State of Georgia; and no listing of
 224 particular powers in this charter shall be held to be exclusive of others, nor restrictive of
 225 general words and phrases granting powers, but shall be held to be in addition to such
 226 powers unless expressly prohibited to municipalities under the Constitution or applicable
 227 laws of the State of Georgia.

228 **SECTION 1.13.**

229 Exercise of powers.

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

265 the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may
266 hereafter be enacted.

267 (b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall exist if
268 the mayor or councilmember resigns, dies, moves his or her residence from the city, or is
269 absent from three consecutive regular meetings of the governing authority, except if granted
270 a leave of absence by the city council, which leave shall be entered upon the journal; or if he
271 or she is adjudged incompetent or is convicted of malfeasance in office, or of a felony, or any
272 violation of election laws. The city council shall appoint a qualified person to fill any such
273 vacancy in the office of councilmember for the remainder of the unexpired term. At no time
274 shall there be more than one councilmember so appointed holding office; and if a vacancy
275 occurs on the city council with one member so appointed on the city council, a special
276 election shall be held within a period of 45 days after the office becomes vacant pursuant to
277 a call of a special election as provided by this charter; however, if a special election is called
278 pursuant to this charter, the vacancy previously filled by appointment as well as the existing
279 vacancy shall be filled for the unexpired terms in a special election. Provided, however, if
280 a regular election for the city shall be held within three months after the second vacancy
281 occurs, such second vacancy shall not be filled by appointment but the first vacancy
282 previously filled by appointment and the second vacancy shall be filled for the unexpired
283 terms at such regular election. In the event of a vacancy in the office of the mayor, such
284 vacancy shall be filled pursuant to Section 2.11 of this charter. If a special election is called,
285 such election shall be held in the manner prescribed by Chapter 2 of Title 21 of the O.C.G.A.,
286 the "Georgia Election Code," as it now exists or may hereafter be amended.

287 (c) Temporary vacancies. The provisions of this section shall also apply to a temporary
288 vacancy created by the suspension from office of the mayor or any councilmember.

289 **SECTION 2.13.**

290 Compensation and expenses.

291 The councilmembers shall receive compensation and expenses for their services as provided
292 by ordinance and in accordance with Chapter 35 of Title 36 of the O.C.G.A.

293 **SECTION 2.14.**

294 Conflicts of interest; holding other offices.

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

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

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

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

307 (3) Disclose confidential information, including information obtained at meetings which
308 are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property,
309 government, or affairs of the governmental body by which the official is engaged without
310 proper legal authorization or use such information to advance the financial or other
311 private interest of the official or others;

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

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

320 (6) Vote or otherwise participate in the negotiation or in the making of any contract with
321 any business or entity in which he or she has a financial interest.

322 (c) Disclosure. Any elected official, appointed officer, or employee who shall have any
323 private financial interest, directly or indirectly, in any contract or matter pending before or
324 within any department of the city shall disclose such private interest to the city council. The
325 mayor or any councilmember who has a private interest in any matter pending before the city
326 council shall disclose such private interest and such disclosure shall be entered on the records
327 of the city council, and that official shall disqualify himself or herself from participating in
328 any decision or vote relating thereto. Any elected official, appointed officer, or employee
329 of any agency or political entity to which this charter applies who shall have any private
330 financial interest, directly or indirectly, in any contract or matter pending before or within
331 such entity shall disclose such private interest to the governing body of such agency or entity.

332 (d) Use of public property. No elected official, appointed officer, or employee of the city
333 or any agency or entity to which this charter applies shall use property owned by such

334 governmental entity for personal benefit, convenience, or profit, but shall use such property
335 only in her or her capacity as an officer or employee of the city.

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

339 (f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor
340 any councilmember shall hold any other elective or appointive office in the city or otherwise
341 be employed by said government or any agency thereof during the term for which that
342 official was elected. No former mayor and no former councilmember shall hold any
343 appointive office in the city until one year after the expiration of the term for which that
344 official was elected.

345 (g) Political activities of certain officers and employees. No appointive officer of the city
346 shall continue in such employment upon qualifying as a candidate for nomination or election
347 to any public office. No employee of the city shall continue in such employment upon
348 qualifying for or election to any public office in this city or any other public office which is
349 inconsistent, incompatible, or in conflict with the duties of the city employee. Such
350 determinations shall be made by the mayor and city council either immediately upon election
351 or at any time such conflict may arise.

352 (h) Penalties for violation.

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

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

359 **SECTION 2.15.**

360 **Removal of officers.**

361 (a) The mayor, councilmembers, or other appointed officers provided for in this charter shall
362 be removed from office for any one or more of the following causes:

363 (1) Any one or more of the causes provided in Title 45 of the O.C.G.A. or such other
364 applicable laws as are or may hereafter be enacted;

365 (2) Incompetence, misfeasance, or malfeasance in office;

366 (3) Conviction of a crime involving moral turpitude;

367 (4) Failure at any time to possess any qualifications of office as provided by this charter
368 or by law;

- 369 (5) Knowingly violating Section 2.14 or any other express prohibition of this charter;
 370 (6) Abandonment of office or neglect to perform the duties thereof; or
 371 (7) Failure for any other cause to perform the duties of office as required by this charter
 372 or by state law.
- 373 (b) Removal of any officer pursuant to subsection (a) of this section shall be accomplished
 374 by one of the following methods:
- 375 (1) By the vote of three councilmembers after an investigative hearing. In the event an
 376 elected officer is sought to be removed by the action of the city council, such officer shall
 377 be entitled to a written notice specifying the ground or grounds for removal and to a
 378 public hearing which shall be held not less than ten days after the service of such written
 379 notice. Any elected officer sought to be removed from office as provided in this section
 380 shall have the right of appeal from the decision of the city council to the Superior Court
 381 of Thomas County. Such appeal shall be governed by the same rules as govern appeals
 382 to the superior court from the probate court; or
- 383 (2) By an order of the Superior Court of Thomas County following a hearing on a
 384 complaint seeking such removal brought by any resident of the City of Meigs.

385 **SECTION 2.16.**

386 Inquiries and investigations.

387 The city council may make inquiries and investigations into the affairs of the city and the
 388 conduct of any department, office, or agency thereof and for this purpose may subpoena
 389 witnesses, administer oaths, take testimony, and require the production of evidence. Any
 390 person who fails or refuses to obey a lawful order issued in the exercise of these powers by
 391 the council shall be punished as provided by ordinance.

392 **SECTION 2.17.**

393 General power and authority.

- 394 (a) Except as otherwise provided by this charter, the city council shall be vested with all the
 395 powers of government of this city as provided by Article I of this charter.
- 396 (b) In addition to all other powers conferred upon it by law, the council shall have the
 397 authority to adopt and provide for the execution of such ordinances, resolutions, rules, and
 398 regulations, not inconsistent with this charter and the Constitution and the laws of the State
 399 of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order,
 400 protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity,

401 or well-being of the inhabitants of the City of Meigs and may enforce such ordinances by
402 imposing penalties.

403 **SECTION 2.18.**

404 Eminent domain.

405 The city council is hereby empowered to acquire, construct, operate, and maintain public
406 ways, parks, public grounds, cemeteries, markets, market houses, public buildings, libraries,
407 sewers, drains, sewage treatment, waterworks, electrical systems, gas systems, airports,
408 hospitals, and charitable, educational, recreational, sport, curative, corrective, detentional,
409 penal, and medical institutions, agencies, and facilities and any other public improvements
410 inside or outside the city, and to regulate the use thereof, and for such purposes, property
411 may be condemned under procedures established under general law applicable now or as
412 provided in the future.

413 **ARTICLE III**

414 **ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,**

415 **AND ORDINANCES**

416 **SECTION 3.10.**

417 Organization.

418 (a) The city council shall hold an organizational meeting at the first regular meeting in
419 January following an election. The meeting shall be called to order by the city clerk and the
420 oath of the office shall be administered to the newly elected members as follows:

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

424 "I am not the holder of any unaccounted for public money due this state or any political
425 subdivision or authority thereof. I am not the holder of any office or trust under the
426 government of the United States, any other state, or any foreign state which I by the laws
427 of the State of Georgia am prohibited from holding. I am otherwise qualified to hold said
428 office according to the Constitution and laws of Georgia. I have been a resident of the
429 City of Meigs for the time required by the Constitution and laws of this state and by the
430 municipal charter. I will perform the duties of my office in the best interest of the City
431 of Meigs to the best of my ability without fear, favor, affection, reward, or expectation
432 thereof."

433 (b) By a majority vote at the regular meeting in January of each year, the city council shall
 434 elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall continue
 435 to vote and serve as a councilmember.

436 **SECTION 3.11.**

437 Meetings.

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

440 (b) Special meetings of the city council may be held on call of the mayor or two members
 441 of the city council. Notice of such special meeting shall be served on all other members
 442 personally, or by telephone personally, at least 24 hours in advance of the meeting. Such
 443 notice to councilmembers shall not be required if all councilmembers are present when the
 444 special meeting is called. Such notice of any special meeting may be waived by a
 445 councilmember in writing before or after such a meeting and attendance at the meeting shall
 446 also constitute a waiver of notice on any business transacted in such councilmember's
 447 presence. Only the business stated in the call may be transacted at the special meeting.

448 (c) All meetings of the city council shall be public to the extent required by law and notice
 449 to the public of special meetings shall be given as required by law.

450 **SECTION 3.12.**

451 Procedures.

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

455 (b) All committees and committee chairmen and officers of the city council shall be
 456 appointed by a majority of the council.

457 **SECTION 3.13.**

458 Voting.

459 (a) Except as otherwise provided in subsection (b) of this section, three councilmembers
 460 shall constitute a quorum and shall be authorized to transact the business of the city council.
 461 Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded
 462 in the journal, but any member of the city council shall have the right to request a roll-call
 463 vote and such vote shall be recorded in the journal. Except as otherwise provided in this

464 charter, the affirmative vote of three councilmembers shall be required for the adoption of
465 any ordinance, resolution, or motion.

466 (b) In the event vacancies in office result in less than a quorum of councilmembers holding
467 office, then the remaining councilmembers in office shall constitute a quorum and shall be
468 authorized to transact business of the city council. A vote of a majority of the remaining
469 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

470 **SECTION 3.14.**

471 Ordinances.

472 (a) Every proposed ordinance shall be introduced in writing and in the form required for
473 final adoption. No ordinance shall contain a subject which is not expressed in its title. The
474 enacting clause shall be "The Council of the City of Meigs hereby ordains..." and every
475 ordinance shall so begin.

476 (b) An ordinance may be introduced by any councilmember and be read at a regular or
477 special meeting of the city council. Ordinances shall be considered and adopted or rejected
478 by the city council in accordance with the rules which it shall establish; provided, however,
479 that an ordinance shall not be adopted the same day it is introduced, except for emergency
480 ordinances provided for in Section 3.16 of this charter. Upon introduction of any ordinance,
481 the clerk shall, as soon as possible, distribute a copy to each councilmember and shall file a
482 reasonable number of copies in the office of the clerk and at such other public places as the
483 city council may designate.

484 **SECTION 3.15.**

485 Action requiring an ordinance.

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

487 **SECTION 3.16.**

488 Emergencies.

489 To meet a public emergency affecting life, health, property, or public peace, the city council
490 may convene on call of two councilmembers and may promptly adopt an emergency
491 ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise;
492 regulate the rate charged by any public utility for its services; or authorize the borrowing of
493 money except for loans to be repaid within 30 days. An emergency ordinance shall be
494 introduced in the form prescribed for ordinances generally, except that it shall be plainly

495 designated as an emergency ordinance and shall contain, after the enacting clause, a
496 declaration stating that an emergency exists and describing the emergency in clear and
497 specific terms. An emergency ordinance may be adopted, with or without amendment, or
498 rejected at the meeting to which it is introduced, but the affirmative vote of at least two
499 councilmembers shall be required by adoption. It shall become effective upon adoption or
500 at such later time as it may specify. Every emergency ordinance shall automatically stand
501 repealed 30 days following the date upon which it was adopted, but this shall not prevent
502 reenactment of the ordinance in the manner specified in this section if the emergency
503 continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing
504 ordinance in the same manner specified in this section for adoption of emergency ordinances.

505 **SECTION 3.17.**

506 Codes.

507 (a) The city council may adopt any standard code of technical regulations by reference
508 thereto in an adopting ordinance. The procedure and requirements governing such adopting
509 ordinance shall be as prescribed for ordinances generally except that: (1) the requirements
510 of subsection (b) of Section 3.14 of this charter for distribution and filing of copies of the
511 ordinance shall be construed to include copies of any code of technical regulations, as well
512 as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as
513 well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to
514 Section 3.18 of this charter.

515 (b) Copies of any adopted code of technical regulations shall be made available by the clerk
516 for distribution or for purchase at a reasonable price.

517 **SECTION 3.18.**

518 Codification of ordinances.

519 (a) The clerk shall authenticate by his or her signature and record in full in a properly
520 indexed book kept for that purpose all ordinances adopted by the council.

521 (b) The city shall provide for the preparation of a general codification of all the ordinances
522 of the city having the force and effect of law. The general codification shall be adopted by
523 the city council by ordinance and shall be published promptly together with all amendments
524 thereto and shall contain such codes of technical regulations and other rules and regulations
525 as the city council may specify. This compilation shall be known and cited officially as "The
526 Code of the City of Meigs, Georgia." Copies of the code shall be furnished to all officers,

527 departments, and agencies of the city and shall be made available for purchase by the public
528 at a reasonable price as fixed by the city council.

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

538 **SECTION 3.19.**

539 City manager; appointment; qualifications; compensation.

540 The city council may appoint a city manager for an indefinite term and shall fix his or her
541 compensation and hours of employment. The manager shall be appointed solely on the basis
542 of his or her executive and administrative qualifications.

543 **SECTION 3.20.**

544 Removal of city manager.

545 The city manager is employed at will and may be summarily removed from office at any time
546 by a majority vote of the city council.

547 **SECTION 3.21.**

548 Acting city manager.

549 By letter filed with the city clerk, the manager shall designate, subject to approval of the city
550 council, a qualified city administrative officer to exercise the powers and perform the duties
551 of manager during his or her temporary absence or disability. During such absence or
552 disability, the city council may revoke such designation at any time and appoint another
553 officer to the city to serve until the manager shall return or his or her disability shall cease.

554

SECTION 3.22.

555

Powers and duties of city manager.

556 The city manager shall be the chief administrative officer of the city. He or she shall be
557 responsible to the city council for the administration of all city affairs placed in his or her
558 charge by or under this charter. He or she shall have the following powers and duties:

559 (1) He or she shall appoint and, when he or she deems it necessary for the good of the
560 city, suspend or remove all city employees and administrative officers he or she appoints,
561 except as otherwise provided by law, or personnel ordinances adopted pursuant to this
562 charter. He or she may authorize any administrative officer who is subject to his or her
563 direction and supervision to exercise these powers with respect to subordinates in that
564 officer's department, office or agency.

565 (2) He or she shall direct and supervise the administration of all departments, offices and
566 agencies of the city, except as otherwise provided by this charter or by law.

567 (3) He or she shall attend all city council meetings and shall have the right to take part
568 in discussion but he or she may not vote.

569 (4) He or she shall see that all laws, provisions of this charter, and acts of the city
570 council, subject to enforcement by him or her or by officers subject to his or her direction
571 and supervision, are faithfully executed.

572 (5) He or she shall prepare and submit the annual operating budget and capital budget
573 to the city council.

574 (6) He or she shall submit to the city council and make available to the public a complete
575 report on the finances and administrative activities of the city as of the end of each fiscal
576 year.

577 (7) He or she shall make such other reports as the city council may require concerning
578 the operations of city departments, offices, and agencies subject to his or her direction
579 and supervision.

580 (8) He or she shall keep the city council fully advised as to the financial condition and
581 future needs of the city, and make such recommendations to the city council concerning
582 the affairs of the city as he or she deems desirable.

583 (9) He or she shall perform other such duties as are specified in this charter or as may be
584 required by the city council.

585 **SECTION 3.23.**

586 Council interference with administration.

587 Except for the purpose of inquiries and investigations under Section 2.16 of this charter, the
 588 city council or its members shall deal with city officers and employees who are subject to the
 589 direction and supervision of the manager solely through the manager, and neither the city
 590 council nor its members shall give orders to any such officer or employee, either publicly or
 591 privately.

592 **SECTION 3.24.**

593 Powers and duties of mayor and mayor pro tempore.

594 (a) The mayor shall:

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

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

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

599 (4) Sign as a matter of course on behalf of the city all written and approved contracts,
600 ordinances, and other instruments executed by the city which by law are required to be
601 in writing; and602 (5) Vote if the issue before the council shall result in an equal number of voting members
603 of council supporting and opposing the proposed issue.604 (b) The mayor tempore shall preside at all meetings of the city council and shall assume the
605 duties and powers of the mayor during any disability or absence of the mayor. Any such
606 disability or absence shall be declared by a majority vote of the city council.607 (c) The city council shall by majority vote elect a presiding officer from its number for any
608 period in which the mayor or mayor pro tempore is disabled, absent, or acting as mayor
609 following call of the meeting to order by the clerk. Such absence or disability shall be
610 declared by majority vote of the city council.611 **ARTICLE IV**612 **ADMINISTRATIVE AFFAIRS**613 **SECTION 4.10.**

614 Department heads.

615 (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe
616 the functions or duties and establish, abolish, or alter all nonelective offices, positions of

617 employment, departments, and agencies of the city as necessary for the proper administration
618 of the affairs and government of this city.

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

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

624 (d) There shall be a director of each department or agency who shall be its principal officer.
625 Each director shall, subject to the direction and supervision of the city manager, be
626 responsible for the administration and direction of the affairs and operations of his or her
627 department or agency.

628 (e) All directors under the supervision of the city manager shall be appointed by the city
629 manager. The city manager may suspend or remove directors under his or her supervision
630 and the city manager shall give written notice of such action and the reason therefor to the
631 director involved and to the city council. The city council shall review the suspension or
632 removal at the next regularly scheduled council meeting.

633 **SECTION 4.11.**

634 **Boards.**

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

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

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

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

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

650 (f) No member of a board, commission, or authority shall assume office until he or she has
651 executed and filed with the clerk of the city an oath obligating himself or herself to perform

652 faithfully and impartially the duties of his or her office, such oath to be prescribed by
653 ordinance and administered by the mayor.

654 (g) Any member of a board, commission, or authority may be removed from office for cause
655 by a vote of three members of the city council.

656 (h) Except as otherwise provided by this charter or by law, each board, commission, or
657 authority of the city shall elect one of its members as chairman and one member as
658 vice-chairman, and may elect as its secretary one of its members or may appoint as secretary
659 an employee of the city. Each board, commission, or authority of the city government may
660 establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance
661 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or
662 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with
663 the clerk of the city.

664 **SECTION 4.12.**

665 City attorney.

666 The city council shall appoint a city attorney who shall be a member of the State Bar of
667 Georgia and shall have actively practiced law for at least one year. The city attorney shall
668 serve at the pleasure of the city council. The city attorney shall be responsible for
669 representing and defending the city in all litigation in which the city is a party, may be the
670 prosecuting officer in the municipal court, shall attend the meetings of the council as
671 directed, shall advise the city council and other officers and employees of the city concerning
672 legal aspects of the city's affairs, and shall perform such other duties as may be required of
673 him or her by virtue of his or her position as city attorney. The city council shall provide for
674 the compensation of the city attorney.

675 **SECTION 4.13.**

676 City clerk.

677 The city manager shall appoint with confirmation by the city council a city clerk who shall
678 not be a councilmember. The city clerk shall be custodian of the official city seal, maintain
679 city council records required by this charter, and perform such other duties as may be
680 required by the city council.

681 **SECTION 4.14.**

682 City auditor.

683 The city manager shall appoint with confirmation by the city council a city auditor to
684 perform the duties of an auditor.

685 **SECTION 4.15.**

686 Position classification and pay plan.

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

693 **SECTION 4.16.**

694 Rules and regulations.

695 The city council shall adopt rules and regulations consistent with this charter concerning:

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

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

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

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

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

705 **ARTICLE V**

706 **ELECTIONS AND REMOVAL**

707 **SECTION 5.10.**

708 Applicability of general law.

709 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title
710 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

711 **SECTION 5.11.**

712 Election of city council and mayor.

713 (a) Notwithstanding the provisions of subsection (b) of this section, there shall be a
714 municipal general election biennially in the odd-numbered years on the Tuesday next
715 following the first Monday in November.

716 (b) The mayor and councilmembers serving on April 1, 2018, shall serve out their terms and
717 until their successors have been elected and qualified. On the Tuesday next following the
718 first Monday in November, 2018, an election shall be held for the two councilmembers
719 whose terms of office expire the following January. The two candidates for the office of
720 councilmember elected pursuant to Section 5.13 of this charter shall be elected for initial
721 terms of office of three years each and for terms of four years each thereafter and until their
722 successors are duly elected and qualified. Thereafter, on the Tuesday next following the first
723 Monday in November, 2020, an election shall be held for the two councilmembers and the
724 mayor whose terms of office expire the following January. The two candidates for the office
725 of councilmember and the candidate for the office of mayor elected pursuant to Section 5.13
726 of this charter shall be elected for initial terms of office of three years each and for terms of
727 four years each thereafter and until their successors are duly elected and qualified.

728 **SECTION 5.12.**

729 Nonpartisan elections.

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

732 **SECTION 5.13.**

733 Election by plurality.

734 The candidate receiving a plurality of the votes cast for the office of councilmember shall be
735 elected. The candidate receiving the most votes, provided that such person receives at least
736 40 percent of the votes, for the office of mayor shall be elected. If no candidate receives at
737 least 40 percent of the votes cast, there shall be a run-off election between the two candidates
738 receiving the two highest number of votes. Such run-off election shall be conducted pursuant
739 to O.C.G.A. § 21-2-501.

740 **SECTION 5.14.**

741 Special elections; vacancies.

742 In the event that the office of mayor shall become vacant as provided in Section 2.12 of this
 743 charter, the city council or those remaining shall order a special election to fill the balance
 744 of the unexpired term of such official; provided, however, that if such vacancy occurs within
 745 12 months of the expiration of the term of that office, the mayor pro tempore shall serve for
 746 the remainder of the term. In all other respects, the special election shall be held and
 747 conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election
 748 Code," as now or hereafter amended.

749 **SECTION 5.15.**

750 Other provisions.

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

755 **ARTICLE VI**756 **JUDICIAL BRANCH**757 **SECTION 6.10.**

758 Municipal court.

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

760 **SECTION 6.11.**

761 Judges.

762 (a) The municipal court shall be presided over by a chief judge and such part-time, full-time,
 763 or standby judges as shall be provided by ordinance. The method of selection and terms of
 764 such judges shall be provided by ordinance.

765 (b) No person shall be qualified or eligible to serve as judge unless he or she is licensed to
 766 practice law in the State of Georgia and an active member in good standing of the State Bar
 767 of Georgia; provided, however, that any judge serving on June 30, 2011, who does not meet
 768 the qualifications required by O.C.G.A. § 36-32-1.1 may serve as municipal court judge so
 769 long as such judge is in compliance with O.C.G.A. § 36-32-27.

770 (c) The governing authority is authorized to appoint a judge. Such judge shall receive
771 compensation as shall be fixed by the governing authority of the municipal corporation. Any
772 such judge shall serve for a minimum term of one year and until a successor is appointed or
773 if the judge is removed from office. Such term shall be memorialized in a written agreement
774 between such individual and the governing authority of the municipal corporation or in an
775 ordinance.

776 (d) Compensation of the judge or judges shall be fixed by ordinance.

777 (e) Judges may be removed from office pursuant to O.C.G.A. § 36-32-2.1.

778 (f) Before assuming office, each judge shall take the following oath, given by the mayor or,
779 in his or her absence, the city clerk, "I will honestly and faithfully discharge the duties of
780 municipal court judge to the best of my ability and without fear, favor, or partiality. I will
781 support and defend the charter of the City of Meigs as well as the Constitution and Laws of
782 the State of Georgia and of the United States of America."

783 **SECTION 6.12.**

784 Convening of court.

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

786 **SECTION 6.13.**

787 Powers.

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

790 (b) The municipal court shall have the authority to punish those in its presence for contempt,
791 provided that such punishment shall not exceed a fine of \$200.00 or 30 days in jail.

792 (c) The municipal court may fix punishment for offenses within its jurisdiction being a fine
793 in such amount as is permitted by state law or imprisonment for such time as is permitted by
794 state law.

795 (d) The municipal court shall have the authority to establish a schedule of fees to defray the
796 cost of operation and shall be entitled to reimbursement of the actual cost of meals,
797 transportation, and caretaking of prisoners bound over to superior courts for violation of state
798 law.

799 (e) The municipal court shall have authority to establish bail and recognizances to ensure
800 the presence of those charged with violations before said court and shall have discretionary
801 authority to accept cash or personal or real property as surety bond for the appearance of
802 persons charged with violations. Whenever any person shall give bail for his or her

803 appearance and shall fail to appear at the time fixed for trial, his or her bond shall be forfeited
804 by the judge presiding at such time and an execution shall be issued thereon by serving the
805 defendant and his or her sureties with a rule nisi at least two days before a hearing on the rule
806 nisi. In the event that cash or property is accepted in lieu of bond for security for the
807 appearance of a defendant at trial, and if such defendant fails to appear at the time and place
808 fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the
809 city, or the property so deposited shall have a lien against it for the value forfeited which lien
810 shall be enforceable in the same manner and to the same extent as a lien for city property
811 taxes.

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

815 (g) The municipal court shall have the authority to bind prisoners over to the appropriate
816 court when it appears by probable cause that state law has been violated.

817 (h) Each judge of the municipal court may compel the presence of all parties necessary to
818 a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which
819 may be served as executed by any officer as authorized by this charter or by law.

820 (i) Each judge of the municipal court shall be authorized to issue warrants for the arrest of
821 persons charged with offenses against any ordinance of the city, and each judge of the
822 municipal court shall have the same authority as a magistrate of the state to issue warrants
823 for offenses against state laws committed within the city.

824 (j) The municipal court is specifically vested with all the jurisdiction and powers throughout
825 the geographic area of this city granted by law to municipal courts and particularly by such
826 laws as authorize the abatement of nuisances and prosecution of traffic violations.

827 **SECTION 6.14.**

828 **Certiorari.**

829 The right of certiorari from the decision and judgment of the municipal court shall exist in
830 all criminal cases and ordinance violation cases, and such certiorari shall be obtained under
831 the sanction of a judge of the Superior Court of Thomas County, under the laws of the State
832 of Georgia regulating the granting and issuance of writs of certiorari.

833 **SECTION 6.15.**

834 Rules.

835 With the approval of the city council, the judge shall have full power and authority to make
 836 reasonable rules and regulations necessary and proper to secure the efficient and successful
 837 administration of the municipal court; provided, however, that the city council may adopt in
 838 part or in total the rules and regulations applicable to superior courts. The rules and
 839 regulations made or adopted shall be filed with the city clerk, shall be available for public
 840 inspection, and, upon request, shall be furnished to all defendants in municipal court
 841 proceedings at least 48 hours prior to said proceedings.

842 **ARTICLE VII**843 **FINANCE**844 **SECTION 7.10.**

845 Property tax.

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

852 **SECTION 7.11.**

853 Millage.

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

858 **SECTION 7.12.**

859 Occupation taxes and business license fees.

860 The city council by ordinance shall have the power to levy such occupation or business taxes
 861 as are not denied by law. Such taxes may be levied on both individuals and corporations who
 862 transact business in this city or who practice or offer to practice any profession or calling

863 within the city to the extent such persons have a constitutionally sufficient nexus to this city
864 to be so taxed. The city council may classify businesses, occupations, professions, or
865 callings for the purpose of such taxation in any way which may be lawful and may compel
866 the payment of such taxes as provided in Section 7.18 of this charter.

867 **SECTION 7.13.**

868 Licenses.

869 The city council by ordinance shall have the power to require any individual or corporation
870 who transacts business in this city or who practices or offers to practice any profession or
871 calling with the city to obtain a license or permit for such activity from the city and pay a
872 reasonable fee for such license or permit where such activities are not now regulated by
873 general law in such a way as to preclude city regulations. Such fees may reflect the total cost
874 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section
875 7.18 of this charter. The city council by ordinance may establish reasonable requirements
876 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

877 **SECTION 7.14.**

878 Franchises.

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

889 **SECTION 7.15.**

890 Service charges.

891 The city council by ordinance shall have the power to assess and collect fees, charges, and
892 tolls for sewers, sanitary and health services, or any other services provided or made
893 available within or without the corporate limits of the city for the total cost to the city of

894 providing or making available such services. If unpaid, such charges shall be collected as
895 provided in Section 7.18 of this charter.

896 **SECTION 7.16.**

897 Special assessments.

898 The city council by ordinance shall have the power to assess, charge, and collect the costs
899 of constructing, reconstructing, widening, or improving any public way, street, sidewalk,
900 curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property
901 owners under such terms and conditions as are reasonable. If unpaid, such charges shall be
902 collected as provided in Section 7.18 of this charter.

903 **SECTION 7.17.**

904 Other taxes.

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

908 **SECTION 7.18.**

909 Collection of delinquent taxes.

910 The city council by ordinance may provide generally for the collection of delinquent taxes,
911 fees, or other revenue due the city under Sections 7.10 through 7.17 of this charter by
912 whatever reasonable means as are not precluded by law. This shall include providing for the
913 dates when the taxes or fees are due, late penalties or interest, issuance and execution of fi.
914 fas., creation and priority of liens, making delinquent taxes and fees personal debts of the
915 persons required to pay the taxes or fees imposed, revoking city licenses for failure to pay
916 any city taxes or fees, and providing for the assignment or transfer of tax executions.

917 **SECTION 7.19.**

918 Borrowing.

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

923 **SECTION 7.20.**

924 Revenue bonds.

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

928 **SECTION 7.21.**

929 Loans.

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

932 **SECTION 7.22.**

933 Accounting and budgeting.

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

937 **SECTION 7.23.**

938 Budget ordinance.

939 The city council shall provide an ordinance on the procedures and requirements for the
940 preparation and execution of an annual operating budget, and a capital improvements
941 program, including requirements as to the scope, content, and form of such budgets and
942 programs.

943 **SECTION 7.24.**

944 Operating budget.

945 On or before a date fixed by the city council but not later than 60 days prior to the beginning
946 of each fiscal year, the city manager shall submit to the city council a proposed operating
947 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the
948 city manager containing a statement of the general fiscal policies of the city, the important
949 features of the budget, explanations of major changes recommended for the next fiscal year,
950 a general summary of the budget, and such other comments and information as he or she may

951 deem pertinent. The operating budget, the capital improvements budget, the budget message,
952 and all supporting documents shall be filed in the office of the city clerk and shall be open
953 to public inspection.

954 **SECTION 7.25.**

955 Adoption.

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

961 (b) The city council shall adopt the final operating budget for the ensuing fiscal year not
962 later than June of each year. If the city council fails to adopt the budget by said date, the
963 amounts appropriated for operation for the then current fiscal year shall be deemed adopted
964 for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly,
965 until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of
966 the budget shall take the form of an appropriations ordinance setting out the estimated
967 revenues in detail by sources and making appropriations according to fund and by
968 organizational unit, purpose, or activity as set out in the budget preparation ordinance
969 adopted pursuant to Section 7.23 of this charter.

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

974 **SECTION 7.26.**

975 Levy of taxes.

976 Following adoption of the operating budget, the city council shall levy by ordinance such
977 taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that
978 reasonable estimates of revenues from such levy shall at least be sufficient, together with
979 other anticipated revenues, fund balances, and applicable reserves, to equal the total amount
980 appropriated for each of the several funds set forth in the annual operating budget for
981 defraying the expense of the general government of this city.

982 **SECTION 7.27.**

983 Changes in budget.

984 The city council by majority vote may make changes in the appropriations contained in the
985 current operating budget at any regular meeting or special or emergency meeting called for
986 such purposes.

987 **SECTION 7.28.**

988 Capital improvements.

989 (a) On or before the date fixed by the city council, but not later than 60 days prior to the
990 beginning of each fiscal year, the city manager shall submit to the city council a proposed
991 capital improvements budget with his or her recommendations as to the means of financing
992 the improvements proposed for the ensuing year. The city council shall have the power to
993 accept, with or without amendments, or reject the proposed program and proposed means of
994 financing. The city council shall not authorize an expenditure for the construction of any
995 building, structure, work, or improvement, unless the appropriations for such project are
996 included in the capital improvements budget, except to meet a public emergency as provided
997 in Section 3.16 of this charter.

998 (b) The city council shall adopt by ordinance the final capital improvements budget for the
999 ensuing fiscal year not later than June of each year. No appropriations provided for in a prior
1000 capital improvements budget shall lapse until the purpose for which the appropriations were
1001 made shall have been accomplished or abandoned; provided, however, that the city manager
1002 may submit amendments to the capital improvements budget at any time during the fiscal
1003 year, accompanied by his or her recommendations. Any such amendments to the capital
1004 improvements budget shall become effective only upon adoption by majority vote of the city
1005 council.

1006 **SECTION 7.29.**

1007 Audits.

1008 There shall be an annual independent audit of all city accounts, funds, and financial
1009 transactions by a certified public accountant selected by the city council. The audit shall be
1010 conducted according to generally accepted accounting principles. Any audit of any funds by
1011 the state or federal government may be accepted as satisfying the requirements of this
1012 charter. Copies of all audit reports shall be available at printing costs to the public.

SECTION 7.30.

1013

1014

Procurement and property management.

1015 No contract with the city shall be binding on the city unless:

1016 (1) It is in writing;

1017 (2) It is drawn or submitted and reviewed by the city attorney and, as a matter of course,
1018 is signed by him or her to indicate such drafting or review; and1019 (3) It is made or authorized by the city council and such approval is entered in the city
1020 council journal of proceedings pursuant to Section 3.12 of this charter.**SECTION 7.31.**

1021

1022

Purchasing.

1023 The city council shall by ordinance prescribe procedures for a system of centralized
1024 purchasing for the city.**SECTION 7.32.**

1025

1026

Sale of property.

1027 The city council may sell and convey any real or personal property owned or held by the city
1028 for governmental or other purposes as now or hereafter provided by law.**ARTICLE VIII**

1029

GENERAL PROVISIONS

1030

SECTION 8.10.

1031

1032

Bonds for officials.

1033 The officers and employees of this city, both elected and appointed, shall execute such surety
1034 or fidelity bonds in such amounts and upon such terms and conditions as the city council
1035 shall from time to time require by ordinance or as may be provided by law.**SECTION 8.11.**

1036

1037

Rules and regulations.

1038 All ordinances, resolutions, rules, and regulations now in force in the city not inconsistent
1039 with this charter are declared valid and of full effect and force until amended or repealed by
1040 the city council.

SECTION 8.12.

Charter language on other general matters.

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

SECTION 8.13.

Definitions and construction.

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

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

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

SECTION 8.14.

Specific repealer.

An Act amending, consolidating, and superseding the several Acts incorporating the City of Meigs, in the County of Thomas, State of Georgia, and creating a new charter and municipal government for said municipal corporation, approved April 7, 1976 (Ga. L. 1976, p. 4393), as amended, is repealed in its entirety.

SECTION 8.15.

Effective date.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 8.16.

General repealer.

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