

House Bill 194

By: Representatives Watson of the 172<sup>nd</sup>, Powell of the 171<sup>st</sup>, and Taylor of the 173<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

The City of Meigs in Thomas County and Mitchell County is incorporated by the enactment of this charter and is constituted and declared to be a body politic and corporate under the name of the "City of Meigs." References in this charter to "the city" or "this city" refer to the City of Meigs. The city shall have perpetual existence.

**SECTION 1.11.**

## Corporate boundaries.

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

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

**SECTION 1.12.**

## Municipal powers.

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

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

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

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

- (3) Building regulations. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;
- (4) Business regulation and taxation. To levy and to provide for the collection of license fees and taxes on privileges, occupations, trades, and professions; to license and regulate the same; to provide for the manner and method of payment of such licenses and taxes; and to revoke such licenses after due process for the failure to pay any city taxes or fees;
- (5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by the governing authority, utilizing procedures enumerated in Title 22 and Title 32 of the O.C.G.A. or such other laws as are or may hereafter be enacted;
- (6) Contracts. To enter into contracts and agreements with other governments and entities and with private persons, firms, and corporations;
- (7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists inside or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;
- (8) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of storm water and establishment of a storm water utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment as authorized by state and federal law;
- (9) Fire regulations. To fix and establish fire limits and from time to time extend, enlarge, or restrict the same; to prescribe fire safety regulations, not inconsistent with general law relating to both fire prevention and detection and to firefighting; and to prescribe penalties and punishment for violations thereof;
- (10) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business within the city and benefiting from such services; to enforce the payment of such charges, taxes, or fees; and to provide for the manner and method of collecting such service charges;
- (11) General health, safety, and welfare. To define, regulate, or prohibit any act, practice, conduct, or use of property which is detrimental to the health, sanitation,

cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

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

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

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

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

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

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

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

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

(20) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including, but not limited to, a system of waterworks, sewers and drains, sewage disposal, gas works, electric light plants, transportation facilities, public airports, information/communication transmission systems, and any other public utility; and to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties, and to provide for the withdrawal of service for refusal or failure to pay the same; and to authorize the extension of water, sewerage, electrical and communication distribution systems, and all necessary appurtenances by which said utilities are distributed, inside and outside the corporate limits of the city; and to provide utility services to persons,

firms, and corporations inside and outside the corporate limits of the city as provided by ordinance;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(37) Ad valorem taxes. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation;

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

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

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

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

### **SECTION 1.13.**

#### **Exercise of powers.**

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

**ARTICLE II****GOVERNMENT STRUCTURE, ELECTIONS, AND REMOVAL****SECTION 2.10.**

Mayor and city council creation; composition; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and five councilmembers. The city council established shall in all respects be a successor to and continuation of the governing authority under prior law. The mayor and councilmembers shall be elected in the manner provided by general law and this charter. The council shall be composed of five members elected by the voters of the city at large in accordance with provisions of Section 2.11 of this charter. The mayor shall be elected as provided in Section 2.11 of this charter.

**SECTION 2.11.**

City council terms and qualifications for office.

(a) The mayor and members of the city council shall be elected at large and shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or councilmember unless that person is at least 21 years of age and shall have been a resident of the city from 12 months prior to the date of election as mayor or members of the council; each shall continue to reside therein during that member's period of service and to be registered and qualified to vote in municipal elections of this city.

(b) For the purpose of electing members of the council, each councilmember shall be assigned a council seat No. 1 through No. 5. Council Seats One (1), Three (3), and Five (5) shall be elected at the general election of the city to be held in 2020. Council Seats Two (2) and Four (4) and the mayor shall be elected at the general election of the city to be held in 2022. Future successors shall be elected at the general election of the city immediately preceding the expiration of term of the office on the first day of January following election.

**SECTION 2.12.**

Vacancy; filling of vacancies; temporary vacancies.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, if the mayor or councilmember resigns, dies, moves his or her residence from the city, or is absent from three consecutive regular



meetings of the governing authority, except if granted a leave of absence by the city council, which leave shall be entered upon the journal; or if he or she is adjudged incompetent or is convicted of malfeasance in office, or of a felony, or any violation of election laws or occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies. The city council shall appoint a qualified person to fill any such vacancy in the office of councilmember for the remainder of the unexpired term. At no time shall there be more than one councilmember so appointed holding office; and if a vacancy occurs on the city council with one member so appointed on the city council, a special election shall be held within a period of 45 days after the office becomes vacant pursuant to a call of a special election as provided by this charter; however, if a special election is called pursuant to this charter, the vacancy previously filled by appointment as well as the existing vacancy shall be filled for the unexpired terms in a special election. Provided, however, if a regular election for the city shall be held within three months after the second vacancy occurs, such second vacancy shall not be filled by appointment but the first vacancy previously filled by appointment and the second vacancy shall be filled for the unexpired terms at such regular election. In the event of a vacancy in the office of the mayor, such vacancy shall be filled pursuant to Section 2.11 of this charter. If a special election is called, such election shall be held in the manner prescribed by Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as it now exists or may hereafter be amended.

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

### **SECTION 2.13.**

#### **Compensation and expenses.**

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

### **SECTION 2.14.**

#### **Conflicts of interest; holding other offices.**

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) Penalties for violation.

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

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

## **SECTION 2.15.**

### **Removal of officers.**

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

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

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

(3) Conviction of a crime involving moral turpitude;

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

(5) Knowingly violating Section 2.14 or any other express prohibition of this charter;

(6) Abandonment of office or neglect to perform the duties thereof; or

(7) Failure for any other cause to perform the duties of office as required by this charter or by state law.

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

(1) By the vote of three councilmembers after an investigative hearing. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Thomas County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

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

#### **SECTION 2.16.**

##### **Inquiries and investigations.**

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

#### **SECTION 2.17.**

##### **General power and authority.**

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

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

**SECTION 2.18.**

Eminent domain.

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

**ARTICLE III****ORGANIZATION OF GOVERNMENT, GENERAL AUTHORITY,  
AND ORDINANCES****SECTION 3.10.**

Organization.

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

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

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

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

**SECTION 3.11.****Meetings.**

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

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

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

**SECTION 3.12.****Procedures.**

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

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

**SECTION 3.13.****Voting.**

(a) Except as otherwise provided in subsection (b) of this section, three councilmembers shall constitute a quorum and shall be authorized to transact the business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any member of the city council shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of three councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

(b) In the event vacancies in office result in less than a quorum of councilmembers holding office, then the remaining councilmembers in office shall constitute a quorum and shall be

466 authorized to transact business of the city council. A vote of a majority of the remaining  
467 councilmembers shall be required for the adoption of any ordinance, resolution, or motion.

468 **SECTION 3.14.**

469 Ordinances.

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

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

482 **SECTION 3.15.**

483 Action requiring an ordinance.

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

485 **SECTION 3.16.**

486 Emergencies.

487 To meet a public emergency affecting life, health, property, or public peace, the city council  
488 may convene on call of two councilmembers and may promptly adopt an emergency  
489 ordinance, but such ordinance shall not levy taxes; grant, renew, or extend a franchise;  
490 regulate the rate charged by any public utility for its services; or authorize the borrowing of  
491 money except for loans to be repaid within 30 days. An emergency ordinance shall be  
492 introduced in the form prescribed for ordinances generally, except that it shall be plainly  
493 designated as an emergency ordinance and shall contain, after the enacting clause, a  
494 declaration stating that an emergency exists and describing the emergency in clear and  
495 specific terms. An emergency ordinance may be adopted, with or without amendment, or  
496 rejected at the meeting to which it is introduced, but the affirmative vote of at least three

497 councilmembers shall be required by adoption. It shall become effective upon adoption or  
498 at such later time as it may specify. Every emergency ordinance shall automatically stand  
499 repealed 30 days following the date upon which it was adopted, but this shall not prevent  
500 reenactment of the ordinance in the manner specified in this section if the emergency  
501 continues to exist. An emergency ordinance shall also be repealed by adoption of a repealing  
502 ordinance in the same manner specified in this section for adoption of emergency ordinances.

### 503 **SECTION 3.17.**

#### 504 Codes.

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

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

### 515 **SECTION 3.18.**

#### 516 Codification of ordinances.

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

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

527 (c) The city council shall cause each ordinance and each amendment to this charter to be  
528 printed promptly following its adoption, and the printed ordinances and charter amendments  
529 shall be made available for purchase by the public at reasonable prices to be fixed by the city



530 council. Following publication of the first code under this charter and at all times thereafter,  
531 the ordinances and charter amendments shall be printed in substantially the same style as the  
532 code then in effect and shall be suitable in form for incorporation within the code. The city  
533 council shall make such further arrangements as deemed desirable with reproduction and  
534 distribution of any changes in or additions to codes of technical regulations and other rules  
535 and regulations included in the code.

536 **SECTION 3.19.**

537 City manager; appointment; qualifications; compensation.

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

541 **SECTION 3.20.**

542 Removal of city manager.

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

545 **SECTION 3.21.**

546 Acting city manager.

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

552 **SECTION 3.22.**

553 Powers and duties of city manager.

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

557 (1) He or she shall appoint and, when he or she deems it necessary for the good of the  
558 city, suspend or remove all city employees and administrative officers he or she appoints,

except as otherwise provided by law, or personnel ordinances adopted pursuant to this charter. He or she may authorize any administrative officer who is subject to his or her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

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

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

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

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

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

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

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

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

### **SECTION 3.23.**

#### **Council interference with administration.**

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

590

**SECTION 3.24.**

591

Powers and duties of mayor and mayor pro tempore.

592 (a) The mayor shall:

593

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

594

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

596

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

597

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

599

600

(5) Vote if the issue before the council shall result in an equal number of voting members of council supporting and opposing the proposed issue.

601

602

(b) The mayor tempore shall preside at all meetings of the city council and shall assume the duties and powers of the mayor during any disability or absence of the mayor. Any such disability or absence shall be declared by a majority vote of the city council.

604

605

(c) The city council shall by majority vote elect a presiding officer from its number for any period in which the mayor or mayor pro tempore is disabled, absent, or acting as mayor following call of the meeting to order by the clerk. Such absence or disability shall be declared by majority vote of the city council.

608

609

**ARTICLE IV**

610

**ADMINISTRATIVE AFFAIRS**

611

**SECTION 4.10.**

612

Department heads.

613

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

616

617

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

619

620

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

621

622

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the city manager, be

623

624 responsible for the administration and direction of the affairs and operations of his or her  
625 department or agency.

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

#### 631 **SECTION 4.11.**

##### 632 **Boards.**

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

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

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

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

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

648 (f) No member of a board, commission, or authority shall assume office until he or she has  
649 executed and filed with the clerk of the city an oath obligating himself or herself to perform  
650 faithfully and impartially the duties of his or her office, such oath to be prescribed by  
651 ordinance and administered by the mayor.

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

654 (h) Except as otherwise provided by this charter or by law, each board, commission, or  
655 authority of the city shall elect one of its members as chairman and one member as  
656 vice-chairman, and may elect as its secretary one of its members or may appoint as secretary  
657 an employee of the city. Each board, commission, or authority of the city government may  
658 establish such bylaws, rules, and regulations, not inconsistent with this charter, an ordinance

659 of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or  
660 the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with  
661 the clerk of the city.

662 **SECTION 4.12.**

663 City attorney.

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

673 **SECTION 4.13.**

674 City clerk.

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

679 **SECTION 4.14.**

680 City auditor.

681 The city manager shall appoint with confirmation by the city council a city auditor to  
682 perform the duties of an auditor and accountant.

683 **SECTION 4.15.**

684 Position classification and pay plan.

685 The city manager shall be responsible for the preparation of a position classification and pay  
686 plan which shall be submitted to the city council for approval. Such plan may apply to all  
687 employees of the city and any of its agencies, departments, boards, commissions, or

688 authorities. When a pay plan has been adopted, the city council shall not increase or decrease  
689 the salary range applicable to any position except by amendment of such pay plan. For  
690 purposes of this section, all elected and appointed city officials are not city employees.

691 **SECTION 4.16.**

692 Rules and regulations.

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

- 694 (1) The method of employee selection and probationary periods of employment;  
695 (2) The administration of a position classification and pay plan, methods of promotion  
696 and applications of service ratings thereto, and transfer of employees within the  
697 classification plan;  
698 (3) Hours of work, vacation, sick leave, and other leaves of absence, overtime pay, and  
699 the order and manner in which layoffs shall be effected;  
700 (4) Such dismissal hearings as due process may require; and  
701 (5) Such other personnel notices as may be necessary to provide for adequate and  
702 systematic handling of personnel affairs.

703 **ARTICLE V**

704 **ELECTIONS AND REMOVAL**

705 **SECTION 5.10.**

706 Applicability of general law.

707 All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title  
708 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

709 **SECTION 5.11.**

710 Election of the city council and mayor.

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

714 (b) The mayor and councilmembers serving on April 1, 2019, shall serve out their terms and  
715 until their successors have been elected and qualified. On the Tuesday next following the  
716 first Monday in November, 2019, an election shall be held for the two councilmembers  
717 whose terms of office expire the following January. The two candidates for the office of  
718 councilmember elected pursuant to Section 5.13 of this charter shall be elected for initial

719 terms of office of three years each and for terms of four years each thereafter and until their  
720 successors are duly elected and qualified. Thereafter, on the Tuesday next following the first  
721 Monday in November, 2021, an election shall be held for the two councilmembers and the  
722 mayor whose terms of office expire the following January. The two candidates for the office  
723 of councilmember and the candidate for the office of mayor elected pursuant to Section 5.13  
724 of this charter shall be elected for initial terms of office of three years each and for terms of  
725 four years each thereafter and until their successors are duly elected and qualified.

726 **SECTION 5.12.**

727 Nonpartisan elections.

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

730 **SECTION 5.13.**

731 Election by plurality.

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

738 **SECTION 5.14.**

739 Special elections; vacancies.

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

747 **SECTION 5.15.**

748 Other provisions.

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

753 **ARTICLE VI**  
754 **JUDICIAL BRANCH**

755 **SECTION 6.10.**

756 Municipal court.

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

758 **SECTION 6.11.**

759 Judges.

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

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

768 (c) All judges shall be appointed by the city council.

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

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

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



**SECTION 6.12.**

## Convening of court.

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

**SECTION 6.13.**

## Powers.

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

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

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

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

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

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

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

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

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

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

#### 820 **SECTION 6.14.**

##### 821 **Certiorari.**

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

#### 826 **SECTION 6.15.**

##### 827 **Rules.**

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

### 835 **ARTICLE VII**

#### 836 **FINANCE**

#### 837 **SECTION 7.10.**

##### 838 **Property tax.**

839 The city council may assess, levy, and collect an ad valorem tax on all real and personal  
840 property within the corporate limits of the city that is subject to such taxation by the state and

841 county. This tax is for the purpose of raising revenues to defray the costs of operating the  
842 city government, or providing governmental services, for the repayment of principal and  
843 interest on general obligations, and for any other public purpose as determined by the city  
844 council in its discretion.

845 **SECTION 7.11.**

846 Millage.

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

851 **SECTION 7.12.**

852 Occupation taxes and business license fees.

853 The city council by ordinance shall have the power to levy such occupation or business taxes  
854 as are not denied by law. Such taxes may be levied on both individuals and corporations who  
855 transact business in this city or who practice or offer to practice any profession or calling  
856 within the city to the extent such persons have a constitutionally sufficient nexus to this city  
857 to be so taxed. The city council may classify businesses, occupations, professions, or  
858 callings for the purpose of such taxation in any way which may be lawful and may compel  
859 the payment of such taxes as provided in Section 7.18 of this charter.

860 **SECTION 7.13.**

861 Licenses.

862 The city council by ordinance shall have the power to require any individual or corporation  
863 who transacts business in this city or who practices or offers to practice any profession or  
864 calling with the city to obtain a license or permit for such activity from the city and pay a  
865 reasonable fee for such license or permit where such activities are not now regulated by  
866 general law in such a way as to preclude city regulations. Such fees may reflect the total cost  
867 to the city of regulating the activity and, if unpaid, shall be collected as provided in Section  
868 7.18 of this charter. The city council by ordinance may establish reasonable requirements  
869 for obtaining or keeping such licenses as the public health, safety, and welfare necessitate.

870 **SECTION 7.14.**

871 Franchises.

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

882 **SECTION 7.15.**

883 Service charges.

884 The city council by ordinance shall have the power to assess and collect fees, charges, and  
885 tolls for sewers, sanitary and health services, or any other services provided or made  
886 available within or without the corporate limits of the city for the total cost to the city of  
887 providing or making available such services. If unpaid, such charges shall be collected as  
888 provided in Section 7.18 of this charter.

889 **SECTION 7.16.**

890 Special assessments.

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

896 **SECTION 7.17.**

897 Other taxes.

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

901 **SECTION 7.18.**

902 Collection of delinquent taxes.

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

910 **SECTION 7.19.**

911 Borrowing.

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

916 **SECTION 7.20.**

917 Revenue bonds.

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

921 **SECTION 7.21.**

922 Loans.

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

925 **SECTION 7.22.**

926 Accounting and budgeting.

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

930 **SECTION 7.23.**

931 Budget ordinance.

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

936 **SECTION 7.24.**

937 Operating budget.

938 On or before a date fixed by the city council but not later than 60 days prior to the beginning  
939 of each fiscal year, the city manager shall submit to the city council a proposed operating  
940 budget for the ensuing fiscal year. The budget shall be accompanied by a message from the  
941 city manager containing a statement of the general fiscal policies of the city, the important  
942 features of the budget, explanations of major changes recommended for the next fiscal year,  
943 a general summary of the budget, and such other comments and information as he or she may  
944 deem pertinent. The operating budget, the capital improvements budget, the budget message,  
945 and all supporting documents shall be filed in the office of the city clerk and shall be open  
946 to public inspection.

**SECTION 7.25.**

## Adoption.

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

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

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

**SECTION 7.26.**

## Levy of taxes.

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

975 **SECTION 7.27.**

976 Changes in budget.

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

980 **SECTION 7.28.**

981 Capital improvements.

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

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

999 **SECTION 7.29.**

1000 Audits.

1001 There shall be an annual independent audit of all city accounts, funds, and financial  
1002 transactions by a certified public accountant selected by the city council. The audit shall be  
1003 conducted according to generally accepted accounting principles. Any audit of any funds by  
1004 the state or federal government may be accepted as satisfying the requirements of this  
1005 charter. Copies of all audit reports shall be available at printing costs to the public.



**SECTION 7.30.**

Procurement and property management.

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

(1) It is in writing;

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

(3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 3.12 of this charter.

**SECTION 7.31.**

Purchasing.

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

**SECTION 7.32.**

Sale of property.

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

**ARTICLE VIII****GENERAL PROVISIONS****SECTION 8.10.**

Bonds for officials.

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

**SECTION 8.11.**

Rules and regulations.

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

General repealer.

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